

CSCE

Office for Democratic Institutions and Human Rights

BULLETIN

CONTENTS

A Word of Welcome from the Director

ARTICLES

NGOs and the Human Dimension of the CSCE. Rachel Brett

An Extra-Ordinary Census in the Republic of Macedonia. Erik Siesby

ODIHR REPORTS

Elections: Yugoslavia (Serbia/Montenegro), Slovenia, Lithuania, Georgia, Romania, Estonia

Human Dimension Missions: Moldova, Estonia

Human Dimension Seminars: Tolerance, Migration, National Minorities, Free Media

News from the ODIHR

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WARSAW

Volume 1

A Word of Welcome from the Director

Few would have thought when the Office for Free Elections was established less than two years ago that the CSCE's institution in Warsaw would by now have expanded its mandate to include all areas of the "Human Dimension" or that its work would take it from Alma Ata to Tallinn to Tirana. The Office, which a year ago became the Office for Democratic Institutions and Human Rights, is now responsible not only for elections but also for a broad range of activities aimed at building and strengthening democratic institutions and protecting human rights. Among its many activities and in addition to its original responsibilities in the field of elections, it organises seminars in Warsaw and elsewhere in the new democracies of the region and it manages the "Human Dimension Mechanism," which sends CSCE human rights experts to investigate areas of concern.

The ODIHR's expanded work is mainly a result of two factors: the dramatic increase in the number of CSCE states resulting from the break-up of the Soviet Union and Yugoslavia, and the recognition among CSCE states that democratic elections alone cannot guarantee democracy. Without a broader fabric of democratic institutions and a deeply-based respect for human rights, democracy cannot grow. This is especially true in the newly admitted CSCE states, many of which are experimenting for the first time with democratic political systems and market economies.

I would also like to think that the CSCE's decision to consolidate Human Dimension responsibilities in one institution -- and its choice of the Warsaw office to take on this role -- is a result of the recognition that our office has successfully fulfilled its tasks thus far. It has been said that politics is the art of the possible, and I believe that this view has been reinforced by our work in the region. Lofty ideals, however admirable, cannot be achieved without a hard-headed and practical approach to problem solving. In a region with great needs for assistance and advice, priorities must be set, and limited resources allocated, with the greatest care.

In the past year, the ODIHR has tripled in size, but it remains a remarkably small institution, with two seconded diplomats, five professional assistants, and five support staff. To cover an enormous geographic area and to fulfil our varied tasks, we must be flexible and imaginative. We must also continue to rely on our many friends and colleagues in the region who have assisted us in the past and who, we hope, will profit from our newest initiative, this Bulletin. This publication will:

- Record ODIHR and CSCE Human Dimension activities, summarising election observation reports, Human Dimension reports, and reviews of ODIHR seminars;
- Call to the attention of the CSCE states, especially the new democracies, the services the ODIHR can provide them in their continued efforts to establish and strengthen democratic institutions and human rights;
- Above all, this Bulletin will serve as a venue for discussion of important Human Dimension problems facing the CSCE states.

I welcome you to this, the first edition of the ODIHR's Bulletin. We hope you will find it interesting and useful. Please feel free to comment on any aspect of the Bulletin, offering your views on its contents or advice on how we may improve our efforts. The ODIHR will also welcome any contributions and articles from its readers that address topical aspects of the CSCE's Human Dimension activities.

Ambassador Luchino Cortese Director,
Office for Democratic Institutions and Human Rights

NGOs and the Human Dimension of the CSCE

Rachel J. Brett

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Editor's note: Non-governmental organisations have been an integral part of the Helsinki process since the early 1970s. Since the institutionalisation of CSCE, mandated by the Charter of Paris, NGOs have continued to enhance the CSCE's work, especially that office ODIHR. both domestic and international NGOs have provided expertise in support of ODIHR activities in the new democracies and NGO representatives have taken part activity in: the Office's various seminars. But what is the real role of NGOs in the CSCE today? And how will NGOs adapt to the changing political environment and to the changing CSCE ? We asked Rachel Brett, an NGO practitioner and a human rights expert, to explore these questions.

WHAT IS AN NGO?

There is no universally agreed definition of a non-governmental organisation. The name itself is phrased in the negative and provides the only constant: whatever other criteria are required, such organisations are not governments, but even how far distant from government they have to be is open to debate. In some countries, for example Finland, political parties are considered to be NGOs, and government funding of NGOs is not unknown. However, one of the requirements for an NGO to obtain consultative status with the United Nations is that its basic resources are derived in the main part from its national affiliates, other components or from individual members. Another requirement spelled out in the European Convention on the Recognition of the Legal personality of International NGOs, which came into force in January 1991, is that NGOs must have "a non-profit-making aim of international utility" (Article 1).

Perhaps the best working definition of a human rights NGO is that of Laurie Wiseberg: "a private association which devotes significant resources to the promotion and protection of human rights, which is independent of both governmental and political groups that seek direct political power, and which does not itself seek such power."¹ For the CSCE, even the latter part of Wiseberg's definition may not be problem free, as illustrated by the experience of Raffi Hovannissian: "Before I became Armenian Foreign Minister, I represented an NGO at CSCE Meetings."² The question of definition was one of the issues for the CSCE at the 1992 Helsinki Meeting at which it was decided to give a more formal code to NGOs within the CSCE process.

NGOs and HUMAN RIGHTS

International Human Rights Law was developed as a means of holding governments accountable for the way in which they treat their own citizens. The international system of human rights is the fallback for when domestic protection fails. If the promotion and

¹ Laurie S. Wiseberg, "Protecting Human Rights Activists and NGOs: What More Can Be Done?", Human Rights Quarterly 13 (1991) 524-544, 529

² Raffi Hovannissian, Armenian Minister of Foreign Affairs, Helsinki, 1992

protection of human rights is, therefore, primarily a governmental responsibility, where do NGOs fit in? If a government is genuinely trying to ensure human rights in its own territory, NGOs can complement and assist its efforts. In cases of inability or unwillingness of a government to protect human rights, NGOs have usually been the first to draw attention to the situation and to endeavour to bring pressure to bear on the government concerned to improve.

The roles which NGOs play in the human rights field are:

- fact-finding and monitoring in their own and in other countries;
- investigating and reporting on human rights field abuses;
- lobbying national governments and international bodies;
- mobilising interest groups;
- educating the public about human rights matters and the work of international organisations;
- representing clients in their dealings with national officials, courts, or international bodies; and
- providing ideas, information and expertise to national governments and international bodies.³

In addition, NGOs have a more general role in promoting democracy. They are independent and impartial sources of information and critics of government policy, enabling the public to take an active and informed role in relation to government.

