

## Azerbaijan and the OSCE

Azerbaijan's collaboration with the OSCE began on 30 January 1992 when, at the second meeting of Foreign Ministers of the Conference on Security and Co-operation in Europe (CSCE) in Prague, the decision was made to admit the Republic of Azerbaijan into the CSCE.

This article will attempt to examine fundamental issues in relations between Azerbaijan and the CSCE/OSCE. At the end the author's conclusions will be presented.

### *The Settlement of the Armenia-Azerbaijan Conflict in the OSCE*

The conflict has been on the agenda of the CSCE/OSCE since 1992. This article cannot deal with all aspects and elements of the settlement. Nor does it seek to describe the positions of the two sides. To do that would require a separate treatise. This article merely attempts to evaluate in general terms the work of the Co-Chairmen in the light of their observance of OSCE decisions on the conflict, and to consider several dimensions of the settlement.

### *OSCE Decisions on the Conflict*

To begin, we will briefly describe the decisions. The first was adopted at the CSCE Council of Ministers meeting on 24 March 1992 in Helsinki. The Council decided to convoke a conference on Nagorno-Karabakh in the Belarusian capital of Minsk as a permanent negotiating forum on conflict settlement. Armenian and Azerbaijani representatives of Nagorno-Karabakh could only be invited by the Chairman of the Conference when the countries participating in the negotiating forum agreed.<sup>1</sup>

The CSCE Summit which was held on 5 and 6 December 1994 in Budapest decided to create the institution of Co-chairmen of the Conference. The result was to consolidate all mediation efforts within the framework of the CSCE. It was the task of the Chairman-in-Office to ensure that negotiations were begun to sign a political agreement aimed at eliminating the consequences of the armed conflict, thus making it possible to call the Minsk Conference to-

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<sup>1</sup> Cf. Helsinki Additional Meeting of the CSCE Council., 24 March 1992, Summary of Conclusions, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 841-844, here: pp. 842-843.

gether. The participating States declared their readiness, following signature of a political agreement, to make peacekeeping troops available.<sup>2</sup>

At the Lisbon OSCE Summit on 2 and 3 December 1996 only Armenia rejected the principles of settlement proposed by the Co-Chairmen of the Minsk Conference and the Chairman-in-Office which provided for the territorial integrity of Armenia and Azerbaijan, the highest degree of self-rule for Nagorno-Karabakh within Azerbaijan and guaranteed the security of its population. These principles found their way into the Lisbon Document in the form of a statement by the then Chairman-in-Office of the OSCE, Flavio Cotti.<sup>3</sup> The United States, the European Union (EU), Russia, Finland and Turkey supported this statement.

#### *Activities of the Co-Chairmen of the Minsk Group*

The present arrangement for a three-fold Chairmanship of the Minsk Group (Russia, France and the United States) was made in 1997, following the Lisbon Summit. During the negotiations that preceded this, about 75 per cent of the document proposed by the previous chairmanship of the Minsk Group were agreed upon, a document that received the title "Agreement on Cessation of the Armed Conflict". Withdrawal from certain areas, the return of refugees, restoration of communications and the deployment of peacekeeping troops were treated as military-technical issues and constituted the largest part of the Agreement's content. The implementation of these points was regarded as a necessary condition for convening the Minsk Conference where the political issues, including the status of Nagorno-Karabakh, were to be settled. A number of problems associated with the Agreement remained unsolved, however. These were termed "key issues".

The negotiations had been suspended since April 1997 making it possible for the Co-Chairmen to travel to the region. On 1 June 1997 the Co-Chairmen presented a draft of a comprehensive agreement to resolve the Nagorno-Karabakh conflict which for the first time contained elements dealing with the status of Nagorno-Karabakh. Azerbaijan accepted this proposal in principle but Armenia did not.

On 19 September 1997 the Co-Chairmen presented new proposals for ending the military conflict. They recommended that as a first step those portions of the political agreement that had already been accepted should be implemented. In a second phase the "key issues" were to be solved and prepara-

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2 Cf. Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, here: pp. 156-158.

