



**HUMAN DIMENSION SEMINAR  
ON HUMAN RIGHTS:  
THE ROLE OF FIELD MISSIONS**

**CONSOLIDATED SUMMARY**

**Warsaw, 27 - 30 April 1999**

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## **I. INTRODUCTION**

The Human Dimension Seminar on Human Rights: the Role of Field Missions was held in Warsaw on 27 – 30 April 1999. The Seminar was organised by the Office for Democratic Institutions and Human Rights (ODIHR).

The Seminar was the fifteenth in a series of specialised Human Dimension Meetings organised by the ODIHR in accordance with the decision of the CSCE Follow-up Meetings in Helsinki in 1992 and Budapest 1994. The previous seminars were devoted to: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Drafting of Human Rights Legislation, (September 1995), Rule of Law (November/December 1995), Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996), Administration and Observation of Elections (April 1997), The Promotion of Women's Participation in Society (October 1997) and Ombudsman and National Human Rights Protection Institutions (May 1998).

The seminar addressed a number of specific issues related to the role of human rights and field missions in conflict and crisis situations, as well as to the role of field missions in promoting and protecting human rights.

The meeting was not mandated to produce a negotiated text. A summary report prepared by the rapporteurs of two working groups was presented at the final plenary meeting of the Seminar and is included in Section VII of this report.

## **II. AGENDA**

1. Opening of the Seminar
2. Plenary: Keynote speeches.
3. Discussion in two Working Groups.
4. Summing up and closure of the Seminar.

## **III. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES**

1. The Seminar was opened on Tuesday, 27 April 1999 at 3 p.m. in Warsaw. It was closed on Friday, 30 April 1999 at 12 noon.
2. All Plenaries and Working Groups were open to all participants.
3. The closing Plenary, on Friday morning, focused on practical suggestions for dealing with the issues raised during the Working Groups.

Working Group 1:            *The Role of Human Rights and Field Missions in Conflict and Crisis Situations*

Topics included:

- Creating confidence and easing tensions;
- Protecting civilians;
- Interaction between field missions and the parties to a conflict;
- Human rights in the context of “frozen conflicts”;
- Human rights as an integral part of political settlements of conflicts;
- Monitoring and reporting procedures;
- Recruitment procedures and training;
- Regional co-operation between field missions responding to similar conflicts;
- Co-ordination with other international activities.

Working Group 2:            *The Role of Field Missions in Promoting and Protecting Human Rights*

Topics included:

- Interaction between OSCE Missions and other OSCE institutions to introduce and promote sustainable human rights to local actors (state officials, NGOs, media, etc.);
  - Setting priorities and raising funds;
  - Political responses to reinforce human rights mandates of field missions;
  - Appropriate field missions responses to human rights violations;
  - Monitoring compliance with human dimension commitments undertaken by host country;
  - Protecting local human rights defenders and building local capacities;
  - Co-operation with international organizations, institutions and NGOs active in the field of human rights.
4. The Plenary and Working Group meetings took place according to the Work Programme.
  5. An ODIHR representative chaired the Plenary meetings.
  6. Standard OSCE rules of procedure and working methods were applied at the Seminar.
  7. Discussions were interpreted into all six working languages of the OSCE.

## IV. PARTICIPATION

The Seminar was attended by a total number of 177 participants. Representatives from 42 participating States of the OSCE took part in it. The delegations of three Mediterranean Partners for Co-operation, Algeria, Egypt and Israel, as well as one Partner for Co-operation, Korea were also present.

In addition seven international organisations were represented: the Council of Europe, International Committee of the Red Cross, International Labour Organisation, UNESCO, United Nations Development Programme, United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees.

At the seminar 31 representatives of 24 non-governmental organisations were present.

## V. SUMMARY OF PROCEEDINGS

The seminar was opened by the Director of the ODIHR, Ambassador Gérard STOUDMANN. The keynote addresses were delivered by the Minister of Foreign Affairs of Poland, Prof. Bronislaw GEREMEK, the Head of the OSCE Kosovo Verification Mission, Ambassador William WALKER, and the Deputy High Representative in Bosnia-Herzegovina, Mr. Ian MARTIN.

Opening contributions were made by 11 national delegations and two international organisations.

During the seminar two Working Groups met. The topics were divided as follows:

**Working Group 1:** *The Role of Human Rights and Field Missions in Conflict and Crisis Situations*

**Moderator:** Mr. Paul LaRose EDWARDS, CANADEM

**Rapporteur:** Dr. Randolph OBERSCHMIDT, Head of the Democratisation Section of the OSCE ODIHR

**Working Group 2:** *The Role of Field Missions in Promoting and Protecting Human Rights*

**Moderator:** Ms. Ann Marie BOLIN PENNEGÅRD, Deputy Head of the Permanent Delegation of Sweden to the OSCE

**Rapporteur:** Ms. Elaine KONKIEVICH, Senior Mission Liaison Officer of the OSCE Conflict Prevention Centre

The closing plenary meeting was chaired by the Director of the ODIHR. The Rapporteurs presented their report. Statements on behalf of 7 national delegations, one international organisation and one NGO were made.