NGOs and the CSCE

"NGOs are our allies in the CSCE process. They can use their experience and networks to help promote the values and principles we share. We need to start thinking of creative ways to involve NGOs in the process - not to fold them into it, but to let them enhance and enrich it", Sherwood McGinnis, US Delegation, Helsinki Summit, 1992.

The CSCE has traditionally been a frustrating forum for NGOs; despite the fact that the recognition in the Helsinki Final Act of 1975 of the right of the individual to know and act upon his rights was the impetus for the development of NGOs in Central and Eastern Europe. "Charter 77, *Solidarnosc*, and the human rights movement in the GDR, for instance, would not have been conceivable without the CSCE"⁴, according to the Minister for Federal and European Affairs of Land Thuringia in Germany.

Groups such as these certainly helped to change the face of Europe, and, therefore, also the nature of the CSCE. In fact, the CSCE has had an ambivalent attitude towards NGOs, which is not surprising since the Soviet bloc was opposed to NGOs in general and to human rights NGOs in particular: an antipathy likely to be reinforced by the tendency of Western States to use NGO information to champion the cause of human rights in Eastern Europe.

³ David Weissbrodt, "The Contribution of International Non-governmental Organisations to the Protection of Human Rights" in Meron (ed.): Human Rights in International Law (Clarendon, Oxford, 1984), pp403-438. See Henry J. Steiner: Diverse Partners: Non-Governmental Organisations in the Human Rights Movement (Harvard, 1991) for a discussion of the different roles of national and international NGOs and the distinctions between the approaches of NGOs from different regions.

⁴ Christine. Lieberknecht, Minister for Federal and European Affairs of Land Thuringia, Germany, Helsinki, 1992

For the Western states, the efforts of non-governmental groups in Central and Eastern Europe to hold their governments accountable to the commitments made in the Helsinki Final Act came as a surprise, but it suited their interests. Consequently, they sought to use the CSCE process as a means of protecting such groups. For example, in the Madrid Document of 1983, the States "recall the right of the individual to know and act upon his rights and duties in the field of human rights and fundamental freedoms, as embodied in the Final Act, and will take the necessary action in their respective countries to effectively ensure this right." In so doing, the governments were recognising and supporting one of the areas of NGO activity in the human rights field outlined above, that of fact-finding and monitoring in their own countries. At the same time, they continued to exclude NGOs from the CSCE itself.

The Copenhagen Document (1990) goes into greater detail, specifying "the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information".⁵ Arie Bloed of the Netherlands Helsinki Committee comments that, "In the past, this subject has always been one of the most sensitive issues in the relations between East and West, as the Eastern European States always tried to exclude as much as possible the non-governmental dimension from the CSCE process. In the Copenhagen Document, this issue seems to have been solved definitively in favour of monitoring groups such as Helsinki Committees."⁶

It was only in 1985, at the Ottawa Meeting of Experts on Human Rights, that access to even part of CSCE meetings was allowed (other than formal opening and closing sessions) - a decision welcomed and encouraged in the Vienna Concluding Document of 1989, annexed to which is a Chairman's Statement on openness and access to CSCE meetings. This did not mean that NGOs were fully integrated into the CSCE, but merely that they were permitted to be present at those plenary sessions which were open to the public, to make contact with delegates and to hold peaceful gatherings (the last addressed to such events as the Bulgarian suppression of the activities of Ecoglasnost during the 1989 Sofia Meeting on the Protection of the Environment).

Even before being allowed access to CSCE meetings, NGOs had sought to make an input into the CSCE. First, they had organised their own meetings and demonstrations which became known as "parallel events". Secondly, NGOs from the West lent support to the groups from Central and Eastern Europe by also establishing Helsinki Groups and taking up with governments the issues raised by their partner bodies. Some of this material was used in the implementation debates at the start of the Follow-up Meetings.⁷ Other NGOs, notably religious and Jewish ones, actively lobbied their governments to raise issues about religious freedom and the right of departure - with considerable success. In order to allow NGO representatives to speak at CSCE meetings, some governments included NGO representatives in their delegations.

However, all these activities remained indirect influences, controlled by the governments them-

⁵ Document of, the Copenhagen Meeting of the Conference of the Human Dimension of the CSCE, 1990, paragraph 10.1

⁶ Arie Bloed, "Successful Meeting of the Conference on the Human Dimension of the CSCE", NQHR 3/1990 pp 235-260, 245

⁷ See Korey: Human Rights and the Helsinki Accord: Focus on US Policy (Foreign Policy Association, Headline Series, No. 264, New York, 1984

selves in that it was for the governments to decide whether to take note of and act on NGO input rather than involving the NGOs directly and as an independent factor within the CSCE process. Inevitably, in such circumstances governments tend to be selective, acting on the information which suits their own political purposes. Similarly, the NGOs included in government delegations are those likely to reinforce their own policies. Notable exceptions in this regard at the 1992 Helsinki Meeting were the invitations by the Finnish and Romanian delegations to representatives of their Romani minorities to speak at a working group meeting on human dimension issues: a move which assisted in the inclusion of a reference to the particular problems of Roma in the Helsinki Decisions 1992.

That governments behave in this way is not in itself illegitimate, it merely demonstrates the obvious truth that governments are political and rarely act in a disinterested fashion, even (or perhaps especially) in relation to the promotion and protection of human rights. However, it is precisely, their independence from government, and therefore, their willingness to raise the politically sensitive issues and unpopular causes which is such a distinctive contribution of NGOs.

The Charter of Paris (1990) marked the turning point in the relationship of NGOs to the CSCE (as well as in the changing political map of Europe). In it, the participating States recalled

"the major role" that NGOs had played in the achievement of the objectives of the CSCE" and agreed to "further facilitate their activities for the implementation of CSCE commitments." It goes on to state that they "must be involved in an appropriate way in the activities and new structures of the CSCE in order to fulfil their important tasks". However, neither the tasks nor the methodology for involving NGOs is specified.

In fact, the real breakthrough came at the Moscow Meeting of the Conference on the Human Dimension in 1991 when, to the surprise of many delegates and NGOs, the Soviet Union proposed a consultative status for NGOs. (A similar proposal was made by Poland.) The element of surprise meant that insufficient consideration had been given as to the best way to provide such status to NGOs in the context of the CSCE. As a result, it was decided to proceed cautiously and pragmatically by laying out some guidelines for NGO participation in the human dimension, and leaving aside the question of definition of NGOs. The Moscow Document, therefore, recognises as NGOs, "Those who declare themselves as such according to existing national procedures."⁸ Given the very limited involvement NGOs were being allowed, there was really no need to restrict who should qualify as an NGO.

