

CSCE IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES

Warsaw, 27 September - 15 October 1993

Rapporteur's report from Subsidiary Working Body 2 - Review of the Human Dimension of the CSCE with a special focus on the evaluation of the procedures for monitoring compliance and on the need for streamlining existing mechanisms

1. The meeting agreed with the moderator's suggestion that discussion would be facilitated by grouping together agenda items into three clusters. The first cluster dealt with the following agenda items:

- (1) Review of the Human Dimension Mechanism;
- (2) Role, support and follow-up of the CSCE Missions in fulfilling tasks within the Human Dimension; and
- (7) Review of the activities of the CSCE High Commissioner on National Minorities; possible recommendations for furthering strengthening of his role.

2. Throughout discussion of the means available for monitoring compliance with Human Dimension commitments, participants emphasised the need to integrate the Human Dimension into the overall political work of the CSCE, particularly since the observance of Human Dimension commitments represented a basic element in early warning and conflict prevention and could not be separated from other aspects of the CSCE's work. Another recurrent theme was the need for effective coordination within the CSCE, and between the CSCE and relevant international organisations.

3. Participants noted that the Human Dimension Mechanism had not been much used; it was suggested that this could be a result of its complexity and/or the financial burden placed on a state requesting a mission; it also reflected a lack of political will on the part of participating States to use the Mechanism. It was also noted that other CSCE activities, such as the long-term missions, may have served to replace some elements of implementation observance foreseen in the Moscow Mechanism. It was suggested that states could usefully request missions under paragraph 4, particularly in view of the positive experience of the two participating States which had followed this course. There was discussion of ideas to simplify and accelerate the procedures; to expand the list of experts; to allow the CSO Vienna Group and the ODIHR a greater role in the Mechanism; to reduce the number of states needed to sponsor initiation of the Mechanism; and to allow NGOs or individuals to prompt consideration of activation of the Mechanism. Certain delegations circulated detailed proposals for the revision of aspects of the Moscow Mechanism.
4. In view the above discussion, the following are *informal recommendations concerning the review of the Moscow Mechanism*:
 - that, in accordance with the Moscow Document, the experts nominated to the resource list by a participating state comprise eminent persons and include where possible, experts with experience related to minorities issues, and that the number nominated be expanded to a maximum of 6;
 - that the time for a requesting state to comment on the report of a mission under paragraph 7 be reduced from three weeks to two;
 - that the timeframe be reduced for a state which has received a mission under paragraphs 9-11 of the Mechanism to forwards its response to the mission's report;
 - that the CSO Vienna Group be empowered to activate the Mechanism under paragraph 13, and that it also be empowered to take follow-up action under paragraph 11;
 - that the CSO or Vienna Group review all mission reports.
5. In discussion of the CSCE missions, it was emphasised that Human Dimension monitoring had been an important part of the Missions of Long Duration to Kosovo, Vojvodina, and Sandjak; that the mission to Kosova had been indispensable in monitoring the observance of human dimension commitments; that other missions

should pay attention to their own role in the Human Dimension, and the CSO Vienna Group should discuss Human Dimension issues on a regular basis: this could be achieved through consideration of the Human Dimension aspects of the reports of Missions, and through consideration of reports from the ODIHR on implementation of Human Dimension commitments. It was suggested that periodic public reports should be issued on the work of the missions in order to increase understanding of their work and avoid overlap with other bodies; that the mandate of missions should reflect the importance of the Human Dimension in their work; that the ODIHR should be more involved in the work of the missions, possibly through training and the nomination of mission members; and that a review of the implementation of Human Dimension commitments should figure in the reports of the Missions.

6. In view of the above discussion, the following are *informal recommendations concerning the role, support and follow-up of the CSCE Missions in fulfilling tasks within the Human Dimension*:
- that the CSCE pay urgent attention to Human Dimension issues in the regions mentioned in paragraph 5, with a special focus on Kosova, notwithstanding the expulsion of the Missions of Long Duration;
 - that, in accordance with the decision of the 23rd meeting of the CSO on 23 September, the CSCE continue to urge the return of the Missions of Long Duration;
 - that the CSO consider whether mandates of CSCE Missions give adequate prominence to the Human Dimension of the CSCE;
 - that the CSO and the CSO Vienna Group give regular attention to the Human Dimension of the CSCE;
 - that the expertise of the ODIHR be employed to the fullest extent in the preparation of missions;
 - that reports from the CSCE missions be distributed to participating States in sufficient time to allow study of the reports in capitals before discussion in the CSO or Vienna Group.
7. In discussion of the activities of the High Commissioner on National Minorities (HCNM), an overwhelmingly positive assessment of his work to date was evident. It was suggested that it was as yet too early to consider a re-appraisal of his man-

date, although his views on the need for additional resources would be given close attention, and consideration could be given to more structured follow up of his recommendations.

