

C S C E
Office for Democratic Institutions and Human Rights

**CSCE SEMINAR ON EARLY WARNING
AND PREVENTIVE DIPLOMACY**

CONSOLIDATED SUMMARY

WARSAW, 19 - 21 JANUARY 1994

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SEMINAR ON EARLY WARNING AND PREVENTIVE DIPLOMACY**

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**INDEX OF DOCUMENTS DISTRIBUTED THROUGH THE ODIHR SECRETARIAT
DURING THE SEMINAR**

I. INTRODUCTION

The CSCE Seminar on Early Warning and Preventive Diplomacy took place in Warsaw on 19-21 January 1994.

The Seminar was organized by the Office for Democratic Institutions and Human Rights on the basis of the recommendation of the Third Meeting of the CSCE Council in Stockholm in 1992. The Council "... requested relevant CSCE institutions, in particular the ODIHR and the CPC, to organize seminars to help share experience and increase knowledge of issues and techniques in the fields of early warning and peacekeeping."

The Seminar on CSCE Peacekeeping was organized in June 1993 in Vienna.

The Seminar was not mandated to produce negotiated texts, but summary reports prepared by the moderators of the three workshops were presented in the final plenary meeting.

II. AGENDA

1. Opening of the Seminar.

Keynote speech by the CSCE High Commissioner on National Minorities.

Contributions by the representatives of invited international organizations.

2. Discussion on early warning and preventive diplomacy, including: early warning methods and indicators, reviewing existing mechanisms and the role of NGOs.

3. Summing up and closure of the Seminar.

II. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES

1. The Seminar will open on Wednesday, 19 January 1994 at 10 a.m. in Warsaw. It will close on Friday, 21 January 1994.

2. All Plenary meetings and Workshops will be open.

3. Agenda items 1, 2 and 3 will be dealt with in the Plenary. In addition, the closing Plenary, scheduled for Friday morning, will focus on discussion on practical suggestions for dealing with the issues and problems raised during the Workshops.

4. Agenda item 2 will be dealt with in the Plenary, as well as in the three Workshops:

WORKSHOP A: Early Warning methods and indicators, including CSCE institutions

Topics may include:

- Role of the CSCE HCNM;
- Experience of the ODIHR;
- Conflict Prevention Centre;
- CSCE preventive diplomacy missions;
- Comprehensive package of peaceful settlement measures;
- Role of the Chairman-in-Office, General and Permanent Committee;

WORKSHOP B: Review of existing early warning mechanisms

Topics may include:

- Human Dimension Mechanism;
- Mechanism for consultations on military activities;
- Valetta Mechanism;
- Mechanisms for direct political action;

WORKSHOP C: Role of NGOs in the overall context of preventive diplomacy and early warning

Topics may include:

- The NGO role in developing democratic institutions;
- NGOs and the CSCE (in accordance with Chapter IV of the Helsinki Document 1992);
- Cooperation with international organizations.

5. Meetings of the Plenary and Workshops will take place according to the attached work programme.

6. The ODIHR representative will chair the Plenary meetings.

7. The ODIHR will invite the Chairmen/Moderators to guide discussion in the Workshops. ODIHR representatives will assist them.

8. Standard CSCE rules of procedure and working methods will be applied at the Seminar.

III. PARTICIPATION

The Seminar was attended by a total of 156 participants. Representatives of 39 participating States took part in it. The delegation of a non-participating State, Japan, was also present.

In addition 9 international organizations were represented (CoE, NATO, WEU, CIS, NAA, UNHCR, ILO, UNDP and ICRC), but also 19 non-governmental organizations.

IV. SUMMARY OF PROCEEDINGS

The Seminar was opened by the Director of the ODIHR, Ambassador Luchino Cortese. The keynote address was delivered by CSCE High Commissioner on National Minorities Mr. Max van der Stoel. Opening contributions were made by 12 national delegations and 4 international organizations.

During the Seminar one panel discussion and two workshops were organized. The topics were divided as follows:

Workshop A - Panel Discussion - Early warning methods and indicators, including CSCE institutions

Moderator: Ambassador Rauno VIEMERÖ (Finland)

Panelists: Rob ZAAGMAN (Adviser, Office of the HCNM),
Jack ZETKULIC (Deputy Director of the ODIHR),
Antti TURUNEN (Diplomatic Adviser, CPC),
Fabio CRISTIANI (Chairman-in-Office, Italy)

Workshop B: - Review of existing early warning mechanisms

Moderator: Prof. Arie BLOED (The Netherlands)
Heinz VETSCHERA (Senior Assistant, CPC)
ODIHR: Jack ZETKULIC

Workshop C: - Role of NGOs

Moderator: Dr Gabriele WINAI-STRÖM (Balkan Group and Group)
ODIHR: Elizabeth WINSHIP

Closing plenary meeting was chaired by the director of the ODIHR. The Moderators Presented their reports and statements on behalf of 7 national delegations were made afterwards. The meeting was also addressed by the representative of the CSCE Secretariat.