The meeting of the CSCE Council in Prague (January 1992) charged the Helsinki Follow-up Meeting with developing "opportunities and procedures for meaningful non-governmental organisation involvement in the CSCE and possibilities for non-governmental organisations to communicate with CSCE structures and institutions." This was duly done, despite the wish of some countries, including Italy, Greece and France,⁹ to restrict openness, including Turkey which perceived NGOs as a security threat. The question of expense was frequently cited as a cause of concern, including the cost of setting up a mailing list. However, there was generally a positive attitude with many references to NGOs being made in statements and proposals,

⁸ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991, paragraph 43

⁹ Arie Bloed, "Helsinki: II: The Challenges of Change", Helsinki Monitor 3/1992, 37-50, 45

including those regarding the High Commissioner on National Minorities, refugees and displaced persons, the Economic Forum, enhancing the effectiveness of Follow-up Meeting, early warning and conflict prevention, abolition of the death penalty, and the programme of seminars on democratisation for new CSCE States. Some delegates perceived the NGOs "as a link between the realities of life and the process of international negotiations and standard setting, as a source of information and a necessary feedback".¹⁰ One of the major differences by the time of the Helsinki meeting was that the changes in Central and Eastern Europe had eroded some of the distinctions between governments and NGOs, as evidenced by the quotation from the Armenian Foreign Minister about his former existence as an NGO, in which he was not alone amongst the Helsinki delegations.

The major question which had to be resolved in Helsinki concerned the nature of NGO involvement, that is, the degree and form of participation. More specifically, should a form of consultative status be conferred upon a defined group of NGOs, who might, for example, be allowed to attend and speak at working group meetings? The problems for delegates were compounded by the inability of NGOs themselves to reach agreement on whether there should be limits on who could qualify as an NGO, or how NGOs could be defined. Consequently the two proposals tabled, while in basic agreement on many procedural points, diverged on the underlying principle. The United Kingdom sought to establish a consultative status for a limited group¹¹ while Austria and its cosponsors omitted any reference to definition or limitation¹².

In the end the Helsinki Decisions extend the guidelines previously agreed for NGO access to human dimension meetings to cover all CSCE meetings. In addition, NGOs can attend all plenary meetings of Review conferences (the new name for Follow-up Meeting), ODIHR seminars, workshops and meetings, the Economic Forum, human rights implementation meetings and other expert meetings. Each meeting "may decide to open some other sessions to attendance by NGOs." Informal discussion between delegates and NGOs is to be facilitated during CSCE meetings, and written presentations by NGOs to CSCE institutions and meetings encouraged, "titles of which may be kept and provided to the participating States upon request."¹³

The effect of these provisions is that first, self-definition as a determinant of NGO status is maintained except that participation is denied to "persons or organisations which resort to the use of violence or publicly condone terrorism or the use of violence."¹⁴ Participation is not, therefore, limited to international NGOs, nor are there any specific requirements which have to be fulfilled to qualify. Secondly, NGOs can make written submissions. At Human Dimension Implementation Meetings and expert seminars, they may be invited to speak to or answer questions on their written submissions. To date, these arrangements have only been tried out at the Seminar on Tolerance, held in Warsaw in November 1992, and the contrast with previous CSCE meetings could hardly have been greater. NGOs not only had access to all plenary sessions and discussion groups but were able to make oral contributions on an equal footing with governmental delegations. None of the problems anticipated in Helsinki arose and the NGOs present were able to make constructive and apt contributions to the discussions,

¹⁰ 10 Professor Frantisek Janouch, Head of the Delegation of the Czech and Slovak Federal Republic, Helsinki, 1992

¹¹ CSCE/HM/WG3/23

¹² CSCE/HM/4

¹³ Helsinki Decisions 1992, I.15

¹⁴ Helsinki Decisions 1992, I.16

thus setting an excellent precedent for future meetings. (The value of the seminar itself was limited by the inability of the participating States to agree on the production of any form of report or summary of the proceedings.)

CONCLUSION

One of the questions which arose frequently in informal discussions at Helsinki in 1992 was why there were so few NGOs present at the Meeting. One reason was, of course, the sheer expense of being in Helsinki, but the relative dearth of NGOs also reflected the uncertainty which existed at the start of the Helsinki Meeting as to the role of the CSCE in the post Cold War Europe. Many of the NGOs which had been involved with the CSCE in earlier times had been concerned about the specific human rights problems which then existed in Central and Eastern Europe: what now was their role? For other NGOs, the lack of a clear status and the uncertain future direction of the CSCE were disincentives.

Now that NGOs have achieved a recognised status in the CSCE, and the CSCE has embarked on the transition from an instrument of the divided Europe to endeavouring to prevent and manage conflict, there is an increased need for NGO involvement.

First, conflict can only be effectively prevented by building from the bottom up. The experience of the former Yugoslavia demonstrates only too well that pressure from the top can contain conflict for a time, but can not solve the underlying problems. Secondly, if the early warning system for the CSCE, including the High Commissioner on National Minorities, is to be effective, NGOs need to be encouraged to provide information to supplement that available to governments. Thirdly, the "thorough exchange of views on the implementation of Human Dimension commitments," scheduled to take place at the annual Human Dimension Implementation Meetings, will be neither truly thorough nor impartial unless NGOs can contribute to it.

Finally, the CSCE has proved to be one of the most innovative of international bodies. It pioneered the preventive deployment of monitors in situations of potential conflicts (in former Yugoslavia). It has established a system of fact-finding human rights missions which do not require the consent of the state to be visited (Moscow Human Dimension Mechanism). It has removed the whole human dimension from the area exclusively within the internal affairs of the State (Moscow Document, reaffirmed in the Helsinki Summit Declaration 1992). It has created the post of High Commissioner for National Minorities, empowered to examine and suggest ways of addressing minority situations which, in his view, are likely to result in conflict, thus moving into the area of prevention of conflict within a state. It is imperative that NGOs take such a creative body seriously and continue to both challenge and co-operate with it in its attempts to address the pressing needs of the new Europe.

Note about the author: Mrs. Rachel J. Brett is Lecturer in International Human Rights Law at the University of Essex Human Rights Centre. Currently, she is representing Friends World Committee for Consultation (Quakers) in Geneva at the UN Commission on Human Rights, and from July will be their permanent human rights representative in Geneva.

An Extra-ordinary Census in the Republic of Macedonia

Erik Siesby

The Danish Helsinki Committee

Editor's Note: As of the publication of this Bulletin, the former Yugoslav Republic of Macedonia has not become a participating State of the CSCE. The editor's decision to include this article in the Bulletin should not be interpreted as changing in any way the Republic's status (or lack thereof). Rather, it reflects the clear importance of this article's topic to the countries in the region and to all CSCE states, and the editor's desire to raise this topic for consideration and discussion among readers.