3 Cf. Lisbon Document 1996, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 419-446, here: Annex 1, p. 430.

tions begun for the convening of the Minsk Conference for the purpose of achieving a final comprehensive settlement.

The Presidents of Armenia and Azerbaijan announced in a joint declaration on 11 October 1997 in Strasbourg that these proposals represented a promising basis for resuming negotiations within the framework of the Minsk Group. This was the first time that proposals by the Co-Chairmen had been supported by both Armenia and Azerbaijan. However, Armenia's new leadership rejected these proposals in 1998. Thereafter the Minsk process was for all practical purposes at a dead end.

Over a year later, on 7 November 1998, the Co-Chairmen presented new proposals based on the concept of a "common state" according to which Nagorno-Karabakh would have the status of a state and a territorial structure in the form of a republic that would, together with Azerbaijan, constitute a common state within its internationally recognized borders. Azerbaijan rejected these proposals because they violated its sovereignty and were contrary to the Lisbon principles. This was the last proposal of the Co-Chairmen to date.

With regard to the settlement of this conflict one must first point to its various dimensions because they are of considerable importance. The foundations deserve first mention. The United Nations (UN) Charter, the resolutions of the UN Security Council on the conflict, the Decalogue of Helsinki, the CSCE decisions of Helsinki in 1992 and of Budapest in 1994, along with the Lisbon principles, constitute the basis for a settlement under international law. But the Co-Chairmen, with their contradictory proposals, have departed from these underlying principles. Although they were still non-partisan with regard to political decisions, they later turned out to be prejudiced and tried to accommodate the side that rejected the peace proposals corresponding to the political decisions.

A second dimension of settlement can be seen in what I call its "formula" or the sequence of its constituent parts. A political problem led to armed disputes. The settlement of the whole conflict requires that the consequences of military conflict first be eliminated so that the political aspects of the conflict can then be solved at the conference table. This sequence constitutes the formula for a settlement. The resolutions of the UN Security Council on the conflict as well as the Budapest decision assumed this kind of step-by-step sequence for a settlement, i.e. they provided first for a settlement of all military issues, which would then create the conditions for solutions to political problems. From the beginning of the settlement process onward, all proposals by the Chairmanship of the Minsk Group proceeded in principle in this sequence.

Through their proposals the Co-Chairmen upheld the Minsk process of peaceful settlement, which was of enormous positive significance. At the same time, however, their last proposal departed completely from the above-mentioned decisions, which provide the political basis for a settlement and

establish its sequence. Moreover, the Co-Chairmen displayed indecision and lack of principle by failing to defend those proposals, which had been keyed to the political decisions already accepted. Their lack of steadfastness with regard to decisions already adopted represents a serious deficiency in their work.

A second grave mistake on the part of the Co-Chairmen can be seen in their inability or unwillingness to marshal convincing arguments for the adoption of a peace plan. In connection with other conflicts we have seen how the mediators, with the utmost persistence, brought the side, which had not accepted peace proposals finally to agree to them. When proposals were rejected, the mediators showed the necessary determination and insisted on the implementation of provisions in the relevant resolutions of the UN Security Council. By their efforts, which were in violation of resolutions of the UN Security Council and decisions of the OSCE, to make concessions to the side that rejected proposals already presented, the Co-Chairmen manoeuvred themselves into a position bordering on loss of trust and authority and practically brought the Minsk process to a stop.

In looking at this conflict it is vital to consider the question of a framework for its peaceful settlement. In 1992 responsibility for settlement was put in the hands of the OSCE with the objective of finding a solution within a multilateral framework and on the basis of the norms of international law. At the same time the so-called "interested third party" became involved in the conflict, outside of the OSCE framework. This party was made up at different times of one or another country which other countries joined in various phases of the process. Thus it became, so to speak, a trilateral or regional framework. Nevertheless, the conflict has still not been settled. Nor has the possibility of negotiations within a bilateral framework been exploited beyond a certain point.

Finally, there is another dimension of the settlement that must be emphasized, namely the approach to it. Throughout all these years there has always been an individual approach to each of the various conflicts in the region of the Southern Caucasus. But there are other issues that could be the subject of joint discussions between the countries of the Southern Caucasus. These countries already have institutionalized relations with NATO and the EU. They are participating in the TRACECA project (for a Eurasian transportation corridor) and could become involved in other regional projects. These countries are closely linked and their linkage could in future be given an institutional basis. That would be of enormous geo-political importance for the entire region.