V. PLENARY MEETING - KEYNOTE SPEECH BY AMB. MAX VAN DER STOEL CSCE HIGH COMMISSIONER ON NATIONAL MINORITIES

[Introduction]

Mr Chairman,

Capital invested in conflict prevention is capital well spent. In humanitarian, financial and political terms conflict prevention is much cheaper than peacekeeping or rebuilding societies after a violent conflict. Early warning and preventive diplomacy are essential components of this core CSCE activity and deserve the intellectual and political focus which I hope this seminar will provide. This is also important because we frequently speak about this activity without having really thought through what we mean by it.

Early warning activities can only be as effective as the political response by the participating States to it. The success of preventive diplomacy ultimately depends on the concrete political and other support they are prepared to invest in it. The central question is of course what happens if the early warning system does produce a warning, whatever form it may take. One essential precondition for a timely and effective response forthcoming would seem to be that the participating States have an open eye for longer-term developments with a view to anticipating future crises and not only pay attention to already existing crises. Of course alarmism and precipitate actions have to be avoided. But it is never too early for a realistic assessment of worrisome developments.

Mr Chairman,

Having said this, I would like to stress that it is first and foremost up to the individual participating States to prevent conflict from arising, either on their territory or in their international relations. I would stress here that conflict prevention is of relevance not only to international relations but equally to internal developments. Many tensions which may lead to conflict are caused by intra-state factors or policies which may spill over into interstate relations, producing international tensions. Obviously it is States themselves which are responsible for developments within their own territory. States which fully respect the CSCE commitments to democracy and human rights, including the rights of persons belonging to minorities, are contributing to peace and stability because their political systems provide guarantees against intra-state conflicts. Experience shows, moreover, that it is dictatorships, not democracies, which are often prone to aggressive policies.

If the efforts of individual States should fail or if they need outside advice and assistance, they themselves should be the ones to signalize this. I realize that this is an ideal which is somewhat removed from present-day reality and in the following I would therefore concentrate mainly on CSCE conflict prevention.

As a last introductory remark I would say that there should also be conflict prevention with regard to post-conflict situations. Even if violence has come to an end, very often the underlying causes which

led to the conflict have not been removed. In situations in which the threshold between non-violence and violence had already been crossed before, renewed armed clashes are not unlikely.

[CSCE instruments]

Mr Chairman,

We need to clarify our thinking about what we mean by 'early warning' and 'preventive diplomacy' and what we think they should achieve. Only then can we assess the performance of the CSCE conflict prevention instruments and if necessary improve them.

Given the CSCE's comprehensive approach to security, many CSCE instruments can be considered to have early warning aspects. In the military sphere there are what one might call the traditional confidence- and security-building measures, entailing a detailed and sophisticated verification regime, and CSCE States dispose of the procedural options of discussing at short notice so-called unusual military activities or military activities of a hazardous nature. More generally applicable are such CSCE tools as the emergency mechanism adopted in Berlin 1991 and various procedures for the peaceful settlement of disputes. Furthermore I would mention the more specific human dimension mechanism and the various options contained therein. A special word, perhaps, for the missions in the field, for example those in Estonia, Latvia and the Former Yugoslav Republic of Macedonia, where people are doing a difficult but essential job. I would also mention ODIHR which through its human dimension activities greatly contributes to creating a situation in and between participating States which is democratic and peaceful and thus essential to the prevention of conflict.

These special instruments and procedures notwithstanding, a crucial role is of course played by the Committee of Senior Officials. I would include the Chairman-in-Office who on behalf of the CSO is responsible for the coordination of and consultation on current CSCE business. Indeed, within the CSCE framework the CSO has primary responsibility for early warning and preventive action, and through the discussions which take place in that framework and the decisions there taken it is politically speaking the most important CSCE conflict prevention body. According to the Helsinki Decisions, in several ways States can draw the attention of the CSO to situations which have the potential to develop into crises, including armed conflicts.

There is one CSCE instrument of conflict prevention which I have not yet mentioned, and which can also draw the CSO's attention to such situations. That is the CSCE High Commissioner on National Minorities. If in the following I devote a large measure of attention to what the High Commissioner can do and has done, it is not because I underestimate the importance of the other CSCE instruments. It is because I know the High Commissioner and his practical experience best, and because his mandate is the most elaborate CSCE text on early warning and preventive diplomacy.

[Early warning and preventive diplomacy]

Mr Chairman,

Neither the High Commissioner's mandate nor other CSCE texts define what is meant by early warning or preventive diplomacy, but we can make some assumptions. As a working definition I would say that *early warning* should provide the relevant CSCE bodies with information about escalatory developments, be they slow and gradual or quick and sudden, far enough in advance in order for them to react timely and effectively, if possible still leaving them time to employ preventive diplomacy and other non-coercive and non-military preventive measures. This also includes what I would call the 'tripwire function' of early warning and preventive diplomacy, meaning that the CSCE will be alerted whenever developments threaten to escalate beyond a level at which the 'preventive diplomat' would still be able to contain them with the means at his disposal. Competences vary of course, the High Commissioner having the widest scope of activities.