## **VI. PLENARY MEETING**

[Note: only those keynote speeches which were publicly distributed in text form are included here.]

### **OPENING STATEMENT BY PROF. BRONISLAW GEREMEK Minister of Foreign Affairs of Poland**

Mr. Chairman,  
Distinguished delegates,

This seminar is to address a central issue in the activities of the OSCE. The efforts to uphold the Human Dimension values are pivotal for the OSCE's strategy to build a new stability and prosperity in the Euroatlantic space. We have learned beyond doubt that violation of these values constitutes one of the most essential root causes of tensions and conflicts. Accordingly, there is no better conflict prevention instrument than to ensure the observance of human rights and fundamental freedoms. The OSCE Human Dimension is also the key method in finding a durable solution to conflicts. No post-conflict rehabilitation is possible without the full restoration of Human Dimension values.

The OSCE can be proud of being a framework where these values acquired an absolute priority surmounting the traditional walls of national sovereignty. Human Dimension commitments became matters of direct and legitimate concern to all States. They no longer belong exclusively to the internal affairs of any State.

The OSCE can be also proud that it instituted the principle of solidarity urging us to act when these values and commitments are violated. To act means to assist when necessary, to mobilize public opinion, to persuade, to exert pressure.

Mr. Chairman,  
Notwithstanding these achievements, there is no room for complacency. Yes, we often say that Human Dimension constitutes the heart of the OSCE. But we do have to face the reality: this heart is bleeding today. The policy of ethnic cleansing and mass violation of fundamental rights pursued by the Serbian authorities represents an assault on the common values and standards. Hundreds of thousands of Kosovars have gone through terrible suffering and humiliation.

We all have feared this tragedy but hoped that it could be avoided. Three years ago the International Commission on the Balkans established by the Aspen Institute and the Carnegie Endowment submitted its report under the title: "Unfinished Peace". The Commission warned that the longer the solution to the Kosovo problem is delayed the greater the risk of conflagration. I was a member of that Commission. I feel personally disappointed that despite all the early warnings and constructive recommendations the conflict broke out.

The international community, the OSCE included, has done a lot to prevent it. It had however to resort to the use of force. These actions cannot be stopped until the common human dimension values and standards are restored there. It is the only way to durable peace. Kosovars should feel re-assured about it.

Our actions send a strong signal. The declarations that we have made to demonstrate the readiness to act in defence of common values should be taken seriously. Our determination can and will be decisive and lasting. It will not be restricted to Kosovo. No case or area of human rights violations should escape our concerted action. There should be and there will be no double standards. The credibility of our actions around Kosovo requires to say it openly and firmly.

The tragedy in Kosovo is a painful blow to our vision of tolerant and mutually enriching multiethnic and multicultural society. Separation takes the upper hand over co-existence. I cannot, however, believe that this is the true choice of the people in the Balkans. I strongly disbelieve that Serbs and Albanians, or Croats and Bosniaks cannot follow this vision of tolerance and mutual enrichment of cultures. I dismiss the supposition that the Balkans are doomed to be Europe's theatre of the clash of civilizations. I cannot but repeat what we wrote together in the Unfinished Peace: "Ethno-linguistic tensions in some Western countries are no less acute than in the Balkans. The main difference is that in liberal democracies they are not in most cases considered a "security" risk because they take place in a civil society with a rule of law, where there are institutional mechanisms to manage and defuse them."

Distinguished delegates,

The settlement for Kosovo as much as the stability in neighbouring areas, including in Bosnia and Herzegovina, will require from us to be prepared for a long-term and comprehensive engagement in civil-society building in the Balkans. Those people look for a ray of hope. A new plan for a regional economic restoration is needed to break the circle of poverty and frustration. Nobody should feel a pariah of Europe.

This plan should be accompanied by a comprehensive strategy for civil society building in the region. I would invite the OSCE to start elaborating such a strategy. The experience of the existing field missions - in Bosnia-Herzegovina, Croatia, Albania, former Yugoslav Republic of Macedonia as well as the OSCE Kosovo Verification Mission can be particularly helpful. Let us consider what kind of regional arrangements and institutions are needed, what should be the immediate and long-term objectives, what role should be played by international institutions and how to ensure the synergy of their efforts, what kind of resources are necessary. We would need a framework, which would put together all the individual actions and at the same time would demonstrate our preparedness for a long-term and intensified engagement.

Mr. Chairman,

I am aware of the fact that there are fears in other regions of Europe that the focus on the Balkans will make the conflicts that they suffer from - "forgotten" ones. There are several conflict areas where the situation on the ground remains stable, no hostilities and immediate tensions are likely to erupt, but where no breakthrough toward settlement is in sight. We must ensure a positive dynamics in peace diplomacy and break the syndrome of frozen conflicts in situations like the one around Transnistria, Abkhazia, Ossetia or Nagorno Karabakh. The OSCE missions play there a praiseworthy local role. Yet I have a feeling of personal disappointment that, as the Chairman-in-Office I was not able despite my efforts to ensure greater progress.