The existence of conflicts and other problems constitutes an obstacle to regional co-operation as well as to collaboration with other international organizations. It is bad for the stability of the region and impedes the democratization of society, the creation of market economies and, in the final analysis, the prosperity of the people. Perhaps it is time to change our approach to

settling conflicts in the countries of the Southern Caucasus - but this will have to be on the basis of equality and a fair approach to each individual country.

#### *Participation in the Discussions on a Security Model*

The 1994 CSCE Summit in Budapest made a decision "to launch in the CSCE a broad and comprehensive discussion on all aspects of security, as appropriate, aimed at devising a concept of security for the twenty-first century".<sup>4</sup>

In 1995 in Vienna, OSCE participating States initiated their discussion of the question of a common and comprehensive security model for Europe for the twenty-first century. The OSCE Ministerial Council, meeting in Copenhagen in 1997, decided to work out a European Security Charter.

Azerbaijan participated in the discussions on the Security Model from the very first day. This includes the preparations for the 1994 CSCE Summit in Budapest as well. For the purposes of this article, official statements distributed in the OSCE were investigated.

In 1995 the delegation of Azerbaijan presented three statements, in 1996 there were four, in 1997 six, in 1998 six and in the first half of 1999 five. Altogether 24 documents were circulated, five of them as declarations of a particular country. The other documents were presented jointly with the delegations of Georgia, Moldova and Ukraine. The delegation of Canada also joined the statement of these delegations of 28 November 1997. This joint document of five delegations was circulated again on 13 February 1998. A document on military-political aspects of security was circulated on 15 October 1998 in the names of the delegations of Belarus, Kazakhstan, Kyrgyzstan and Tajikistan. In 1999 the delegation of Uzbekistan subscribed to the three documents circulated by the delegations of Azerbaijan, Georgia, Moldova and Ukraine.

The problems mentioned most frequently in the statements are:<sup>5</sup> the necessity of creating a procedure to ensure observance of the principles and decisions of the OSCE (16.7 per cent), which was first proposed by the delegation of Azerbaijan; strengthening the operational capacities of the OSCE with regard to conflict settlement, including peacekeeping operations (16.7 per cent); the importance of the principles of Helsinki (13.9 per cent); and co-operation between international organizations (13.9 per cent).

The next group of problems comprised the violation of OSCE principles as a source of risk to security (6.9 per cent); the geo-politics in the OSCE region

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4 Budapest Document, cited above (Note 2), p.173.

5 In order to avoid any possible bias in this account of the statements and also for the sake of clarity and precision, the method of content analysis has been used. Without going into the nature of this method in detail, it should be noted that the problems dealt with in the statements are identified and their specific rate of occurrence is pointed out.

(8.3 per cent); human rights, including the rights of minorities, and self-determination (6.9 per cent). The rest of the problems constituted a third group. Among them the question of the concept of security (4.2 per cent) and the unacceptability of so-called "unprejudiced" mediation by the OSCE deserve special mention. It should also be pointed out that in every statement one or another aspect of these problems was highlighted. The way in which the problems are dealt with in the documents also reflects the ongoing development of positions with respect to them.

The logic of the numbers corresponds fully to the political logic of the delegation of Azerbaijan and gives adequate expression to it. It is important to emphasize that the delegation of Azerbaijan dealt with both theoretical (conceptual) and practical or operational matters in its statements. The theoretical and practical matters take up about equal space in these papers.

#### *Azerbaijan's Collaboration with the OSCE in the Field of Democratization*

At the present time Azerbaijan's collaboration with the OSCE in the field of democratization is focused on four main areas: first, the organization of election monitoring; second, the implementation of projects foreseen in a Memorandum of Understanding (MoU) between the government of Azerbaijan and the Office for Democratic Institutions and Human Rights (ODIHR); third, the staging of various seminars; and, fourth, co-operation with the OSCE's Representative on Freedom of the Media.