As far as *preventive* diplomacy, is concerned I would say that it should contain particular disputes and threats and prevent them from escalating into armed conflict. If possible it should try to resolve those disputes but that may be too much of a task for preventive diplomacy alone; longer-term efforts probably will be needed for that. Preventive diplomacy relies on diplomatic and similar methods, such as negotiation, enquiry, mediation, and conciliation. The Australian Foreign Minister, Gareth Evans, has written an interesting book called *Cooperating for Peace*, in which he distinguishes between early and late preventive diplomacy. 'Early preventive diplomacy' involves the provision of skilled assistance through good offices, mediation and the like in order to resolve disputes *well before* eruption into armed conflict appears likely. The objective of early preventive diplomacy is to encourage and support efforts by contenders to seek accommodation. 'Late preventive diplomacy' is to persuade parties to abstain from violence when eruptions seem imminent.

Obviously our prime task should be to engage in the earliest possible preventive diplomacy, so that ideally we need never cry out an early warning of imminent conflict, let alone have to engage in conflict management.

In the CSCE or at least in terms of the High Commissioner's mandate, preventive diplomacy would encompass, initially, fact-finding, discussions of the issue at hand, promotion of dialogue, confidence and cooperation between them, and subsequently, further contacts and closer consultations with the parties concerned with a view to possible solutions.

The distinction between early warning and preventive diplomacy may conceptually be clear: early warning has the function to provide the information on the basis of which preventive diplomacy can take place. In practice this distinction is often blurred as activities have characteristics of both. It may be that the mandate of an instrument combines both elements, as in the case of the High Commissioner. The distinction is perhaps more easy to make when we look at specific actions by for example the CSO in reaction to alerts from 'early warners' or 'preventive diplomats'. In general, however, I would see early warning and preventive diplomacy as a continuum of activities during what may be called the early warning stage, a term which I borrow from my mandate. Again, this term is not explicitly defined or described but can be understood as the period before a situation with

tensions develops into a conflict.

[Functions of early warning and preventive diplomacy]

Mr Chairman,

What specific functions then are essential for early warning and early preventive diplomacy purposes during the 'early warning stage'? Roughly I would say the following three:

- firstly, gathering, assessing and distribution of information. This provides the basis for the second and third functions;
- secondly, containing and de-escalating tensions and other negative developments, including through the promotion of dialogue, confidence and cooperation between the parties involved;
- thirdly, whenever necessary involving the CSCE as a whole, be it in preventive diplomacy, either early or late, or in a longer-term peacebuilding process.

As far as information is concerned, for it to be relevant it should be reliable, detailed and as much as possible up to date. However, even real-time data are only useful for early warning purposes if they are promptly analysed and communicated to the appropriate decision-making bodies, in the first place the CSO, which should then give it the necessary attention and come up with a response.

Containing and de-escalating tensions can be done in various ways. In itself the presence of missions on the ground may already be of psychological importance for the population and thus in itself already reduce apprehensions and tensions, and perhaps defuse unfortunate or even provoked incidents. Similarly the fact that missions can provide more objective and assumedly correct information can be a deterrent with regard to dispelling unfounded rumours. Often a more active attitude, approaching full fledged preventive diplomacy, may be called for.

[Approach of preventive diplomacy]

Mr Chairman,

What kind of approach should preventive diplomacy adopt? To start from my own experience, the nature of HCNM preventive diplomacy in practice can be described in three catch-words: impartiality, confidentiality and cooperation. I would think that these characteristics are essential for preventive diplomacy in general if it is to be effective in the longer run. They serve to keep open the channels of communication and guarantee a minimum measure of mental openness of the parties directly involved.

Firstly, *impartiality*, which should guarantee that the conflict preventive activities and recommendations are, if not immediately acceptable to parties, then at least seen as genuine efforts at finding solutions.

Secondly, *confidentiality*, which serves more than one purpose. Confidentiality is important since often parties directly involved feel they can be more cooperative and forthcoming if they know that the discussions will not be revealed to the outside world. Conversely parties may make much stronger statements in public than in confidential conversations, feeling that they should be seen to maintain strong demands or trying to exploit outside attention. The risk of escalation of the conflict which is inherent in this can be considerably reduced if a low profile is adopted.

Thirdly, I would mention the *cooperative nature* of preventive diplomacy. Durable solutions are only possible if there is a sufficient measure of consent from the parties directly involved. Of course at a certain point forms of diplomatic pressure may be necessary to overcome a certain obstacle or to keep a party from steps which might escalate matters.

[Involvement of CSCE]

Mr Chairman,

The ways in which the CSCE as a whole can be involved vary greatly. The High Commissioner's mandate contains some specific procedures for involving the CSO. One of them is to formally issue a so-called early warning when there is a *prima facie* risk of potential conflict when the situation is grave and conflict may be imminent. The possibility is then provided of prompt consultations between the participating States through the so-called emergency mechanism which I would think would as a rule be justified. This is a typical example of late preventive diplomacy.