Let us be, however, clear that no breakthrough is possible without persuasion and, when necessary, a mounting pressure on those who block the progress or those who

have the key to solution but are not determined enough to use it. The OSCE field missions should spare no effort to raise the awareness, to help to move these conflict situations up on the political agenda of the key States and continue their involvement in local diplomacy and civil-society building. It is necessary to enhance the political and operational link between the missions in the field and the permanent institutions of the OSCE.

Mr. Chairman,

Several OSCE missions have predominantly a human dimension monitoring and advisory role. The OSCE added value is its emphasis on co-operative methods. This should remain so. The co-operative approach in the field should not be mistaken, however, for political complacency when basic norms and commitments are challenged. It is our role - the role of governments - to send the necessary political message.

I find it very unfortunate that there are countries even in this - Central and Eastern part of Europe, where political opponents are still put in jail, freedom of speech is not allowed, standards for democratic elections are not respected. The situation in this respect in Belarus gives rise to legitimate concern. It has a negative impact on the stability in the region and in Europe as a whole. We are, in particular, concerned about such facts like the arrest of the former Prime Minister Mikhail Chigir. Those harassed and oppressed should feel that the OSCE is on their side.

Mr. Chairman,

The Human Dimension marks indeed an important step in the cultural and civilizational progress of Europe. Nine years ago in the Charter of Paris all the OSCE States have subscribed to the same values and standards and subsequently have committed themselves to act when these norms are violated. Values were put above politics. The post cold war reality has turned out, however, to be still sometimes at variance with these declarations. There are still people who try to build their political might on the disregard of these values.

Yes, many of us - human rights champions, former dissidents and opposition members, thought that it was enough to dismantle communism and eradicate its practices to ensure the triumph of common values on our Continent. Now we know that we still have to go an extra mile. But we have no doubt that this mile is worth going it. And we will do it. The OSCE can be very helpful in this respect. And the field missions, which won the reputation of the OSCE's success story, can be very instrumental in achieving our objective. I wish you fruitful deliberations.

**OPENING PLENARY ADDRESS – AMB. WILLIAM G. WALKER  
Head of the OSCE Kosovo Verification Mission**

**INTRODUCTION:**

- My first encounter with OSCE was here in Warsaw, at a similar ODHIR seminar - where the primal importance of the human dimension issue to the success of the KVM was repeatedly stressed that was excellent advice.



- The Kosovo Verification Mission's five months in Kosovo, the conditions we verified, the conditions as we left, the conditions that the world has witnessed since our withdrawal, -- all has vividly confirmed that the Government in Belgrade's denial of, and brazen violation of the basic human rights of 90% of the citizens of this province, was the issue.
- So, while the human rights situation in Kosovo remains one of unprecedented horror (at least for Europe over the past 50 years), I believe that any of the 1400 KVM internationals, from 38 member States, who served as "verifiers" could be up here speaking on the subject of "Human Rights: the Role of Field Missions".
- I am honored to represent those who have served with OSCE/KVM, each and every one of whom is frustrated, horrified and angry with the present situation, and every one of whom wants to return to carry on the mission.
- Our greatest fear at present is that the horror stories, the atrocities we have all heard about, coming out of Kosovo since we left, describing human rights violations on a massive scale, will turn out to be grossly under, not overstated.
- It is highly likely, in my opinion, that we have yet to learn the true extent of what Milosevic's security services have done to the people, the homes, the villages of Kosovo's Albanian citizens.

#### LET ME SAY A FEW WORDS ABOUT:

1. How we approached human rights during the Mission's presence inside Kosovo;
2. What we are doing with the issue since we left.

#### 1. WHILE WE WERE IN THERE:

The human dimension issues were always a difficult subject, given:

- The OSCE member state lack of consensus regarding what the mandate permitted, and what it did not. Most Permanent Council members, in an institution ruled by consensus, did not consider it a KVM task to "investigate" human rights and humanitarian law violations. "Verify", "monitor", "inquire" perhaps -- but not "investigate". What mandate there was, was implicit, understood.
- We were always asking ourselves, and being asked by others: How to maintain a semblance of "even-handedness"? Was or wasn't there a moral equivalency between the government's violations, often clothed as actions sanctioned by "law and order" imperatives, - and acts of "terrorism" by what many member states viewed as an illegal, "separatist" gang, i.e., the UCK/KLA?
- Attempting to verify human rights observance, unless you caught the perpetrator red-handed, was extremely difficult in an environment of complete mutual mistrust between the parties. Virtually all violations in Kosovo were "non-attributable". Where no one admits responsibility, if the community on one side

believed you, the other automatically disbelieved. Over time both claimed that we were singling them out for complaint, while overlooking the sins of the other.