THE NEED FOR AN EXTRA-ORDINARY INTERNATIONALLY SUPERVISED CENSUS

The geographic area "Macedonia" has long been an area of contention between Serbia, Bulgaria and Greece. A fourth neighbouring country, Albania, has so far made no territorial claims on this area. After the Balkan War 1912-13, Macedonia was partitioned among the aforementioned states. Serbia acquired 40%, Bulgaria 10% and Greece 50%. The population was very mixed in 1913. The majority was Slav-speaking. The coastal area was mainly Greek. Turkish, Vales and other minorities existed.

The present Republic of Macedonia was officially established on August 2, 1944 as one of the states of the new Federal Republic of Yugoslavia. The history of the Macedonian nation, however, goes back to the last decades of the 19th century when a small group of intellectuals began to speak of a separate Macedonian people. Until the 1940s, Serbia considered the Slav-speaking population of what is now Macedonia to be Serbian and their language was considered a Serbian dialect. Even today, the Bulgarian government regards the language as a Bulgarian dialect. A large portion of the population is Albanian. The Albanians' distinct language and culture is unquestionable, but their number is a matter of dispute and that is the main reason why an internationally controlled census is needed.

Albanians are without doubt an underprivileged part of the population of the Republic, and they believe that their status will improve when it is officially recognised that the ethnic-linguistic Albanian and Macedonian populations are approximately equal in number. Equality for the Albanians in Macedonia would remove a cause for conflict in this dangerous part of the Balkans. If an honest census could contribute to equality for the Macedonian Albanians, such a census would be an important contribution to peace in the area.

A conference held in Thessaloniki on April 15, 1992 on "Human Rights and Greek Orthodox Minorities in Southern Yugoslavia and Southern Bulgaria" concluded that 18 % of the population of "Scopia" (the Greek name for the Republic of Macedonia) are Greek people. The conference called for a census under the supervision of CSCE and the Council of Europe.

According to official statistics, the Albanian-speaking population of Macedonia makes up 21 % of the Macedonian population. However, this figure is disputed. The Albanian-speaking population claims to be approximately 40% of the population. The president of Macedonia, Kiro Gligorov, with whom I had occasion to discuss the matter, said: "Many Albanians are not

registered either when they are born or when they die." He would not accept that the Albanians constituted 40% of the population but thought that the official figure 21 % was too low.

Figures concerning ethnicity in the Balkans should be taken with a grain of salt. "What we need is an internationally controlled census, " declared the Macedonian Minister of the Interior, "But the Albanians will never accept that, because such a census will show that there are not nearly so many Albanians as they claim there are. " Yet a representative of an Albanian party declared that, "An internationally controlled census is what we want, but the Macedonian government will never accept such a census, because it will show that there are almost as many Albanians as there are Macedonians."

Regardless of these remarks it seems now that all concerned are in favour of an internationally controlled census to be held in Macedonia. What is doubtful is the way in which the census will be carried out.

THE CENSUS METHOD

The latest census in Macedonia, the census of 1991, was boycotted by the Albanians who did not have sufficient confidence in the way in which the authorities conducted the census.

The Albanians demand:

- 1) that representatives of the various population groups should participate in the commissions which control the census;
- 2) that the questionnaires be written in Albanian as well as in the Macedonian language;
- 3) that a copy be given to each person who has answered the questionnaire; and
- 4) that Albanians participate in controlling the treatment of the statistical material in the Statistical Office.

Fortunately, the Statistical Office in Skopje has declared that the following principles will apply to an extra-ordinary census:

- a) the questionnaire will be written in the Macedonian, Albanian and Turkish languages;
- b) the controlling commissions will consist of members representing the various population (language) groups;
- c) a copy of the completed questionnaire will be given to the answerer - this will necessitate that the questionnaire be serialised; and
- d) the Statistical Office will be willing to receive statistical experts from abroad who should control the whole procedure of the census. Foreign observers will also be welcome.

THE QUESTIONNAIRE

What questions ought a state ask the individuals living within its borders in a census supported and controlled by an international organisation such as the CSCE or the European Community?

As a basis for an answer to this question the principle of secrecy must be considered. The CSCE states have solemnly declared it to be an unalienable right for all human beings to have the rights to free elections by secret ballot or by equivalent free voting method (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, chapter I, 5.1). The rationale for secret ballot is of course that nobody, and especially not those in power, should have the possibility of putting pressure on the elector or discriminating against

anybody because of his political convictions.

We may conclude that the questionnaire should not enable state organs to register people's political affiliations. Nor should people's emotional or spiritual attitudes be registered. The main purpose of a census seems to be to provide the state organs with factual information of importance to the state administration. Questions concerning the individuals' opinions, convictions, sentiments, emotions and sympathies should be avoided.

In the draft questionnaire prepared by the Statistical Office in Skopje persons are asked for their

"national identity". In brackets are added "according to Article 8 from the Constitution of the Republic of Macedonia: the free expression of national identity." It is true that according to the above-mentioned Copenhagen Document persons are free to express their "ethnic, cultural, linguistic or religious identity," but it does not follow that the state is entitled to demand such a declaration of "identity." "National identity" is a concept void of legal meaning - but full of factual implications. It is a concept which has been used in the former Soviet Union to discriminate against unpopular minorities. It is a concept which has split the population of the former Yugoslavia with tragic results.

By asking children of mixed marriages about their national identity the children are encouraged to choose between the nationalities of the parents. It is almost as asking: "Whom do you love most, your father or your mother?"

To ask a person's national identity is to demand information about a person's sentiments, feeling of belonging and loyalty. To ask a person's mother tongue is to ask for factual information of importance to the state administration. Therefore the questionnaire should ask for each person's mother tongue and perhaps also second language.

Most population groups in Macedonia are characterised by language, but not all. Gypsies may have Romani or Sinti as mother tongue, but in many cases the mother tongue is the language of the country where they live. Gypsies should be counted only if their number is of importance to the administration of the state, for instance if the Gypsies were entitled to a special representation in the parliament. But even then it is up to each individual to register as a Gypsy. "To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice." (The Copenhagen Document chapter IV, 32).

A census form contains questions of crucial importance in relation to citizenship such as place of birth, nationality or residence of parents, time of immigration, "duration of time working abroad," "year of return from abroad," etc. In this and other respects it would be desirable that those who answer the questionnaire would know in advance the legal effects of their answers. Many Macedonians, including Albanian speaking Macedonians, have for years been employed in Western Europe. The way in which the questionnaires are answered on their behalf might determine whether they will obtain Macedonian citizenship or not. In order to avoid statelessness and injustices, the interplay between citizenship law and questionnaire ought to be carefully examined before an international institution agrees to support and control the census.

The CSCE Office for Democratic Institutions and Human Rights is one of the possible institu-

tions which may be chosen to supervise or assist in the organisation of an extra-ordinary census in Macedonia. Such supervision or assistance may serve as a precedent and should not be conceived as simply a case of technical assistance but as a matter of importance to the proper relation between the state and the individuals.