#### *The Organization of Election Monitoring*

On 19 June 1995 the Foreign Minister of Azerbaijan wrote to the Director of the ODIHR asking him to provide assistance by sending observers from the Office and from participating States to monitor the elections to the Milli Majlis (Parliament) of Azerbaijan and also by co-ordinating international observation of the preparation and implementation of these elections by representatives of participating States.

A OSCE/UN Joint Electoral Observation Mission was set up. Beginning in mid-September 1995 the Joint Mission scrutinized the election campaign, starting with the registration of candidates and parties for participation in the elections and going on to the appeal process for candidates and parties excluded from the campaign. One hundred observers were sent to monitor the elections and the vote count in Baku, Gyanje and Nakhchyvan.

The elections were held on 12 November 1995. The Joint Mission noted in its report that the first post-independence parliamentary election was a multi-party, multi-candidate election. However, it observed that the election campaign, the voting and the counting of ballots did not correspond to internationally accepted norms in many respects. Nevertheless, the elections demon-

strated that Azerbaijan is capable of holding elections according to international norms.<sup>6</sup>

In 1998 presidential elections were carried out in Azerbaijan. The draft law on the presidential elections was discussed in detail in Vienna from 18-22 May 1998 by experts from the ODIHR and a delegation that had travelled there from Baku.

The draft law was passed by Parliament on 9 June 1998. The law took the recommendations of the ODIHR in some cases fully, in others partially, into account. Taking into consideration the remaining observations of ODIHR experts, other international organizations and the opposition parties, the President of the country addressed the Milli Majlis on 6 July 1998 with several changes to the law which it passed on 10 July. On 8 July 1998 the Foreign Ministry of Azerbaijan invited the ODIHR to send election observers.

Throughout the summer the ODIHR held a number of meetings with official representatives of Azerbaijan on monitoring the Law on the Election of the President. On 18 June an ODIHR mission arrived in Baku to assist the Central Election Commission (CEC) in working out rules of procedure for the implementation of the already existing electoral legislation. An ODIHR mission was in Baku from 31 July to 4 August to assess the need for organizational preparations and to discuss the situation before the elections with all political groupings in Baku. On 22 August the ODIHR sent an expert to Baku to prepare a programme for training the Azerbaijani officials responsible for the elections and to analyse the election ordinance that had been worked out by the CEC. Most of the ODIHR proposals were well received by Azerbaijan and were reflected in the election ordinance once it had passed.

To increase voter participation in the election the ODIHR, together with the radio broadcaster BBC, organized a radio programme in the Azerbaijani language to add to the people's knowledge of issues related to the election.

In co-operation with the International Foundation for Electoral Systems (IFES) and the Azerbaijani CEC, the ODIHR published a manual for election officials. On the basis of this manual, then, ODIHR and IFES prepared the officials during the last week of September. The Director of ODIHR was in Baku from 10-13 September to familiarize himself with the local situation. He met there with the President of the country who confirmed his determination to carry out long-term reforms and emphasized that these would not be affected by the election campaign.

The ODIHR Election Observation Mission began on 11 September 1998. The Mission monitored the election campaign and the administrative preparations for Election Day. On that day the Mission deployed 148 observers all over Azerbaijan to monitor the elections, the vote count and the aggregation of the

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6 Cf. OSCE/UN Report of the OSCE/UN Joint Electoral Observation Mission in Azerbaijan on Azerbaijan's 12 November 1995 Parliamentary Election and Constitutional Referendum, January 1996, pp. 3-4.

votes. The mission stayed in Azerbaijan until 31 October in order to monitor the appeals process.

On 11 November 1998 the ODIHR published its final report on the observation of the presidential elections held in the Republic of Azerbaijan on 11 October 1998. The Observer Mission noted in the report that the Azerbaijani authorities had demonstrated a clear political will to improve the country's election practice significantly and had responded positively to concerns raised by the international community. The new Law on the Election of the President was clearly an improvement to its predecessor. Although noticeable efforts had been made to improve the democratic climate, the election process as a whole fell short of meeting OSCE commitments. The report said that the OSCE/ODIHR would continue to provide assistance to the newly elected authorities of Azerbaijan to further promote the development of democratic institutions in the country.<sup>7</sup> The leadership of Azerbaijan expressed its desire for future co-operation with the ODIHR in this field.