- Lack of guidance, standards – whose standards were we to apply? Western European? Those applicable during an armed struggle, between two belligerent forces? Those used by some nations in their efforts to combat “terrorism”?
- Relationship with ICTY – in spite of words in our mandate promising “co-operation” with this UN body, I was advised from the beginning to keep any KVM co-operative effort with the Tribunal “as low key as possible” - for fear that some member states might take offence and object!
- NGO and media pressures were all in the opposite direction. Few among the NGO community were applying the “even-handedness” standard. The question they and the media initially asked was: “Are you here just to observe, monitor, and verify that bad things are happening (we can attest that they are) or to do something about it?”
- Then on January 15-16, the defining moment in our dealing with the human rights situation occurred-RACAK.

In real time, we got to the site of a human rights outrage - an atrocity under any standards that anyone could have applied!

The evidence was there, those responsible evident, the need to speak out and denounce overwhelming.

I called an immediate press conference, described the “massacre” and pinned blame on the security services, which set in motion:

- (1) Belgrade’s vitriolic reaction, denials, cover stories that didn’t hold up;
- (2) International attention to what Racak finally and amply proved about FRY’s behaviour;
- (3) KVM credibility rose dramatically, with the media seeing that we would not just observe, but speak out, and concurrent steadily rising confidence among the victims of human rights abuses that we there to protect; and
- (4) The FRY turning against the KVM presence, seeing it as a danger, and subsequent acts of government hostility, lack of co-operation that led to our withdrawal two months later.

#### MY CONCLUSIONS FROM ALL THIS:

- Although an ill-defined task; often raising controversy with headquarters in Vienna, individual member states, and individual mission members (i.e., some who felt I went beyond “diplomacy” when I could only be “95% sure”); and being criticised for acting from “heart not head” over Racak –

- I'm convinced that mishandling of the human rights aspect of the KVM operation, of appearing to ignore or down-play the issue, of not being as co-operative as possible with others in the field (ICTY, UNHCHR, the NGOs) would have, with complete justification, undermined everything else the Mission was attempting to do.
- On the question of "even-handedness" - this to me is an absurd concept to embrace when one side, especially when it is the government, with all the powers at its disposal to coerce, manipulate with official rationalisations and excuses, is by far the principal abuser.
- While the KLA undoubtedly committed acts of terror (illegal abductions, assassinations of VJ and MUP officers), these were almost always directed at limited military or quasi-legitimate targets. It often accepted responsibility for its "misdeeds", even when its action was to be condemned - for example the wounding of a KVM verifier, abductions, etc.
- The Government performed its most abusive acts on a much larger scale, most often inflicting pain and misery on whole villages, on innocent civilians, never admitting wrongdoing, always concealing its involvement in the most apparent of its crimes.
- Human rights is the issue in the public's mind in today's conflicts, and must therefore be of highest priority for any international field mission's operation.

## 2. WHAT OSCE/KVM IS DOING UNDER PRESENT CIRCUMSTANCES:

- Once out and established in Albania and Macedonia, we defined three tasks, all related to Kosovo:
  1. planning our return;
  2. assistance to Kosovar refugees; and
  3. human rights reporting, as collected from those coming out, and contacts remaining inside.

Difficulties on human rights, many of the same as while we were inside:

Differences of opinions, within Vienna HQs, PC and member state capitals, within the mission itself re the applicability of our original mandate while "temporarily" in Macedonia, Albania;

Relationship with ICTY, always tricky;

Lack of policy guidance, direction from the Permanent Council;

But also a number of new problems:

Sheer scale of the problem - the unprecedented avalanche of refugees, each with their story of mistreatment, abuse, and outrage;

Virtually all non-confirmable, based in the vast majority of cases on second, third-hand accounts;

Pressures from media to comment nevertheless;

Care to be taken of propaganda, exaggerations from both sides; Both sides trying to control “spin” to their advantage - and without our KVM verifiers on-the-ground impossible to determine absolute truth. But we have been faced with overwhelming testimonies that the Kosovars have been systematically brutalised, driven from destroyed homes and villages, victims of mass killings, raped - all because of their ethnicity. Only horrors on this scale would have driven almost three quarters of a million to flee.

The world cannot, must not shy away from recognising these crimes against humanity, denouncing them in the strongest terms; and insisting on prosecution of those responsible.

The human rights community has needs, both short term and longer term-i.e., the need to get a quick and dirty snapshot of the scope of problem, which requires a broad canvassing of as many refugees as possible, as quickly as possible before they scatter to the winds. This versus the longer term quest for in-depth witness description of the most heinous individual cases for possible use in later indictments and trials. We at KVM are going for the broad brush information gathering; in-depth, specific incident investigation will come later.

Sensitivities on part of Macedonia re unwelcome introduction of almost 200,000 refugees - impact on fragile domestic political balance.

#### **BUT, NOTWITHSTANDING ALL DIFFICULTIES:**

Pursuit of the human rights, human dimension aspect of the Kosovo tragedy remains the most important element of what KVM doing. Virtually every one of our 340 plus remaining staff are, in one way or another, actively engaged in this effort. If either we, or the international community, takes our eyes off this aspect of the problem, we could quickly lose our way towards its solution.

Only those in the field, those closest to the stories, the claims, stand much chance of determining where violations have occurred, and should be blamed. While KVM is no longer on the ground in Kosovo, no one else is in a better position to pursue the truth.