Note about the author: Dr. Jur. Erik Siesby is Professor of Law at the University of Copenhagen and the founder and Chairman of the Danish Helsinki Committee.

ELECTIONS IN THE REGION

REPORT OF THE CSCE ELECTIONS MISSION TO YUGOSLAVIA (SERBIA/MONTENEGRO)

The December 20 federal and republican elections in Yugoslavia (Serbia and Montenegro) were neither free nor fair. All international experts who observed the election campaign came to the conclusion that the governing party's complete control of nation-wide electronic media - and its abuse of this power -- made a fair campaign impossible. On election day, virtually every delegation that visited polling sites in Serbia witnessed irregularities in electoral administration, especially in voter registration; these irregularities disproportionately favoured the governing party.

ODIHR Support for International Observers

At the direction of the CSCE's Committee of Senior Officials, the Office for Democratic Institutions and Human Rights sent two representatives to Serbia and Montenegro to assist international observers of the federal, republican, regional, local and Serbian presidential elections. ODIHR Deputy Director Jack Zetkovic established a support office in Belgrade while his Assistant Jacques Roussellier did the same in Podgorica. As it has in many other contests in the region, the ODIHR sought to ensure that observers from CSCE states received the information, access, and freedom of movement needed to accomplish their work.

Nearly one hundred observers from twenty countries travelled throughout Serbia and Montenegro on election day. Those taking part included parliamentarians, diplomats, academic experts, representatives of NGOs, and members of the CSCE missions of long duration in Kosovo, Sandjak, and Vojvodina. The ODIHR held several co-ordinating and informational meetings with the observers, both en masse and with individual delegations. It provided advice on geographic distribution of the observer teams and offered logistical and other assistance to the delegations. The ODIHR co-ordinated its activities with the embassies of Sweden and the Czech and Slovak Federal Republic (the incoming and outgoing CSCE chairs) as well as with the embassy of Great Britain, which represented the European Community.

Access of International Observers

On December 15, the Federal Election Commission informed the CSCE Mission that international observers would not be allowed to view the counting of ballots at polling centres, nor would they be able to observe the reporting of results to regional counting centres. At that time, the CSCE Mission explained that this restriction contradicted the federal election law and subsequent guidelines issued by federal authorities which specifically stated that observers would be free to review the entire electoral process. The Mission also noted that this restriction clearly contradicted international standards and practice, specifically the Supplementary Document to the Charter of Paris for a New Europe.

On December 17, the Mission made clear its objections in a letter to the Federal Foreign Minister and to the Federal Election Commission. The Mission expressed its hope that this problem could be resolved quickly, especially given previous federal willingness to lift earlier restrictions (such as a cut-off date for accreditation of observers and overly complicated accreditation procedures) which were withdrawn after ODIHR complaints. The CSCE Mission informed the Minister that it would advise observers to leave the country before election day other than accept these access restrictions. Following the personal intervention of the Ministers of Justice and Foreign Affairs, the Federal Election Commission lifted these restrictions on December 18.

On election day, observers in almost all cases were given complete freedom of movement by local and regional officials and were allowed to view all aspects of the electoral process. While some local officials were ignorant of the status of observers (sometimes asking for more proof of accreditation than had been provided by central authorities) virtually all local officials were helpful to the observers. Several observer teams praised the hospitality of some local officials.

Earlier ODIHR Involvement in Yugoslavian Elections

For the past year, the ODIHR has been involved in the electoral process in Yugoslavia (Serbia and Montenegro). Prior to the May 31 elections, a fact-finding mission visited Belgrade and Podgorica to see if the preconditions for democratic elections existed and if international experts should be encouraged to observe the contest. At that time, the mission determined that these preconditions did not exist and recommended that CSCE states not send observers to what would be fundamentally flawed elections.

At the request of the Federal Justice Ministry in Belgrade, the ODIHR assisted in the international review of the federal election law and served as a channel for constructive criticism of arrangements for the elections. Ten legal experts in six countries reviewed that law. Their criticisms centred on the vague language in the law and the fact that authority to implement the law was not defined. For example, the law guaranteed equal media access to all parties and fair treatment in the media, but it did not give any government body responsibility for adjudicating complaints against the media.

A Short Campaign Marred by Media Bias

Perhaps the most insidious contaminant of the entire electoral process was the governing party's exclusive control over the nation-wide electronic media -- and its abuse of this power. In a country where few people can afford to buy newspapers or magazines and in which independent electronic media are limited to a small radius around Belgrade, access to state media by the opposition parties is crucial. Such access is the only way for voters to see the full spectrum of political views and to understand their electoral alternatives. Unfortunately, the state-run media's one-sided propaganda exclusively supported the governing party and either ignored or distorted the message of the opposition.

Federal laws guaranteed, in principle, fair reporting and equal access to the electronic media. In practice, however, no governmental body was given authority to correct abuses or adjudicate disputes in a timely fashion. Sadly, the one domestic body charged with supervision of federal electoral activities -- the Federal Supervisory Committee -- was given no power of enforcement. Its reports of constant abuses in the official media, however detailed and

comprehensive, were not supported by any institutional power. Observers compared the Committee to a physician forced to witness a train wreck with his hands tied behind his back. Still, the Committee's excellent reports provide an exhaustive, if depressing, review of daily abuses in the official media.

A comprehensive international review of the shameless propaganda in the state-run media has been provided by the European Institute for the Media, which visited Belgrade at the invitation of the British government (acting as President of the Council of Ministers of the European Community). The Institute's analysis called attention to the substantial evidence of bias in favour of the governing parties and, even worse, the hatemongering in reporting of the hostilities in Bosnia, which often characterised opposition to government policy as unpatriotic or even treasonous. The Institute also has noted the governing parties' violations of the moratorium on media publicity in the 48 hours before election day.

Not even the CSCE Mission was immune to such media manipulation. On December 15, the official press agency, TANJUG, greatly distorted a report of the CSCE Mission's meeting that day with the Federal Election Commission. The meeting, which mainly concerned the above-mentioned restrictions on observer access and the Mission's criticism of these restrictions, was described in glowing terms by TANJUG. ODIHR Deputy Director Zetkovic was mentioned by name as having "expressed satisfaction" with preparations for the elections. Such unreserved praise simply did not take place at the meeting. ODIHR complaints regarding this distorted coverage were met with silence.

Opposition activities in Serbia were further hampered by the governing party's use of procedural delaying tactics against prospective candidates (most notably the main opposition candidate for the Serbian Presidency), which effectively shortened what was already an extremely brief campaign period. As the ODIHR noted in its report prior to the May 31 elections, a short campaign period works to the detriment of the opposition, especially in a country which the governing party has a near monopoly on the dissemination of information to the electorate. In the case of the December elections, the governing party in Serbia successfully exploited its control of the parliament, judiciary, and electoral administration to place bureaucratic hurdles on the path to opposition candidates' registration. As a result, opposition candidates expended much effort and resources fighting the bureaucracy which would have been better spent campaigning against their opponents. They lost time -- an irreplaceable commodity in an election campaign.