*Implementation of Projects Listed in the Memorandum of Understanding Between the Government of Azerbaijan and the ODIHR*

The MoU between the OSCE/ODIHR and the government of Azerbaijan was signed on 25 November 1998 by the President of Azerbaijan, Heydar Aliiev, and the Chairman-in-Office of the OSCE, Bronisław Geremek, during the latter's visit to the countries of the Southern Caucasus from 23-26 November 1998.

In the Memorandum, the OSCE/ODIHR and the government of Azerbaijan agreed to hold regular consultations on matters pertaining to the human dimension. At the same time, joint activities were to be undertaken to develop and carry out projects related to democratic reforms, human rights and elections. A provisional list of agreed projects was attached to the Memorandum. In order to strengthen civil society in Azerbaijan, local non-governmental organizations (NGOs) working in the field of human rights were to be involved in the implementation of these projects. Aware that the process of democratic reform would take a long time, the ODIHR and the government of Azerbaijan regarded the Memorandum as the basis for a long-term effort.

These projects were already set forth by the needs assessment mission that was in Azerbaijan from 14-18 March 1998. That mission was led by the Director of ODIHR, who was accompanied by representatives of the Council of Europe, the European Commission, and the UN High Commissioner for Refugees. The purpose of their visit was to assess the need for ODIHR assistance in solving problems on the human dimension level and to evaluate the programmes of other international organizations so as to improve co-operation and avoid duplication. As the ODIHR saw it, the authorities of Azerbai-

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<sup>7</sup> Cf. ODIHR.GAL/55/98 of 11 November 1998, pp. 5-6.

jan showed considerable interest in international assistance in the field of democratization and human rights.<sup>8</sup>

The projects cover the following areas: assistance in organizing elections, reviewing election legislation and preparing election officials, a programme on citizenship and registration, public awareness on human right, the rule of law, and establishing the position of co-ordinator for law enforcement personnel.

The ODIHR began to carry out the projects in 1999. On 13 January the ODIHR chose an elections expert to work on the projects (listed in the Memorandum) for technical assistance on electoral issues. Experts of a needs assessment mission visited Baku from 22-25 January 1999 where they established contact with the authorities and political parties. In February the leadership and the most important political parties presented the ODIHR with a draft law on the CEC. The ODIHR reviewed the draft and made preliminary comments on it. The experts also established contacts with the CEC and worked out a preparatory training programme for election officials. This programme provides for the publication of a manual on the training of election officials. The next visit to Baku was from 31 March until 2 April 1999 by a group of experts who had come to investigate the status of implementation of projects on technical assistance in elections. An ODIHR adviser on migration issues and an election co-ordinator paid a third visit to Baku on 14-15 June 1999.

The programme on citizenship and registration listed in the Memorandum envisions support for developing a registration system for the population which would correspond to international standards with regard to freedom of movement, equality and the absence of discrimination; it also provides for preparing officials to carry out new laws and informing the public about these laws. In April 1999 experts were appointed to work on this project. The ODIHR said that it was prepared to familiarize officials with the international standards and to assist the government in overhauling the registration system. The public awareness on human rights project involves the preparation and airing of radio programmes in the Azerbaijani language in co-operation with the BBC. The fundamental rights of citizens, in accordance with national and international legislation, are to be explained. This programme was scheduled to be carried out between August and December 1999. BBC was expected to provide a draft programme to the ODIHR in August on the basis of which the preparation of the programme would proceed.

The programme to work out a job description for a co-ordinator of law enforcement personnel involves giving advice on procedures and standards for information exchange and the conduct of joint investigations as well as practical training in international investigations and in human rights. The need for such a co-ordinator was emphasized in the course of an ODIHR seminar on

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8 Cf. Office for Democratic Institutions and Human Rights, Semi-annual Report Spring 1998, OSCE/ODIHR, Warsaw 1998.

methods for fighting organized crime that was held in Baku in March 1998. On 6 May 1999 the ODIHR sent a questionnaire dealing with these issues to Baku.