Given the mandate, which we believe we have; with proper HQs backing; and sufficient resources - we can, and will, be prepared to re-enter Kosovo in a position to do serious, honest, and extremely necessary work in pursuit of the truth, and of those responsible for perhaps the worse human rights disaster in recent European history.

#### **OPENING PLENARY ADDRESS - MR. IAN MARTIN Deputy High Representative, Bosnia-Herzegovina**

Unlike the other speakers in this opening plenary, I am not now, and I have never been, a member of the diplomatic profession. I am a human rights activist, I hope a human rights professional, who has pursued the same objectives sometimes within non-governmental organisations and sometimes within inter-governmental organisations. I believe I was invited here to speak frankly in a personal capacity, and I should make clear that I am not speaking on behalf of the High Representative in

Bosnia and Herzegovina, and only a little out of my recent experience of Bosnia. I shall speak more from my previous United Nations experience: I have had responsibility in two of the four largest human rights field missions so far deployed by the United Nations, in Haiti and Rwanda, and I have had the opportunity to visit and assess other UN field presences as an adviser to the High Commissioner for Human Rights. But I want to be very clear that today I speak only for myself.

When (after six years as Secretary General of Amnesty International) I took on my first field responsibility as Director for Human Rights of the joint UN/Organisation of American States human rights mission in Haiti in 1993, I was surprised - naive as I then was - that the UN system did nothing to make available to me the relevant experience from its substantial human rights operations already under way in El Salvador and Cambodia. Since that time, I and colleagues from the field who have shared this experience have lobbied the UN to establish a real capability to plan, support and evaluate human rights field work. Assuming-correctly - that this would not instantly be achieved, we have at the same time promoted some comparative analysis outside the UN of our experience. This has in particular taken the form of a project under the auspices of the Aspen Institute, which has produced two publications with recommendations directed primarily at the U N.<sup>1</sup> I believe that our lobbying has had some influence, but so far the UN remains very bad at supporting its human rights presences in the field. My impression is that the OSCE has even further to go.

I say that of course as an outsider to the OSCE, and it would be presumptuous of me to suggest confidently lessons from my limited impressions of the OSCE's experience. What I can do is set out some of the lessons from the UN's experience which I strongly suspect are relevant to the OSCE. If many of the excellent OSCE human rights officers whom I know were speaking here, you would be hearing strong organisational criticism.

One more preliminary remark, addressed in particular to representatives of governments here. Criticisms of the performance of the management of human rights field missions can lead to government reluctance to support continuing or new presences in the field. Sometimes that reluctance is in good faith, but sometimes its motive is to evade funding consequences, which for civilian human rights operations are in fact extremely limited compared to military peace-keeping or intervention. I want to say clearly at the outset that all my experience teaches me that a human rights presence in the field, with as much local outreach as possible, is the most potent tool we have in the protection of human rights in crisis situations. I am proud to have worked for what I believe has been the most effective of the international human rights N G Os, but their efforts cannot begin to have the direct effect of a dissuasive and interventionist presence on the ground, in the limited contexts where that is achievable.

So now I will set out briefly eight lessons which might be useful to this conference.

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<sup>1</sup> *Honoring Human Rights and Keeping the Peace: Lessons from El Salvador, Cambodia and Haiti* (1995), and *Honoring Human Rights: From Peace to Justice* (1998), both ed. Alice Henkin, Aspen Institute, Justice and Society Program.

**1. A human rights field mission must be part of a plausible overall political strategy of the international community.**

The most successful missions, those in El Salvador and Guatemala, have been part of carefully, perhaps slowly but skilfully negotiated overall political processes. The Haiti mission was intended to follow the precedent of El Salvador, with the deployment of observers contributing to an amelioration of the human rights situation and thus improving the context for further political negotiations. In fact, the political negotiations in Haiti collapsed, leading to the evacuation of the human rights mission, and putting at risk its local staff and contacts: thus I quote what we concluded in the 1995 Aspen study: “policymakers should bear in mind that a failed human rights operation can have devastating consequences: it may expose some individuals in the country to danger and constitute a setback for domestic efforts on behalf of human rights for a long time”.

I do not argue from this that one should act only where success is guaranteed. But I do argue that the deployment of a human rights mission must make sense as part of a coherent overall political strategy, and must not constitute a mere attempt to do something in the absence of such a strategy. And there must be a sustained commitment to the protection of those whom the mission encourages to work with it or to assert their rights during its presence.

**2. A human rights field mission must be given a clear mandate and the strongest terms of reference which the national authorities can be persuaded to accept.**

The most successful missions have been those whose mandates have been very clear in the resolutions of the mandating body (the UN Security Council or General Assembly), and in the agreement negotiated with the national authorities, which should further elaborate the mission’s competencies: for example, its absolute right of free movement and access, to interview detainees in private; the undertaking by the authorities that no one in contact with the mission will face reprisals. UN missions in El Salvador, Haiti and Guatemala have been well-defined in these respects, as has the UN Mission in Bosnia and Herzegovina in its human rights and law enforcement mandate. Conversely, UN missions in Rwanda and Angola - and, I think, OSCE missions in Bosnia and Croatia - have had mandates so broadly described that they have struggled long after their deployment to give clear direction to their roles. Mandates should have solid basis in international human rights and humanitarian law, being defined in terms of the human rights standards of the international organisation establishing the mission and the human right obligations of the state accepting it.