However, such a situation provides us with a dilemma. On the one hand it is necessary to alert the CSCE in time to a threatening situation and turn multilateral attention to it.

On the other hand, however, too early exposure to the glare of international scrutiny may exacerbate matters, unnecessarily prompting parties to take up stronger and more intransigent positions. In each concrete case, therefore, a careful consideration has to take place of the arguments pro and contra such a step and the way it would be taken.

To return to the High Commissioner, a way out might be that the CSO would be informed of the fact that a situation seems to be approaching in which the High Commissioner could feel the need to issue a formal early warning. This could for example be done in a report to the CSO or during discussion with the CSO. Another option is that the High Commissioner hands matters over to the CSO because he concludes that the situation is escalating into a conflict or if he deems that his scope for action is exhausted.

In the context of these reflections, another consideration should be whether or not 'going public', so to speak, would interfere with quiet preventive diplomacy exercised by another CSCE instrument. The question of consultation and coordination within the CSCE arises which for other reasons as well is very important. I will return to this later on if I may.

[Follow-up to early warning signals]

Mr Chairman,

Moving on to the issue of the follow-up to signals coming from the early warning system, such as the recommendations of the High Commissioner, we are dealing with the question of engaging the final responsibility of the CSCE States as a group for security and stability in Europe. Questions concerning the mobilisation of the necessary political will of effective political decision-taking, and of the timing and adequacy of measures pose themselves. Partly it is those involved in early warning and preventive diplomacy who are confronted by the challenge how to interest the CSCE states in supporting their activities and, if necessary, in undertaking action. On the whole, however, it is the responsibility of the participating States themselves to be mentally and politically prepared to act upon signals from the early warning system.

This brings me to the question of decision-taking which is also the question of the rule of consensus. On the one hand one could argue that the rule of consensus stands in the way of effective decision-taking but on the other the consensus requirement is still of essential value when it comes to ensuring the political support for conflict preventive measures. A possibility could be that in the phase prior to or in preparation of consensus decisions not all States would be involved. For example the assistance of the Chairman-in-Office by ad hoc groups of States, as described in the Helsinki Document, could perhaps play a more important role in conflict prevention. However when push has to come to shove, consensus may in a number of cases be essential to avoid the danger that conflict prevention decisions taken will not be sufficiently supported.

Perhaps I ought to mention in this context that the High Commissioner can take a number of steps without consensus being needed. Involvement by the High Commissioner does not require the approval of the CSO or the State concerned. This independence is crucial to the timing of the High Commissioner's involvement for which in most situations would apply the sooner, the better. However, it is highly important that the mandate provides for an adequate mix of independence of and accountability to the 'political' CSCE organs. Fundamentally, despite his latitude of independent activity, the High Commissioner cannot function properly without the political support of the participating states. This becomes particularly acute whenever the High Commissioner presents his reports and recommendations to the States and, afterwards, to the CSO. At such a stage it becomes clear whether there is sufficient support for the High Commissioner's early warning information and preventive activities, and whether States are willing to give their own follow-up where needed.

Mr Chairman,

This brings me to the issue of the requirements which the follow-up by the CSCE States should meet. Drawing inspiration from Minister Evans' book which I mentioned before, I would underline the requirements of timeliness, graduated responsiveness and effective affordability.

Timely responsiveness means simply involvement at the time best calculated to secure optimal outcomes. Usually the earlier a problem is identified and an appropriate response applied, the more likely it is that the problem will be solved effectively and peacefully. An external third party should

become involved in the earliest possible stage of an impending conflict in order to prevent things from getting worse and to establish personal contacts for the case that things do get worse.

Graduated responsiveness means seeking to resolve disputes and respond to a crisis beginning with the cooperative approach I mentioned before and only moving towards more intrusive measures when the more conciliatory approaches fail. What is needed, at least initially, are low-profile discussions and cooperational mechanisms. Generally, cooperative implementation of commitments and recommendations will in the end be more fruitful than enforcement.

The timeliness and graduation principles, if properly applied, should help to reinforce the effectivity of the CSCE's response. The earlier the response, and thus the more manageable the problem, the smaller the likely cost of the necessary response and the more likely it is that it will be affordable. Later in the process of escalation, responses which might have worked at an earlier stage could be reduced to affordable ineffectuality.

[Preventive deployment]

Mr Chairman,

According to the agenda, this seminar deals with the prevention of conflict through non-military means. I think it has been wise to exclude preventive military measures such as peacekeeping operations because it serves to concentrate our thinking and after all such measures are politically and psychologically in a category different from the other preventive activities. Nevertheless I would devote a few words to the possibility of preventive deployment, of which the deployment of foreign troops in the Former Yugoslav Republic of Macedonia is the prime example in Europe.

Preventive deployment involves the positioning of troops, military observers and related personnel between parties to a dispute or where there is an escalation towards conflict. It has the primary aim of deterring the escalation of such situations into armed conflict. A related task will be the performance of monitoring functions. How credible preventive deployment as a deterrent is, will depend essentially on the perceived likelihood in practice of a strong international reaction if there is any resort to violence by one of the parties.