On the basis of the Memorandum, the President of Azerbaijan on 17 June 1999 issued a decree on the appointment by the Republic of Azerbaijan of a co-ordinator of the agreed projects in accordance with the MoU between the government of Azerbaijan and the OSCE/ODIHR.

On 19 July 1999 the Azerbaijani co-ordinator submitted a reply to the questionnaire, emphasizing simultaneously that joint activities and the fulfilment of the Memorandum needed to be accelerated. The Director of ODIHR replied that he was prepared to visit Baku in August in order to work out a schedule for carrying out the provisions of the Memorandum.

#### *Implementation of Seminars*

The first ODIHR seminar, on the activity of non-governmental organizations, was held in Baku from 19-24 July 1996. From 11-13 November 1996 a seminar organized by the ODIHR on "The Role of the Judiciary in a State Governed by the Rule of Law" was held in Baku; at the invitation of the ODIHR, experts from the United States, France and Russia took part. On the Azerbaijani side representatives of the legislative, executive and judiciary branches, from the National University of Baku and from non-governmental organizations took part.

At this seminar various questions about the operation of courts in a democratic society were discussed. This seminar was important to Azerbaijan because of its interest in sharing international experience in the fields of: the rule of law, the development of democracy and human rights.

The next seminar took place in March 1998 in Baku. It dealt with the fight against organized crime and was attended by a representative group of international experts in this field from Germany, Hungary, Italy and the United States. Technical support for this seminar was provided by the United Nations Interregional Crime and Justice Research Institute (UNICRI).

Representatives of the Council of Europe also took part in the seminar. For four days, 120 representatives of state organs of Azerbaijan studied all available measures for preventing and curbing crime that are presently in use in other OSCE participating States. Along with them, employees of the Interior Ministries of Georgia, Moldova and Ukraine participated in the seminar. Several of the problems dealt with found their way into the project listed in the MoU.

The ODIHR, together with the BBC, organized a workshop for journalists on the subject of "Law and Journalism" which was held in Baku from 2-5 March 1999. Representatives of the ODIHR and the OSCE Representative on Freedom of the Media took part. The main subjects of this seminar, which was conducted by experts from BBC's Caucasus department, were slander and

calumny, the legal rights and obligations of journalists, and the role of the media. The seminar brought together more than 60 representatives of television, radio and the press from a variety of political backgrounds. Practice demonstrated that such seminars are very useful. It would seem appropriate to continue them.

#### *Collaboration with the OSCE Representative on Freedom of the Media*

The office of the OSCE Representative on Freedom of the Media was created by a decision of the Permanent Council of 5 November 1997. The Ministerial Council, meeting in Copenhagen in 1997, appointed Freimut Duve for this job.

Our co-operation with the OSCE Representative on Freedom of the Media takes place mainly in the form of an exchange of letters between him and the Foreign Minister of Azerbaijan. The first letter is dated 5 February 1998. From early 1998 until August 1999 the OSCE Representative on Freedom of the Media sent nine letters to the Foreign Minister of Azerbaijan and received five in return. In his letters the OSCE Representative on Freedom of the Media expressed his concern over the general situation and over particular cases having to do with freedom of the press and asked for an explanation as well as the introduction of appropriate steps. The Foreign Minister of Azerbaijan, in his letters, provided extensive information on the questions raised.

In his report to the Permanent Council of the OSCE of 16 July 1998 the OSCE Representative on Freedom of the Media gave a favourable evaluation to the method of exchanging letters with Foreign Ministers, including Azerbaijan's Foreign Minister who had supplied information on the problems raised.

In addition to the exchange of letters, the OSCE Representative on Freedom of the Media reports regularly to the Permanent Council. Between 1998 and August 1999 the OSCE Representative on Freedom of the Media reported on the situation regarding freedom of the media in Azerbaijan in five of his reports. In these cases the delegation of Azerbaijan provided the relevant information.