These first two lessons suggest an important but as yet little observed requirement: political negotiators whose negotiations are to establish the basis for a human rights mission should be advised by a human rights adviser, whose experience includes the operational consequences of a mission mandate.

**3. A human rights mission should be planned before it is deployed.**

The best UN missions were preceded by preparatory assessment teams, composed of or including human rights experts, which played an indispensable role in further

conceptualising and planning the mission. Their role has included recommending the mission structure best suited to its task, before senior staff are recruited, although ideally the future human rights director should be a member of the preparatory team. In Rwanda, on the other hand, the UN mission experienced the disastrous consequences of recruiting and deploying staff to the field when little definition had been given to the role and none to the managerial structure of the mission, and leaving it to a director to struggle to sort it out on the ground.

Where the human rights mission is one component of a larger mission, the structural relationships between the different components must be clarified at the outset. They should be such as to guarantee the integrity of human rights reporting, and its independence from ongoing political negotiations or election supervision; they should assure the director of the human rights component adequate seniority, usually meaning direct reporting to the overall head of mission; they should establish an appropriate relationship between the human rights component and police, military and other components according to their mandates; and they should ensure that the human rights component is responsible for or fully involved in all human rights related institutional reform.

#### **4. A human rights mission should reflect an integrated approach to protection and promotion, monitoring and institution-building.**

The balance of monitoring and institution-building within a human rights mission will vary according to the gravity of current violations or positive context for reform. But to quote the 1998 Aspen study, “perhaps the most important operational lesson from the field mission experiences is the essential complementarity between human rights monitoring and institution-building”. Human rights monitoring can identify problems with the armed forces, the police, the judicial system, prisons and other areas of concern, while institution-building assistance helps to ensure that those concerns are addressed; monitoring in turn provides feedback on the effectiveness of institution-building projects in actually improving respect for human rights.

There has been positive and negative experience in UN missions in achieving that complementarity in practice. But if I may here allow myself a direct observation on OSCE practice, it seems to me that the current organisational distinction between human rights and democratisation is extremely unhelpful in pursuing a properly integrated approach. A human rights mission must have the staffing and resources not only to monitor and report, but also to engage in human rights institution-building.

#### **5. Quality of staffing and targeted recruitment is crucial to performance.**

The fact almost everyone now agrees on the importance of human rights work does not mean that almost anyone can do it well. There is such a thing as professionalism in the human rights field, even if it is not easy to define in what it consists: certainly not in a degree in international law alone, or in dealing with the Commission on Human Rights in a foreign ministry. In my opinion, which is no doubt biased but is also field-tested, the best professionalism has been developed in the best human rights N G Os. But the key point is that at its core a human rights field mission must have a critical mass of real human rights professionalism.

When I was involved in the recruitment of some 200 human rights observers for Haiti in 1993, there were few people then available with both human rights and field experience. That pool has grown immensely in the last five years, but it is not necessarily the best of them who get recycled from one UN mission to another, or from UN missions to the OSCE. Both the UN and the OSCE have much to do to improve the quality of recruitment.

And here the OSCE has one enormous handicap: the extent of its dependence on secondment by governments. With no disrespect to some outstanding individuals, reliance on secondment is unsatisfactory for both the quality and the stability of staffing. It is crucial that OSCE missions are able to undertake direct, targeted recruitment of that critical mass of human rights professionalism. And the determination of individual governments to appoint to particular posts is idiotically counter-productive to good mission management. One more important lesson: setting up and managing a field mission is a much harder managerial challenge than management within an established bureaucracy, and field managers must be chosen for proven managerial capability.

## **6. High priority must be given to training and field guidance.**

Often lip service is given to the importance of training, but it never quite materialises in practice. Sometimes there is resistance even to accepting its importance, as I am told was the case at the beginning of the OSCE missions in both Bosnia and Croatia. In Haiti in 1993 we gave groups of human rights observers three weeks training, including introduction to the local language, on arrival, and I cannot exaggerate its importance to the quality of the mission; I can make the opposite observation regarding the beginning of the Rwanda mission. Pre-mission training or briefing is useful, but it is not a substitute for in-country training, which must be country- and mandate-specific “how-to” training, and must bind together different national groups in a common purpose.

Of course you cannot train people in how to do things without having decided what they are supposed to do: the key methodological component of training requires that the direction of the mission has established clear policies for the application of its mandate. In Haiti and Guatemala, mission-specific field guidance was issued within a few months of the deployment of the mission: unfortunately, the experience in Rwanda, and I believe OSCE Bosnia, where no field guidance existed more than a year after deployment has been more typical. Such guidance must be constantly reviewed and revised to reflect experience in the field.