Preventive deployment should not be lightly considered. It belongs to a category quite different from preventive diplomacy. However in certain circumstances it may be the only effective method to keep an already instable situation from deteriorating into war. I would stress that preventive deployment in itself is not enough to defuse tension, let alone address the underlying issues. It should be part of a comprehensive preventive diplomacy strategy to contain and resolve a dispute.

[Short-term and long-term conflict prevention]

Mr Chairman,

Conflict prevention is a many-faceted affair in light of the CSCE's comprehensive approach to

security. It is therefore perhaps useful to distinguish between short- and long-term conflict prevention. Short-term conflict prevention aims at the prevention, containment and/or immediate de-escalation of a development towards escalation. It is here in particular that early warning and preventive diplomacy have to play their crucial roles. It is probably too much to expect that preventive diplomacy can also resolve the substantive dispute at issue, although the possibilities should be explored.

Short-term conflict prevention should be seen and pursued in the context of long-term conflict prevention. Efforts to initiate a dialogue between the parties concerned and to recommend to them constructive measures can only be the first steps towards a less tense situation. I already mentioned the close interrelationship between peace and security and the respect for democracy and human rights. The prevention of conflict in Europe in the long run requires building a viable democracy and its institutions, creating confidence between the government and the population, structuring the protection and promotion of human rights, the elimination of all forms of gender or racial discrimination and respect for minorities. Economic factors are important to conflict prevention, too. An economic downturn in a country will in all likelihood lead to social tensions and divisions. Effectively addressing tension-generating issues often requires investments which economically weak states have difficulty in making.

These short-term and long-term aspects of conflict prevention should be seen as part of an integrated strategy and indeed in practice they can hardly be separated. Efforts at laying the groundwork for a real democracy are vain if in the meantime tensions escalate into bloody civil war or international conflict. The reluctance or even outright refusal of states to build democracy, create confidence, protect human rights endangers all short-term conflict prevention activities.

[Concertation and cooperation between CSCE efforts]

Mr Chairman,

Allow me to move from the contents and character of possible responses to the issue of concertation and coordination of such efforts. This is needed to maximise the effectiveness of outside involvement in a concrete situation. Ideally, coordination should be such that a duplication of efforts and concomitant waste of resources is avoided. This might even entail a conscious decision by a particular organisation or body to refrain from addressing a certain situation which it might otherwise have engaged in. If concurrent activities for whatever reason do take place, they should reinforce each other and not work at cross-purposes or be played off against each other.

For example, it would be helpful if the High Commissioner's efforts to influence a certain situation would be strengthened by the fact that the Council of Europe or the United Nations would share his concerns, conclusions and recommendations. In addition, these organisations may have special expertise which could benefit the High Commissioner. I would note here that it is the competence of the Chairman-in-Office to consult and coordinate with the United Nations, the Council of Europe and other relevant international organisations.

The same considerations with regard to coordination and concertation of efforts would seem to apply within the CSCE itself in view of the number and variety of CSCE activities with regard to early warning and preventive diplomacy. Clashes of competences, inadequate flows of information, and openly diverging assessments of situations may in fact render these efforts less effective and send the wrong message to the state concerned. Within the CSCE the issue of concertation and coordination may be more easily solved because of fact that the CSO has primary political responsibility for early warning and preventive action, and its Chairman-in-Office is entrusted with coordinating tasks.

I would underline the necessity that interlocking institutions do really interlock so that their efforts are mutually reinforcing, both within the CSCE and between the CSCE and outside organisations. With a view to conflict prevention a concerted effort is needed, and that applies to all its aspects.

[Conclusion]

Mr Chairman,

Conflict prevention is vital to the future of our continent. I do not think that Europe can afford more of the bloody conflicts that devastate some of her regions. If we do not invest enough now and work in advance we will be presented with a much larger bill in the near future. I do sincerely hope that the present seminar will prove to be a fruitful and worthwhile contribution to the efforts of the CSCE to secure peace and stability.

Thank you.

VI. MODERATORS' REPORTS

6.1. WORKSHOP A: Ambassador Rauno Viemerö

Early warning methods and indicators, including CSCE institutions

At the outset of the discussion, the representatives of the main CSCE bodies (the C-in-O, the CPC, the ODIHR, the HCNM), members of the panel and the moderator briefly outlined the role played by their respective institutions in early warning.

During the discussion which followed, attempts were made to define the concept of early warning within the CSCE framework.

The CSCE has already acquired considerable experience and capabilities in the field of preventive diplomacy and has some experiences in early warning functions.

It was also felt that early warning is of crucial importance to the CSCE's conflict prevention ability, providing a possibility for assessment of threats to stability and peace as well as helping to

define appropriate responses.

It was recognized that there is a lot of room and, indeed, a clear need to improve and develop early warning functions of the CSCE institutions.

During the discussion, it was pointed out that the CSCE is not short of tools of preventive diplomacy. The problem is rather that the early warning functions of the CSCE institutions have not been fully utilized. In this connection, it was noted that in early warning functions the personalities carrying of those involved are also essential.