Administration Irregularities on Election Day

Voter registration problems were widespread on election day. Observers estimated that five percent or more of prospective voters were not allowed to participate because their names were not placed on the voter lists. A disproportionate amount of these most likely would have supported the opposition; many of those left off the lists did not vote in the May 31 contest (which was boycotted by the opposition) and many young, first-time voters were not registered (several observers noted that lists included the names of only a few voters born in 1974 or 1973).

At the same time, several observers at polling sites noted the problem of multiple registration. A number of voters received by mail more than one invitation slip. Several voters reported to observers that entire buildings or apartment blocks had received dozens of invitation slips for people not residing there, while other buildings had received no slips at all. These reports

indicated significant problems in the compilation of voter registries and raised fears of multiple voting. Some observers heard reports of unusually high numbers of deceased citizens' names on voter registries.

Other election-day problems noted by some observers included intimidation of voters, very low standards for secrecy at polling places (insufficient barriers; group voting) and voting in military units organised a day prior to the election-day. Some observer delegations received reports of opposition representatives being removed by force from "multi-party" local electoral commissions.

Before election day, the ODIHR provided observer teams with a list of "Election Observation Guidelines, " produced jointly by representatives of Elections Canada and the International Republican Institute (LITSA). This short publication called attention to possible problem areas while at the same time emphasising that some reported irregularities do not, in and of themselves, mean that elections are unfair. Unfortunately, the sheer volume of irregularities reported by observers clearly indicated that these elections were seriously flawed.

The Special Case of Montenegro

Observers visiting Podgorica and other Montenegrin towns noted important differences between the situation in Montenegro and in its much larger neighbour, Serbia: In general, no significant violations of electoral procedures were noted in Montenegro on election day. Representatives of opposition parties noted that they had more freedom to campaign than they had in the May contest. Still, the governing party enjoyed the same media control as did its sister party in Serbia and bias on state radio and television was reported.

ELECTIONS IN Slovenia

More than 30 observers from CSCE participating states monitored elections in Slovenia on December 6, 1992. Mr. Jacques Roussellier from the ODIHR office provided support and assistance in Ljubljana from the 3rd to the 8th, keeping in close contact with Slovenian authorities as well as those Embassies of the CSCE participating States. CSCE observers unanimously declared the contest to have been consistent with international standards for free, fair and democratic elections. Present were national delegations from Poland, Turkey, Croatia, Italy and Sweden as well as from the Parliamentary Assembly of the Council of Europe. Included in the ODIHR's report on the Slovenian elections are some suggestions for further improving the already high standards achieved:

1. the need to specify within the Electoral Law the number of ballot boxes required and to provide a description of the polling booth and use of envelopes for ballot papers and
2. a call for specific representation of minorities at the national level to be guaranteed by law.

The ODIHR does not foresee the need to monitor future elections in the Republic of Slovenia.

ELECTIONS IN LITHUANIA

At the invitation of the Government of Lithuania, more than forty international observers visited the Republic to witness the first national parliamentary elections since restoration of independence.

ODIHR Deputy Director Zetkovic visited Vilnius to assist the observers.

Given Lithuania's current economic difficulties, the management of the elections was impressive. Despite limitations of energy resources and unseasonably harsh weather, voter turnout was high on election day - an indication of the strength of Lithuania's commitment to democracy. Observers noted only minor problems and expressed satisfaction that, in general, the October 25 contest appeared to meet international standards for free and democratic elections. Given this satisfaction, the ODIHR concluded that its assistance is not necessary at the February 1993 elections.

ELECTIONS IN GEORGIA

Electing too the Parliament and to the Chairmanship of the Parliament took place October 11, 1992. In addition to various delegations of CSCE participating states, representatives of private and governmental organisations were on hand to observe the election proceedings. Although the majority of observers considered the election technically correct and in accord with international standards and democratic procedures areas of concern were noted and recommendations put forward.

The ability of parties and candidates to freely present their view was limited by the war in Abkhazia, the tense situation in Southern Ossetia and other regions (which resulted in postponement of the elections in nine districts), the uneasy security situation in most parts of the country and the lack of a democratic and constitutional framework for the previous transition of power. The CSCE ODIHR strongly recommended that participating states support civic and voter education programs as well as promote contacts among political parties to ensure a genuine and meaningful opposition. Furthermore, The ODIHR encouraged CSCE States to remain actively involved in the Republic of Georgia's democratic process which the elections have enhanced.

ELECTIONS IN ROMANIA

The Office, which had previously co-sponsored the successful seminar on electoral systems held in Brasov (4-7 September 1992), opened a support office in Bucharest for the numerous CSCE observers who monitored the parliamentary elections and the first round of the presidential elections. Most observers with previous experience monitoring elections in Romania noted with satisfaction a considerable improvement in the way the Central Electoral Bureau ran the poll and facilitated the work of international observers. Although the elections, as a whole, were considered generally fair, the lack of an extensive explanation of the complicated voting procedures accounted for an unusual high number of invalid ballots. Also noted by most observers was the need of a legal guarantee for domestic and international monitors to get access to the results of the voting as they were collected in the Central Electoral Bureau computer system.

ELECTIONS IN ESTONIA

A variety of international observers from governmental and non-governmental institutions observed the election process in Estonia on the occasion of the Parliamentary and the first round of the presidential contest on 20 September, 1992. Although a significant segment of the population currently residing in Estonia - essentially Russian-speaking - could not take part in these crucial elections, no significant breaches of international standards on electoral

procedures were reported by CSCE observers. A few improvements were recommended including, inter alia, a better explanation of voting modalities and the use of two separate ballot boxes for the parliamentary and presidential ballot papers.

WHAT IS THE "HUMAN DIMENSION"?

The ODIHR is responsible for the "Human Dimension" of the CSCE - furthering human rights, democracy and the rule of law. Questions often arise as to the exact nature of the "Human Dimension." The following explanation serves as an introduction to ODIHR's reports on Human Dimension Missions and Seminars:

CSCE commitments on the Human Dimension include provisions on human rights and fundamental freedoms, human contacts and other related issues of a humanitarian character. They originated in 1975 in the Principles section of Basket I of the Helsinki process (questions relating to the security in Europe), and Basket III (co-operation in humanitarian and other principles of international security which "govern relations between the state and its citizens"). The Human Dimension was redefined and expanded in a series of meetings on the Human Dimension (Paris, Copenhagen and Moscow) as well as at the Paris Summit of 1990 and the second Helsinki Summit of 1992. Adopting the "Charter of Paris for a New Europe," the CSCE States committed themselves to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law and to promote principles of democracy and democratic institutions, including free elections, and the protection of minorities and religious freedoms.