## **7. An intergovernmental organisation engaged in human rights field work must build an institutional memory in a specialised human rights field unit, and use this to plan, support, guide and evaluate its missions.**

The key recommendation of the 1995 Aspen study was this: “The operations in El Salvador, Cambodia and Haiti have all had an ad hoc character that was at least partially understandable in view of their unique nature and the need to set them up so quickly. However, there will be less excuse for such improvisation when similar missions are deployed in future... A specialised unit within the UN system should be established...able to assess missions during and after their service. It should debrief



outgoing mission staff in order to benefit from their experience and begin building an institutional memory within the system. The unit would develop policies and guidelines for mission operations, and organise pre-deployment field assessment missions. The unit should be responsible for initiating professional recruitment. It would create pools of competent and trained personnel available on short notice; develop and disseminate codes of conduct, training manuals and handbooks; and organise special training programs, including induction training.”

I offer this same recommendation to the OSCE, but with a sad reflection on how long it has taken the UN to move in this direction. In 1995 we took the Aspen study to three Under-Secretaries-General: the Departments of Peace-keeping Operations and Political Affairs in New York, and the High Commissioner for Human Rights in Geneva. All agreed on the importance of this key recommendation. There was no agreement, however, as to within what department such a unit should be established, and the way in which these departments would then work together. I note with hope that the distance from Vienna to Warsaw is much less than the distance from New York to Geneva.

**8. There should be a single head with executive authority over all the major field presences in a country.**

This final lesson is one which in my opinion is of primordial importance in how one establishes multi-dimensional field missions or the overall international presence in a post-conflict situation. I have some experience of the classic UN peace-keeping structure, in which a single civilian has in-country authority over the military Force Commander, the Police Commissioner, and the Directors of Political, Electoral, and Human Rights/Rule of Law Components, as well as coordinating responsibility for the agencies with specific mandates for refugee protection, relief and rehabilitation and development. It doesn't mean that cooperation and coordination is easy, but it gives them the best possible chance. I now have some experience of post-Dayton Bosnia - and now I really must make clear that I do not speak for my current employer, the High Representative. I believe that the configuration of international organisations in Bosnia is severely dysfunctional, and I find this view shared by the great majority of committed people working within any of them. Areas of work which should cooperate most closely are divided by boundaries between and within organisations: police supervision, human rights monitoring and rule of law institution-building. Areas of work which are best kept apart - human rights monitoring and election supervision - have been too closely related. Overlapping mandates produce an international presence which is both much more expensive and less effective than it needs to be, and a nightmare to attempt to coordinate.

I hope that the OSCE, and the governments which have a part in shaping the mandates of all the intergovernmental organisations, will reflect well on the lessons of Bosnia. I hope that, even if only under the pressure of shrinking budgets for Bosnia, the mandates of international organisations there will be radically reconfigured: leaner and cheaper really can mean more effective in Bosnia. And I hope that the governments and the international organisations will do a great deal better in designing the international presence in post-conflict Kosovo.

## VII. RAPPORTEURS' REPORT

MS. ELAINE CONKIEVICH AND DR. RANDOLF OBERSCHMIDT

All of the discussions and contributions of participants emphasized the importance of field missions in the protection and promotion of human rights. Although every mission is specific and although there are different approaches to the tasks and definitions at hand, some overarching understanding emerged about essential guidelines in the context of field operations in the area of human rights.

These guidelines can be summarized as follows:

- 1. First and foremost the responsibility for the promotion and protection of human rights lies with the participating states.*
- 2. Human rights are an integral part of all field missions, reflecting the participating state's commitment to OSCE principles and obligation under international human rights law.*
- 3. Human rights are an integral part of long term security and stability building, which can be achieved best by co-operation and co-ordination within the OSCE family and among international and local actors.*
- 4. The successful implementation of human dimension issues is inalienably linked to an overall integrated and consistent approach.*

While the specific elaboration of the above guidelines is to be done at a later stage, concrete recommendations follow from the discussion of participating states, international organizations, OSCE institutions, international and local NGOs, which are to serve as a basis to meet these guidelines. The recommendations have been grouped according to addressee and then by topic.

- Consolidated Summary of Recommendations on the Role of:**
- 1) human rights and field missions in conflict and crisis situations**
  - 2) field missions in promoting and protecting human rights**

### **I. Recommendations for the Field Level**

#### **Mandate**

- missions should be able to redefine and specify their tasks in an operational manner in the framework of the mandate
- devote more attention to the sensitivity and confidentiality of local human rights partners, using as a guide the UN Declaration on Human Rights Defenders
- spread more information about the OSCE in general and the particular mission mandate to people and institutions in the host country

## **Co-operation/Co-ordination**

- divide tasks among actors based on complementarity (who is doing what best) in co-ordination with the headquarters, to include sharing information on tasks
- international organizations should strive to speak with one voice
- consultations between international organisations on the political level must be followed on an operational level
- regularly and readily share reports among the different players
- increase the cross-border/regional co-operation and contact with other OSCE field missions