The Chairman-in-Office, the CSO, the Permanent Committee and the CSCE long-term missions constitute the foremost political fora to initiate and implement early warning action; but the High Commissioner on National Minorities (HCNM) has been designed a special role.

A substantial part of the discussions evolved around the function, past and future, of the HCNM.

Many speakers emphasized that the mandate of the HCNM has been well utilized. It has functioned well, but there was still room for refinement of the Commissioner's role and also for new strategies. In this respect, attention was drawn i.a. to the need of greater coordination between the HCNM and the missions of long duration.

In spite of a smooth flow of information and an effective division of work between the HCNM and the Missions -- a good example may be found in Estonia's law on the aliens -- translation into formal CSCE procedures of these consultations should be considered, especially in view of future development of the role and number of these missions. At the same time it was stated that the flexibility and confidentiality, so crucial to the work of the HCNM, should be preserved.

Furthermore, greater integration of the HCNM to existing political fora (CSO, Permanent Committee) was suggested by several participants. Some speakers emphasized that also in this connection the confidentiality of his role should be maintained.

Concern was raised about proper follow-up action based on the HCNM reports or recommendations, and some delegations suggested continued efforts of mediation and consultation teams of experts between visits by the HCNM.

The evident importance of the HCNM's work should not lead to complacency and overlooking of early warning of possible crisis and conflict in other areas, e.g. in the economic and military fields. The Secretariat also plays an important role in this respect.

During the discussion on the role of the missions, attention was drawn to the fact that without appropriate political backing by CSCE states and domestic actors in the host country, the CSCE Missions' impact will diminish. Better training for missions' staff, a proper mix of expertise as well as relevant support by the Secretariat in assisting missions in their tasks was seen important. It was also suggested that Missions should have an interlocutor in Vienna in the form of an ad hoc committee or a think tank.

When discussing the reason of possible conflicts, attention was drawn to the necessity on integrating political, social, economic, financial, cultural and other factors in assessing the situation. The diversity of reasons for conflicts should be taken fully into account in the analysis. Several delegations pointed out the importance of intelligence services in collecting information. To cope with the wide-ranging flow of information created in the CSCE, the Secretariat's role is central in gathering, analyzing and disseminating information.

It was suggested that the Permanent Committee should assume a role in identifying areas of conflict. An important role was given to the C-in-O in co-ordinating the work and use of various CSCE early warning activities. Personal representatives of the C-in-O and other individuals could be more widely used for early warning-related tasks. A balance should be struck between the use of various institutions in implementing early warning functions.

The use of *ad hoc* - arrangements in crisis areas as well as the extension of the emergency mechanism to other situations not envisaged in so-called Berlin document were suggested.

Co-operation between the CSCE and the UN as well as the Council of Europe was advocated i.a. with a view to better sharing the experience.

6.2. WORKSHOP B - Dr. Arie BLOED (The Netherlands)

Review of existing early warning mechanisms

Workshop B was devoted to a thorough review of the functioning (or non-functioning) of the presently existing early warning mechanisms of the CSCE. There was a general agreement that the possibilities offered by these mechanisms are not fully exploited. Two main explanations were offered: lack of political will on the side of the participating states of the CSCE to apply mechanisms was referred to explicitly in this context; in the final analysis it are only the CSCE states which determine whether to use CSCE mechanisms and under which circumstances. Attention was also drawn to a second reason why the mechanisms were not used enough. States were insufficiently aware of the fact, that even though most mechanisms were devised under different circumstances, they contain unrecognized potentialities which make them very useful for today's situations. In particular, they could be used to further cooperative implementation of CSCE commitments.

The discussion in the workshop was divided into two parts. The first part was devoted to discussing general issues related to the various topics. The second part was devoted to discussing specific mechanisms. During discussions a wide variety of issues was touched upon. Therefore, this summing-up necessarily contains only a selection.

Discussions were guided by a moderator with the assistance of a representative of the CPC. The moderator focused on the more general issues of CSCE mechanisms and the human dimension mechanism, whereas the CPC representative focused on the political-military mechanisms. This division of labour has also been applied in the drafting of this summing-up. Discussions in the workshop were preceded by introductory remarks by the moderator and the CPC representative.

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A main purpose of this seminar was to discuss the linkage between the human dimension and the security area in relation to early warning and preventive diplomacy procedures. Although the underlying CSCE concept of "comprehensive security" was touched upon by delegations, it was not discussed in-depth.