8. In view of the above discussion, the following are *informal recommendations concerning activities of the CSCE High Commissioner on National Minorities and possible recommendations for furthering strengthening of his role*:

- that he be asked to report to the Rome Council on his future activities and requirements in the light of experience gained so far;
- that the CSO give careful consideration to the HCNM's reports and, on the basis of required comments and feedback from the state or states involved, ensure that the HCNM's recommendations receive appropriate and continuing follow up;
- that the HCNM and CSCE institutions and missions continue to pay close attention to coordination of their activities;
- that the Human Dimension resource list be expanded bearing in mind the HCNM's requirements (see paragraph 4).

9. The second cluster of agenda items dealt with the following topics:

- (3) Elections observation: reports and procedures;
- (4) Programme for Co-ordinated Support for the recently admitted participating States;
- (5) Outcome and improvement of the Human Dimension Seminars; proposals for the Seminars in 1994;
- (6) Assessment of the activities of the CSCE Office for Democratic Institutions and Human Rights and discussion on strengthening its role.

10. It was pointed out that elections observation had a function beyond monitoring procedures: it also played an important part in ensuring that elections were free and fair, in achieving credibility for the results of elections, and in demonstrating the interest of other countries in democratic developments elsewhere. In this light, the dangers of giving credibility to undemocratic elections were stressed: a system of multiple candidates and a free opposition were necessary before elections observation would be meaningful. The meeting welcomed the announcement by the Russian delegation that they would be inviting election observers through the

ODIHR. The importance of arranging international monitoring and assistance for elections in Georgia was underlined as a factor to assist stabilisation of the situation, and the decision of the CSO Vienna Group to send the Personal Representative of the Chairman. Ambassador Gyarmati, to the area was welcomed. Participants also spoke of the need for observation of the preelection period, adequate preparation and notice in order to achieve effective elections monitoring. Delegations also informed the meeting of their own experiences of election monitoring, from perspectives of both monitoring and being monitored. The importance of NGOs and of domestic election observers was stressed.

11. In view of the above discussion, the following are *informal recommendations concerning elections observation: reports and procedures:*

- that participating States inform the ODIHR on an annual basis of forthcoming elections, and that they inform the ODIHR at an early date, in accordance with their electoral law, of impending elections;
- that the ODIHR, in cooperation with the CSCE Parliamentary Assembly and relevant international organisations, mount a comprehensive election monitoring service for the all-Russia parliamentary elections on 12 December;
- that the ODIHR continue to cooperate closely with the CSCE Parliamentary Assembly, NGOs, and relevant international organisations in the development and practice of election observation.

12. In discussion of the programme of coordinated support for recently admitted states, appreciation was expressed for the activity of the ODIHR and of the Chairman in Office. Following her visit to the Central Asian republics in April 1993, participants welcomed her plans to visit the Transcaucasian republics. The following are *informal recommendations concerning the programme:*

- that the Chairman of the CSCE Council be invited to present to the Rome Council suggestions concerning the programme of coordinated support in the light of her visits to the recently admitted states.

13. Participants gave a positive assessment of seminars organised by the ODIHR. Certain delegations circulated detailed proposals for the improvement of the seminars. It was recalled that the Helsinki Document foresaw seminars being held on migrant workers and local democracy. Proposals were also submitted for topics for new seminars, including national minorities with emphasis on extreme nationalism and xenophobia; the CSCE and human rights NGOs; participating States' policies on migration; migration, refugees and asylum issues with particular refer-

ence to the population displacements in former Yugoslavia; the rule of law; international humanitarian law; women; and, as suggested by the High Commissioner on National Minorities in the opening plenary, the Roma.

14. In view of the above discussion, the following are *informal recommendations concerning the outcome and improvement of the Human Dimension Seminars and proposals for seminars in 1994*:

- that the seminars foreseen in the Helsinki Document, on Migrant Workers and on Local Democracy, be held as planned before the Budapest Review Conference;
- that, if time and the resources of the ODIHR permit, a seminar on the Roma also be held in 1994;
- that the other topics for seminars presented at this meeting be considered for inclusion in the programme for 1995 and thereafter;
- that participating States make efforts to include relevant experts, from both inside and outside government as appropriate, in their delegations to seminars;
- that moderators of the seminars be carefully chosen from among experts in the subject-matter of the seminar;
- that moderators of the seminars produce non-negotiated summaries of the seminars and the texts be widely disseminated;
- that the ODIHR produce a compilation of relevant CSCE texts before each seminar;
- that the CSO consider appropriate follow-up to each seminar;
- that the CSO/CSO Vienna Group determine the agenda and modalities of the seminars at least three months before the date of the seminar, as required by the Helsinki Document.

15. In discussion of the activities of the ODIHR and of strengthening its role as the main institution of the Human Dimension, participants expressed appreciation of the work of the Office to date. It was suggested that various aspects of the Office's role could be strengthened, including its capacity to provide expert advice; its information role with NGOs; its involvement in the political consultations of the CSCE in Vienna and Prague; its work in coordination with other international organizations; its activity as a clearing house for information on the Human Dimension, including on issues relating to strengthening civil society and the role of

NGOs; its role in monitoring the implementation by participating States of their Human Dimension commitments; its assistance to long-term missions. Suggestions were made to increase the staffing and resources of the Office.