## **Sustainability**

- train local authorities and NGOs to build up lasting capacities
- include local partners into planning and decision making
- avoid the establishment of dependencies of local societies and institutions on international organisations

## **Monitoring/Reporting**

- take into consideration best practices like periodical progress reporting on the implementation of the mission mandate
- link monitoring to project development
- identify and seek to address systemic problems, while not neglecting individual cases
- establish regular and structured reporting procedures

## **Institutional Memory**

- elaborate more systematic approaches for the collecting, categorizing, and updating of information for handover purposes
- utilize local staff for maintaining institutional memory
- conduct internal as well as external evaluations to assess progress on the implementation of the mission mandate

## **Staffing**

- give missions primary possibility for the selection of appropriate incoming mission members
- forward to the participating states specific job descriptions and give them feedback on seconded staff
- implement a mechanism for the evaluation of mission members' performance

## **Budgeting/administration/logistics**

- missions should be more involved in budgeting procedures and have higher levels of expenditure discretion

## **II. Recommendations for Headquarters and Institutional Level**

### **Mandate**

- conduct needs assessments before and after deploying missions
- develop a clear, defined exit strategy

### **Co-operation/Co-ordination**

- use the experience and expertise of other actors to achieve synergy of efforts
- provide the field with timely information on activities occurring at the headquarters level
- produce more materials on OSCE and its commitments for use in the field in languages other than English
- where possible develop projects with other international organizations in the field

### **Monitoring/Reporting**

- update guidelines on reporting procedures

### **Institutional Memory**

- improve procedures for the de-briefing of outgoing mission members
- use the knowledge of the missions to collect information and develop best practices for the OSCE (roster of experts, organizational charts, lessons to learn)

### **Staffing**

- extend the length of assignment period beyond 6 months to lead to continuity and build institutional memory
- systematize a program for mission members to meet and compare notes and share experiences
- involve and recruit more women at all levels of work in field missions
- consider possibilities to include disabled persons into mission activities

### **Training**

- focus training on the mission specific tasks and challenges and not just on international law and standards
- elaborate working manuals for field missions on human dimension and human rights protection
- ensure that gender issues are integrated into the training process
- take rapid action to implement the capacity building through training strategy of the OSCE
- institute mechanisms for learning across missions

### **III. Recommendations for Participating States/Chairman-in-Office**

#### **Mandate**

- define mandates promptly in order to help in the planning phase
- have a consultative process while developing mandates, without losing sight of flexibility
- create mechanisms for the protection of local staff

#### **Co-operation/Co-ordination**

- improve the flow of communication between and in the capitals on the activities of international organizations

#### **Staffing/Training**

- prepare rosters of qualified human rights personnel for rapid deployment, consult with relevant NGOs in this process
- identify people with field experience and interview them before assigning them to appropriate posts and functions
- bureaucratic procedures should be simplified in order to send personnel quickly to the field
- build training capabilities and inform the OSCE of what training measures are undertaken in the seconding country
- create a fund from voluntary contributions to recruit highly qualified specialists who can not be seconded for financial reasons
- strengthen the operational capacity of the Secretariat to better assist the missions
- take a decision in order to enable the development of the necessary guidelines and manuals for human rights work in the field
- establish some common criteria for human rights field officers without losing a flexible approach

#### **Funding**

- provide funds in mission budgets for small-scale, immediate project needs in the human dimension field

## VIII. INDEX OF DOCUMENTS

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- UNITED STATES OF AMERICA** 8 1. Opening statement of Ambassador Norman Anderson, Head of the U.S. Delegation, April 27, 1999
- NORWAY** 6 1. Program of a seminar "Culture and conflict prevention", 20-21 May 1999, Bergen, Norway  
19 2. Statement by Foreign Minister Knut Vollebaek, OSCE Chairman in Office, Vienna, 28 April 1999  
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21 2. Report of the Authorized Person of the Ojly Majlis for Human Rights (Ombudsman) of the 1998
- POLAND** 9 1. Statement by prof. Bronislaw Geremek, Minister of Foreign Affairs of Poland at the OSCE seminar "Human Rights: the Role of Field Missions" Warsaw, 27 April 1999
- RUSSIAN FEDERATION** 5 1. Statement in the plenary session, 27 April 1999 (IN RUSSIAN)  
16 2. Contribution to the first meeting of working group 1 (IN RUSSIAN)
- HOLY SEE** 23 1. Statement at the closing plenary meeting, Warsaw, 30 April 1999
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### **JACOB BLAUSTEIN INSTITUTE FOR HUMAN RIGHTS**

- 26 1. The front line of OSCE: Field Missions, Human Rights, and Democracy Building. Recommendations for OSCE Field Activities

## **ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

### **OSCE Presence in Albania**

- 12 1. Concept Paper: Development of the OSCE Human Rights Alert Program
- 13 1. Memorandum " OSCE Presence Philosophy for the Implementation of Legal System Development Projects in Albania"
- 14 1. Annual Activity Report (March 9, 1998 through March 8, 1999)