Much attention was devoted to the question which causes could be identified to explain the limited use of CSCE early warning mechanisms. A number of main causes could be summarized as follows:

- 1) some delegations pointed to the fact that the CSCE mechanisms are rather innovative instruments in international relations. It requires time for states to get used to them. In this context emphasis was laid on the importance of enhancing 'executive action', reflected among other things in the growing role of the Chairman-in-Office, the Troika, and CSCE institutions, including the role of the Secretary-General.
- 2) Delegations pointed at the fact that national bureaucratic structures are not yet adjusted to the use of these instruments. This is partly said to be due to the fact that they are still too much accustomed to old concepts and old patterns of conflict prevention which are no longer adequate in the present time.
- 3) Delegations addressed the fact that the CSCE has drastically changed since its mechanisms were adopted. The CSCE now encompasses a permanently functioning apparatus, in particular in the form of the recently established permanent committee, to address urgent questions. Therefore, the limited use of mechanisms does not necessarily imply that the problems at stake are not addressed by the CSCE. However, delegations also stressed the fact that the mechanisms have retained their usefulness.
- 4) The perception of mechanisms by participating states as confrontational instruments was indicated as another cause of concern. The application of mechanisms is often considered to be an unfriendly or even hostile act which also lead to their application at too late a stage, if at all. Several delegations emphasized the need to achieve a change in mentality, so that participating states would view the mechanisms as cooperative measures. The human dimension mechanism was referred to in this context, as it provides for the possibility that states themselves invite missions of experts to assist in solving specific problems.
- 5) Decision-making procedures were addressed as well. Although the potentially hampering effect of the consensus rule was mentioned, attention was also drawn to the fact that more flexibility in decision-making does not necessarily lead to a greater effectiveness in the implementation of CSCE decisions. It was pointed out that even the implementation of decisions which have been adopted by consensus sometimes causes problems. Moreover, consensus is said to be directly related to the degree of legitimacy of CSCE actions.

- 6) Attention was also drawn to the binding force of CSCE decisions. Divergent views were expressed about the desirability of contemplating the introduction of legally binding decisions. Some delegations expressed the view that this might enhance the sanctioning in cases of non-implementation, other delegations stressed the need to maintain the flexibility in CSCE's functioning. Attention was also drawn to the fact that a legally binding form is no guarantee for implementation. In this context the view was also expressed that other enforcement structures in order to induce implementation of CSCE decisions was not desirable as well.
- 7) Delegations pointed to the fact that the application of mechanisms often are too cumbersome and time-consuming. Concrete solutions for this problem were not pursued during the discussion.
- 8) Delegations raised the confidentiality of most CSCE mechanisms. Although the confidentiality was considered an essential element for the effectiveness of many procedures, this should not lead to an underestimation of the significance of public pressure. It was emphasized that a fair balance between both elements should be struck which should be given due attention.

Although there was general concern about the limited use of CSCE mechanisms in practice so far, delegations did not plead for abolishing mechanisms. At the opposite, they favoured a revision and strengthening of the present mechanisms. At the same time, several delegations also expressed the view that a further proliferation of mechanisms should be avoided.

It was emphasized that measures should be considered to enhance the use of CSCE mechanisms in order to avoid a complete loss of credibility. Several delegations emphasized the need to develop more comprehensive and workable strategies in this respect in order to apply CSCE's unique combination of value-oriented political action and operational methods for early warning, conflict prevention and crisis management.

Some suggestions were made to improve the effectiveness of mechanisms. The Norwegian delegation suggested the compilation of a short guide with brief descriptions of all presently CSCE mechanisms in order to enhance the knowledge of this specificities. The suggestion acquired support from other delegations.

II

Concerning the specific mechanisms a number of observations and suggestions were made.

Human dimension mechanism

the observation was made that the limited use of the human dimension mechanism is directly related to its strictly intergovernmental character. A comparison with the limited use of inter-state

complaints under the European Convention on Human Rights was made. The fear was expressed that as long as this character remained unchanged, a drastic increase of its use may not be expected. Besides, the cooperative instead of the confrontational character of the mechanism was stressed.

Vienna mechanism on unusual military activities

It was put into question whether the mechanism would at all contribute to early warning. Whereas some argued that it was a matter of timing, i.e. at which point in the development of a crisis it was employed, others pointed to the fact that it does not foresee any further action. It was also mentioned that the time-frame for the mechanism could be too wide, but it was also argued that it may be adequate as long as the mechanism were employed in time, before a crisis had erupted.

Berlin emergency mechanism

It was argued that the mechanism was of less relevance when the issues could be dealt with in a permanent CSCE body, e.g. the permanent committee.

The Italian delegation made a concrete proposal to expand the scope of the Berlin mechanism so as to encompass also preventive diplomacy actions. In this context this delegation put forward a reconsideration of the number of states which are required to trigger the mechanism, the possible introduction of the consensus-minus-one principle in the application of the mechanism, and the introduction of regional tables so as to tackle also the broader context of specific problems, going beyond the strictly security level.

Valletta mechanism

Some delegations saw the mechanism as too legalistic which may be a reason why it had not been used. Others pointed out that it has become more relevant, and that it also has a model character for similar considerations in the UN. However, there are still major shortcomings, such as the exclusion of certain matters from the mechanism (e.g. territorial disputes) and the lack of a clear follow-up, as under the Valletta mechanism only non-binding advices may be given. Several delegations stressed the fact that the discussion at the Seminar should be only a first step aimed at improving CSCE early warning and preventive diplomacy mechanisms. The need of a follow-up of this Seminar was expressed.