HUMAN DIMENSION MISSIONS

MOLDOVA

31 January - 3 February 1993

The Republic of Moldova invited a CSCE Mission of experts on January 6 to investigate current legislation and implementation of minority rights and interethnic relations. Two experts agreed to participate in the Mission: Prof. Dr. Jur. Erik Siesby of Denmark and Prof. Dr. Jur. Paolo Ungari of Italy. Also, Prof. Marc Almond of the United Kingdom and Mr. Vladimir Weissman of Denmark participated as assistants. Mr. Jacques Roussellier of the ODIHR served as Executive Secretary.

The Mission met with representatives of all political parties as well as with officials of the self-proclaimed Republic of Trans-Dniestria and the self-proclaimed Gagauz Republic. Representatives of the Bulgarian minority in the Teraclia district were also consulted. Additional report on the Mission is nearing completion. It includes comments and recommendations on constitutional and legal questions, the language law, citizenship law, and the law on religious freedom.

In its report the Mission listed nine recommendations:

- fill gaps in legislation and strengthen the judiciary and administration;
- improve the dissemination of information to members of the whole population concerning their rights and duties;
- address the status of currently stateless residents who have not been able to adjust their

- citizenship;
- obligate the State to confer nationality on any children who would otherwise remain stateless at birth;
 - integrate the large majority of non-Estonian persons remaining in the country and provide them with equal rights (including citizenship);
 - facilitate family reunification;
 - create a provision which grants all residents the right to freely travel abroad and to return to Estonia;
 - attend to the cultural and educational needs of all language groups;
 - adapt the language legislation to the conditions of an independent state (States that are historically multilingual such as Canada, Finland and Switzerland were cited as recommended policy models).

On February 4, 1993, the CSO approved appropriations for a six-month CSCE Mission to Estonia. Ambassador Klaus Tornudd of Finland was appointed as Head of the Mission.

ESTONIA

2-5 December 1992

The Republic of Estonia on 28 September 1992 invited a CSCE Mission of experts to study Estonian legislation in the areas of citizenship and language, especially regarding minority rights. This mission broke new ground, as the Estonian government requested that the experts compare and contrast the Estonian situation not only with CSCE standards but also with universal norms. Two experts agreed to serve as members of the Mission: Professor Christian Tomuschat of Germany and Dr. Klaus Tornudd of Finland. They were accompanied by Dr. Ulrich Brandenburg of Germany, Ms. Paivi Kaukoranta of Finland and ODIHR Deputy Director Jack Zetkusic, who served as Executive Secretary.

The Mission visited Estonia on 2-5 December 1992. Meetings took place in the cities of Tallinn, Tartu, Narva and Kohtla-Järve. Representatives of central and local authorities as well as spokesmen for different groups and communities met with members of the Mission, who concluded that they had unimpeded access to all relevant sources of information.

NOTE ON AVAILABILITY OF MISSION REPORTS:

According to paragraph six of the Moscow document regarding the activation of the Human Dimension Mechanism, a Mission's report is embargoed for a period of three weeks during which the inviting State examines the report and composes a response in which it describes any action it has taken or intends to take. Distribution of the report is limited prior to discussion at the CSCE Committee of Senior Officials, according to the terms of the Moscow Document. For further information on the availability of mission reports, contact the ODIHR.

HUMAN DIMENSION SEMINARS

TOLERANCE

16 - 20 November 1992

The first Human Dimension seminar, focusing on "Tolerance" took place in Warsaw November 16 - 20, 1992. Delegations from nearly all participating states attended, as well as representatives of non-governmental organisations and international institutions. Three discussion groups met during the conference:

- **DG1: The Role of Educational and Cultural Institutions as well as Media in Promoting Tolerance**, moderated by Mr. R. A. Durler of the Swiss Foreign Ministry. In his summary of the discussions, Mr. Durler reported that most participants recognise the important contribution minority groups make toward society and the need to promote tolerance in the context of education. Also, media's role in developing the perception of tolerance was discussed. It was noted that minority groups still remain underrepresented in wireless programming and activities. Several proposals were put forward to foster the promotion of tolerance in education and mass media. The discussion came to an end with a call to declare November 9 "World Tolerance-Day," as it is the anniversary of both Kristalnacht (1938) and the Fall of the Berlin Wall (1989).
- **DG2: The Role of Local Authorities in Promoting Tolerance**, moderated by Colonel Ronald M. Joe, U.S. Army. The second discussion group concentrated on the role of local authorities. Participants of this group emphasised the crucial role of local authorities in providing basic services for immigrants, such as housing, employment, health care, and education. They also explored the possibilities of how members of groups facing potential discrimination might be drawn into the process of government at the local level. The group discussed how the police "service" (as opposed to the police "force") could promote inter-ethnic and inter-religious tolerance. It also discussed ways to prevent the social marginalisation of minorities.
- **DG3: Legal Issues and Law Enforcement**, moderated by Mr. Richard Kornicki, Head of Race Relations Division of the UK's Home Office. Mr. Kornicki noted two main themes: the place of law in democracy, the value of statistics, training, public opinion, and alternative approaches. All present agreed that CSCE States may have very different problems, however there was consensus on ". . . the need to regard legal sanctions as part of a much wider process of formal and informal measures applicable to different aspects of intolerant behaviour. "

FUTURE HUMAN DIMENSION SEMINARS MIGRATION, INCLUDING REFUGEES AND DISPLACED PERSONS

20 - 23 April 1993 Warsaw

The next Human Dimension Seminar will address issues related to migration. Discussion

groups will be:

- DG 1: Preventing involuntary migration. Topics will include an overview of potential migration flows within and into the CSCE region; and discussion of the root causes of displacement and involuntary migration.
- DG2: Protection of involuntary migrants. Topics will include fundamental norms of international protection (including policy toward third-country nationals, i.e. non-CSCE participating States); different legal systems of protection (asylum status, temporary protection, etc.); and protecting the internally displaced (encompassing a discussion of case studies of successful and unsuccessful protection regimes).
- DG3: Co-operation among international institutions and domestic institution building.

Topics will include a possible presentation by relevant international institutions on developing domestic migration institutions consistent with the CSCE and democratic norms; private humanitarianism and co-operation with the NGO community in refugee assistance and resettlement (with possible contributions by involved NGOs); and managing voluntary ethnic migration and resettlement (with possible presentations by CSCE States with established joint programmes •n ethnic relocation).

Registration forms and complete information on the seminar have been mailed to participating States and NGOs. Those interested in participating should contact the office.