16. In view of the above discussion, the following are *informal recommendations concerning the activities and role of the ODIHR*:
- that the ODIHR be empowered, in consultation with other CSCE bodies, to bring to the attention of the CSO/CSO Vienna Group instances of non-implementation of Human Dimension commitments;
 - that NGOs channel information to the ODIHR concerning reports of non-implementation of Human Dimension commitments;
 - that the ODIHR maintain a database of experts, from both inside and outside government, in fields relevant to the Human Dimension, for use as advisers on missions, and other purposes of the CSCE, including the ODIHR and the High Commissioner on National Minorities;
 - that the ODIHR request the participating States and NGOs to make available for inclusion in such a database information regarding relevant experts;
 - that the CSO review the staffing and funding of the ODIHR and consider their increase in the light of any new tasks given to it;
 - it also be noted that recommendations in other parts of this report are also relevant to the work of the ODIHR.
17. The third cluster of agenda items dealt with the following topics;
- (8) Co-operation between CSCE and other international organisations in the Human Dimension field;
 - (9) Role of NGOs;
 - (10) Improved dissemination of information regarding the Human Dimension.
18. In discussion of cooperation between the CSCE and other international organisations in the Human Dimension fields, notably the Council of Europe and the United Nations, particularly the UN Centre for Human Rights, it was noted that other organisations held similar aims even if their approaches were different and would impose limits to the scope for cooperation. Other organisations, including the European Bank for Reconstruction and Development, the UN High Commission for Refugees and UNESCO had also addressed the plenary meeting. Participants encouraged the ODIHR and relevant international organisations to maintain a close

dialogue in order to coordinate their activities and identify possible areas of joint endeavour. A number of ideas were put forward to enhance cooperation in the field of the Human Dimension, including attendance at relevant general and committee meetings; the exchange of liaison officers and of information; participation in activities contributing to shared aims; regular high-level meetings; and the conclusion of formal agreements with relevant organisations. The following are *informal recommendations concerning cooperation between the CSCE and other international organisations in the Human Dimension fields*:

- that the Chairman in office be ready to arrange meetings of relevant personalities and organisations when the same conflict or issue is being dealt with by a number of separate bodies;
- that the ODIHR maintain close contact with relevant international organisations;
- that an early exchange of information take place between such organisations, with a view to joint action and the avoidance of competing initiatives.

19. NGOs played a full part in the deliberations of Subsidiary Working Body 2 and in the Implementation Meeting as a whole. The hope was expressed that the same facilities would be available for the Budapest Review Conference. The role of NGOs in the wider sphere of monitoring Human Dimension commitments was appreciated and possibilities of making greater use of their experience and knowledge were examined, for example through the provision of information to the ODIHR on violations of commitments; through the supply of expertise and advice to the ODIHR; as a source of experts, including those acting in an individual capacity, for possible use in election monitoring, CSCE missions and other CSCE activities; and as an important component in Human Dimension seminars. Given this key role, it was urged that the commitment to allow human rights activists to carry out their activities freely should receive special attention from the CSCE. It was also suggested that consideration be given to the funding of NGOs, either through the establishment of a central fund, or through the ODIHR acting as a clearing house for information of sources of funds. It was noted that in putting forward recommendations concerning the Budapest Review Conference, the Hungarian government would have in mind the positive experience of this meeting regarding the involvement of NGOs. Informal recommendations on the role of NGOs are incorporated under the various separate agenda items where it was considered that their role could be enhanced.

20. Participants stressed the importance of the dissemination of information on the Human Dimension of the CSCE, not only to the general public, but also to those involved in CSCE activities. The publication of the ODIHR quarterly Bulletin was welcomed as a valuable step in this area. Paragraph 61 of Chapter VI of the Helsinki Document was discussed. The following are *informal recommendations on improved dissemination of information relating to the Human Dimension*:

- that the ODIHR continue and intensify its efforts to disseminate information on the Human Dimension through such means as the quarterly Bulletin and in the context of the Programme of Coordinated Support for Recently Admitted States;
- that the Secretary-General of the CSCE, in conjunction with ODIHR activities, be active in disseminating information on the Human Dimension, given his role in the overall information policy of the CSCE;
- that mission reports of all kinds be made public wherever possible;
- that participating States recall their own responsibility to ensure their populations are aware of the Human Dimension of the CSCE.

.....

21. In conclusion, I would recall that paragraph 10 of Chapter VI of the Helsinki Document 1992, the Challenges of Change, provides that "the implementation meeting may draw to the attention of the CSO measures to improve implementation which it deems necessary." I would recommend to this meeting that it accordingly decides to draw to the attention of the CSO this report, and the report of my colleague rapporteur, and the informal recommendations which these reports contain.