Representatives of the Representative's Office paid two visits to Baku during the time period we are looking at. The first was by an adviser of the OSCE Representative on Freedom of the Media who from 9-11 November 1998 attended a seminar organized by the Council of Europe on issues relating to the press in a democratic society. The second took place on 23 February 1999 when the OSCE Representative on Freedom of the Media visited Baku at the invitation of the Foreign Minister of Azerbaijan. During his stay Duve met with the President, the Foreign Minister, the Minister for Press and Information, the editor-in-chief of the newspaper "Azerbaijan" and with representatives of the Milli Majlis.

Another form our relations with the OSCE Representative on Freedom of the Media take is through regular meetings between members of Azerbaijan's Delegation in Vienna and the OSCE Representative or his advisers. These meetings provide an opportunity for a useful exchange of information.

The kinds of activity described above are a good channel for the exchange of information. They permit the Office of the Media Representative to express concerns and raise questions and give us an opportunity to provide explanations and clarify the situation. This is without doubt extremely useful. In its collaboration with the Office of the OSCE Representative on Freedom of the Media Azerbaijan tries to give reasons for the development of problems and, together with the OSCE and with assistance from representatives of both the state and the press, to find ways of eliminating them.

In this connection, we feel that it is necessary to strengthen the capacity of the Representative's Office for practical co-operation by developing and carrying out a variety of projects. Such projects could include the training of journalists from both official and private newspapers, of employees of the Ministry of Press and Information, of official and private television and radio stations, of the Information Department in the Foreign Ministry and of NGOs involved in press work; they could, in addition, provide for the organization of various seminars and round-tables. The Office could also offer assistance in the field of press legislation. Our needs and our experience in working with the Office of the OSCE Representative on Freedom of the Media lead us to believe that this kind of co-operation would be appropriate.

### *Conclusions*

In view of representing its interests, Azerbaijan considers the OSCE an important organization. It is the only security organization that includes all countries of the Transatlantic, European and Euro-Asian regions. The use of the consensus principle in making decisions permits all countries, especially the smaller ones, to defend their interests. The Organization has at its disposal a corpus of principles to govern relations between states and of commitments which the states are required to fulfil. The Organization works on the basis of comprehensive and indivisible security.

The CSCE Summit at Helsinki in 1992 gave the Organization certain operational powers. These made it even more attractive, especially to the countries which achieved independence after the collapse of the Soviet Union, of which many, including Azerbaijan, were confronted with serious threats to their security from the very beginning of independence. In our view the norms of international law constitute the conceptual basis for ensuring security while the OSCE is the practical instrument whose operational capacities ensure that these norms will be observed. The end of the Cold War and the disintegration of the Soviet Union created a new situation in which peace no

longer could rest on the balance of forces, as it used to do, but on justice, which in turn is based on the norms of international law. That is why we support the observance of the principles, decisions and commitments of the OSCE. Human rights and fundamental freedoms, democracy, the rule of law and economic freedom have become the values of our peoples and countries. Under these conditions every OSCE participating State is entitled, quite independently of the size and power of countries and alliances, to expect equal security in all its aspects. This holds true particularly for those countries that do not belong to any alliance. For us, respect for human beings and the guarantee of their freedom, rights and dignity have acquired special significance, not least in view of the refugees and displaced persons. The OSCE, which has unique operational possibilities, could provide, better than any other organization, the operational forum for solving these problems. This is the approach which also determined our position in the discussions of the Security Model.

Proposals for the creation of a mechanism for action in the event of non-compliance with the norms of the OSCE and for strengthening the operational abilities of the OSCE in settling conflicts, including peacekeeping operations (which we regard as part of the settlement, a method of implementation, and the best guarantee of a non-partisan settlement), along with proposals to regard the OSCE as a framework for co-operation between international organizations, were aimed at further strengthening the operational capacities of the OSCE.

In looking at the core of conflicts - their causes, the objectives of the participants and the actions taken to achieve these objectives - we emphasize the international law dimension of the conflicts rather than the historical, economic, military, ethnic, cultural or religious ones. From this standpoint we view conflicts as a violation of the norms of international law and are of the opinion that it is precisely from this perspective that a conflict must be viewed when an international organization is seeking to settle it.