CASE STUDIES ON NATIONAL MINORITIES
ISSUES: POSITIVE RESULTS
24 - 28 May 1993 Warsaw

The third Human Dimension Seminar will take place May 24-28, 1993 in Warsaw. A complete agenda, timetable, and organisational modalities are available. Discussion groups will focus on:

- DG 1: National minorities at different stages of the decision-making process, including advisory and other bodies, elected bodies and assemblies of national minority affairs; role of local government and self administration including different methods of promoting positive results of national minority issues; participation of national minorities in public affairs; trans-frontier co-operation at different levels and in different fields including twinning arrangements and forms of regional co-operation;
- DG2: Implementation, including through "special measures", of existing international instruments, including the relevant CSCE commitments as a means of resolving national minority problems; education in and of the mother tongue, use of the mother tongue in communications with and by authorities; confidence-building measures to foster trust and better understanding among different communities; possibilities of good offices, conciliation and mediation at community and grass-root levels; preservation of national minorities' cultural heritage; role of individuals, non-governmental organisations, and religious and other groups as well as of the media in fostering cross-cultural understanding and improving relations in society and across frontiers.

The Dissuasion Groups will take into account different situations of minorities, in particular: national minorities with compact settlement patterns; national minorities with dispersed settlement patterns; special cases of national minority situations (nowhere in majority, no special trans-frontier contacts).

FREE MEDIA

The final Human Dimension Seminar for 1993 will focus on Media and is likely to take place in November. More details will become available.

MEETINGS AND Seminars

JUDICIAL REFORM AND REFORM OF LAW IN THE REPUBLIC OF MOLDOVA 28-30 January 1993 Chisinau, Moldova

ODIHR sponsored the travel of two experts to the conference: Dr. Paolo Ungari, human rights advisor to Italy's Prime Minister and professor of law at the Free University of Rome and Dr. Eric Siesby, Chairman of Denmark's Helsinki Committee and Professor of Law at the University of Copenhagen. Prof. Siesby delivered a paper on the role of the ombudsman. Prof. Ungari's presentation concerned the means of preparing specialists for the courts. A representative of ODIHR, Ms. Elizabeth Winship, accompanied the professors and made a presentation on the ODIHR's organisation of and participation in seminars on topics within the Human Dimension. Discussion groups met on the third day of the conference which facilitated the open exchange of views and information. Experts from North America, Europe and Australia participated in the conference.

SEMINAR ON CITIZENSHIP AND LANGUAGE LAWS IN THE NEWLY INDEPENDENT STATES OF EUROPE 9-10 January 1993 Copenhagen, Denmark

This seminar was organised by the Danish Helsinki Committee's Chair, Prof. Eric Siesby. ODIHR Deputy Director Jack Zetkusic attended the seminar, which was co-sponsored by ODIHR. The seminar brought together national experts from the Baltic states and the former republics of Yugoslavia along with international experts. They compared their experiences in drafting language and citizenship legislation that meets CSCE and other international standards and made recommendations for improving this process. The organisers of the seminar are now considering arranging a follow-up seminar to review citizenship and language laws in other former Soviet states.

SEMINAR ON CONSTITUTIONAL LAW 27-29 November 1992 Perugia, Italy

At the request of some of the newly admitted participating States, the ODIHR organised a seminar on constitutional law for the Islamic republics of the former Soviet Union. The Seminar was considered a follow-up to a similar meeting which had been previously organised by the Council of Europe in Istanbul.

Representatives of the governments of Azerbaijan, Kazakhstan, Kirgizstan, Tajikistan and Turkmenistan gathered in Perugia at the Centre for Research and Documentation on CSCE, November 27-29, 1992. The government of Uzbekistan did not send a representative. Also, Prof. Sabuncu representing Turkey participated. This seminar was in co-operation with the European Commission on "Democracy and the Law" as represented in Perugia by Mr. Jamhcek, president of Slovenia's Constitutional Court and by Dr. Thomas Market, Secretary of the Commission. Other participants included Prof. Barberini, Director of the Centre and, as experts to the seminar, Professors Luciani, Volpi and Raveraira, professors of constitutional law at the university of Perugia and Professor Castro, a specialist in Islamic law from the

University of Rome. The work of the seminar was organised and directed by Ambassador Luchino Cortese, Director of ODIHR.

Intensive discussion focused on the question of how best to draft the new constitutions with a view to establish true democratic systems. As a result, several concrete proposals and suggestions for the formulation of such systems were put forward, in particular on the issues of: form of government, the judiciary system, problems of minorities, systems guaranteeing human rights and freedoms, system of sources of the law, and additionally, property and family laws. The latter proved to be particularly difficult and complicated, as there has never existed in these regions a recognition of the concept of private property and because family rights have always been governed by the law of the Koran.

Some delegations presented already well developed constitutional projects, that of Kirgizstan being defined most concretely. Lively debate took place concerning the grave problems these countries face, given that they must adapt but not necessarily copy models of western institutional systems from so great a distance.

The participants concluded by giving precise definition to several principle issues of significance in a constitutional democracy. In particular a formula was suggested for the adoption of the principles in the CSCE Copenhagen document concerning the rights of minorities.

NEWS FROM THE ODIHR

HIGH COMMISSIONER FOR NATIONAL MINORITIES

Mr. Max van der Stoel of the Netherlands was officially appointed at the CSCE Committee of Senior Officials in Stockholm on December 15, 1992. The decision to create this position was taken in Helsinki in 1992 and is defined under section II, paragraphs I-37. To quote from paragraph 3, the High Commissioner's mandate is to ". . .provide 'early warning' and, as appropriate, 'early action' at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention or/ and action by the Council or the CSO. "

Correspondence to the High Commissioner may be sent to:

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CSCE High Commissioner on National Minorities
Prinsessegracht 22
P.O. Box 22
2500 EB - The Hague
Netherlands
Tel. 31-70-3622588 Fax 31-70-3635910

THE CSCE IMPLEMENTATION MEETING ON HUMAN DIMENSION ISSUES 27 September - 15 October 1993

A three-week meeting will convene in Warsaw for all participating States to review implementation of CSCE Human Dimension commitments.

"HUMAN DIMENSION HANDBOOK"

The CSCE ODIHR publication, "Human Dimension Handbook" for Human Dimension mechanism experts/rapporteurs and election observers has been distributed at the CSCE Stockholm meeting. It will be updated shortly and will be available to all interested parties upon request.

Mr. Max van der Stoel previously served as U.N. Special Rapporteur to the Commission on Human Rights on Iraq. Earlier positions of note include Netherlands' Ambassador to the UN. and Netherlands Foreign Minister. Mr. van der Stoel has been involved with national minorities questions since the signing of the CSCE Copenhagen Document and is pleased to be the first to take this ground-breaking role in the CSCE.