In this connection (and building on the experience of the Minsk process) we favour unbiased mediation in the sense of not supporting one side or the other. Mediators must base their work on the norms of international law in general and on the provisions of the UN Charter, the resolutions of the UN Security Council, and the principles, decisions and commitments of the OSCE in particular. We are convinced that no other motives can provide the basis for the mediation activity of an international organization. In this context we recall Henry Kissinger's description of the idea of Woodrow Wilson: "Universal law and not equilibrium, national trustworthiness and not national self-assertion were, in Wilson's view, the foundations of international order."<sup>9</sup>

We take a cautious attitude towards the question of co-operation between international organizations based on the concept of their comparative advan-

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9 Henry A. Kissinger, *Diplomacy*, New York 1994, p. 45.

tages. Azerbaijan is not a member of organizations that are presently in a position to guarantee security in the OSCE area. The OSCE is for us the only forum and we have tried to highlight the central role of this organization.

However, the events in Bosnia and Herzegovina, in Albania and in Kosovo, provide examples of co-operation between international organizations on the basis of their comparative advantages, not on the basis of Chapter III of the Helsinki Document of 1992. In Bosnia and Herzegovina the OSCE has concerned itself with issues related to elections, arms control and confidence-building measures. In Albania the OSCE, working with other international organizations as part of a co-ordinated structure, provides support in the fields of democratization, mass media and human rights as well as in the preparation and monitoring of elections. The events in Kosovo are the most recent but also the most important example of co-operation between international organizations. The OSCE Kosovo Mission became a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo. Within this overall framework the OSCE Kosovo Mission plays the leading role on issues having to do with institution-building, strengthening democracy, and human rights.

The events in Bosnia and Herzegovina, in Albania and in Kosovo have revealed the limited role the OSCE can play in conflict prevention and settlement of crises, in view of its operational capacities. The OSCE does not take part in peacekeeping operations. The way in which the various international organizations work together in the Balkans, particularly in Kosovo, makes the OSCE's new role visible. Human rights and democratization are the OSCE's areas of responsibility. This is the result of changes that have taken place in Europe since the collapse of the USSR and affected the role of the OSCE in security matters.

When the Helsinki process started, security was based on the balance of forces between two alliances and on mutual regard for their interests. After the disintegration of the Warsaw Pact, Europe was already united in its values and orientation and political power in the USSR was liberalized. This was the end of the Cold War and security came to be based on mutual respect and co-operation.

After the collapse of the USSR the security of a number of successor states became vulnerable. The founding of the Commonwealth of Independent States, as important as it is to these countries, did not solve these problems. NATO and the EU are expanding the sphere of security and economic development. Europe's unity of values is merging into an institutional unity. Taking account of the interests of strong countries while ignoring those of a number of small ones - equal access for them to security and economic development - destroys the balance of security in the OSCE.

In seeking solutions for their problems the countries of the former USSR, working through the NATO programme of Partnership for Peace and through agreements on partnership and co-operation with the EU, maintain co-opera-

tive relations which do not amount to a membership but do give a new character to the relationship. The fact there is unequal access to security can be explained partly by geographic factors but also by the differing levels of economic development and democratization. These differences between participating States represent a serious challenge for the OSCE. The conflicts in the Southern Caucasus, Moldova and the Balkans have shown that it was not possible to settle them within the OSCE framework. Might the OSCE, which from its inception had a key role in guaranteeing security, have been able to solve these conflicts? It has at its disposal the necessary operational capacities. The problem does not lie in the absence of these capacities but in the way they are used. There is no question that the OSCE can settle conflicts. The OSCE is not an organization that exists for itself alone but an organization of states, and it acts in accordance with the will and desire of those states. The settlement of conflicts in the Balkans, especially in Kosovo, began with collaboration between international organizations in which each one assumed a specific role.

Conflict settlement, securing human rights and freedoms, democratization and the rule of law pave the way for economic prosperity and are, for us, vital matters. It is particularly important to emphasize the need for the OSCE's support and assistance to participating States on issues relating to the human dimension. If efforts to settle conflicts within the framework of the OSCE fail to produce results, stability and security, respect for human rights, democracy and economic prosperity will all suffer to a high degree. Is it not time to seek a solution to the problems of the Southern Caucasus through a complex and comprehensive regional programme in which every organization would play its distinctive role?