6.3. WORKSHOP C: Dr. Gabriele Winai-Ström

..... Role of NGOs in the overall context of preventive diplomacy and early warning

Introduction

The CSCE was confronted with a number of new problems in the field of conflict prevention as a result of a number of protracted ethnic-based conflicts in the CSCE area. Ethnic groups exist in all countries, conflicts are however in most cases resolved before they develop into armed conflicts. Preventive diplomacy is used daily as a viable alternative to military and other authoritarian solutions.

Ethnic conflicts more often developed into armed forms in the former socialist states not because there were more such groups, but because there was a lack of rules and a lack of non-governmental organizations to deal with them at an early stage. Governments could not be expected to have time to involve themselves in all minor conflicts, but there had to be agreed rules on how to deal with ethnic conflicts at a non-governmental level. There was at present a lack of accepted rules for resolving and transforming conflicts into non-violent conflicts. Similar ethnic-based conflicts were often resolved in democracies, involving non-governmental organizations at an early stage. "Early warnings" were given by a number of specialized NGOs and institutions.

Involving non-governmental institutions and associations of all kinds was seen as part of a democratic framework, and thus seen as useful mechanism of resolving conflicts at an early stage. A number of mechanisms had developed within the CSCE to deal with problems of ethnic conflicts and the lack of democratic traditions and procedures. The old CSCE was changing step by step into a unique international forum. The old character of flexible political process-oriented organ was brought into new executive organs. Without non-governmental organizations of different size and character no government can exercise its authority in a democratic manner. The same is true for an international organization like the CSCE. Considering the aims and responsibilities of the CSCE in building broad security it requires cooperation with NGOs. A problem for the CSCE is that NGOs have not yet discovered their role as important agents in building society in the new states of former communist countries. Also some governments had not yet developed a political tradition in coping with NGOs of different types.

The new CSCE and its permanent administrative organs had not yet found proper ways of involving NGOs in their work. Several speakers noted that the Office for Democratic Institutions and Human Rights (ODIHR) had successfully developed contacts and methods to involve NGOs in the round-table discussions, but that this network of NGO-contacts should develop further and particularly in early warning and preventive diplomacy there were gains to be made if these could be forwarded into the rest of the CSCE administration.

The CSCE has already acquired some gains in involving NGOs in preventive diplomacy and often relies on NGOs for early warning. The CSCE is in a unique position to develop this type of cooperation now, when it has established permanent bodies. Several speakers expressed the feeling that more concrete practical work and results could be accomplished in line with the framework by giving a more important role to NGOs.

It was generally felt that the CSCE can develop in practice increasing openness of CSCE activities, expanding the role of NGOs, in line with the decisions taken in Helsinki 1992 and Rome 1993. Several speakers emphasized the need to draw together the experiences from all sides, including NGOs, to make CSCE activities more efficient in the field. Reference was made particularly to activities during the Yugoslavia crisis. Some speakers strongly suggested the design of active exchange of information between NGOs and the Vienna CSCE permanent institutions.

There were particularly three reasons mentioned to support the idea of involving NGOs more intensively.

1. The need for several independent sources of facts: It was felt that both early warning and preventive diplomacy requires independent sources of facts in addition to those from the parties involved. This need for varied sources of facts is even more important in the case of preventive diplomacy.
2. The positive experience of NGOs as Third parties: Several speakers gave evidence to the fact that NGOs can play a role of informal Third parties in mediation and reconciliation as well as negotiations.
3. The need for more personnel in the field activities of the CSCE: Some NGOs and IOs described their own experience as participants in long duration missions of the CSCE. The lack of personnel was pointed out and the possibility of improving the efficiency of the CSCE in the field by involving more participants from the NGO community, under the condition that these were led or trained by senior CSCE officials, in the unique framework of CSCE decisionmaking and aims of broader security. Some speakers mentioned the gains to be made by training also military decisionmakers and involving these in CSCE field activities.

The common criticism of NGOs as being slow was met by the information that NGOs have among themselves and in cooperation with some international organisations established a sophisticated electronic network on basic human rights information (HURIDOC). Both publicity and confidentiality were stressed as strategic goals for the CSCE, particularly for its permanent bodies, but at different levels of activities. Better information within the CSCE community about the norms could ease some worries among the new states. Without some open documentation about what the CSCE has in practise accomplished it might be difficult to mobilize funds and personnel from the NGO community.

A concrete suggestion was made to invite NGOs to Vienna to discuss concrete forms of cooperation. There are at present insufficient procedures to integrate NGOs in the work of the CSCE. It was therefore proposed that the Executive branch of the CSCE (the Secretary General and the Chairman in Office) invite representatives of NGOs to Vienna for meeting to discuss some of the proposals of workshop C. Particularly concrete forms for cooperation between CSCE and NGOs should then be discussed.

The representative of the High Commissioner for National Minorities emphasized the positive experience of working with governments and NGOs in preventive diplomacy.

Reference was made to the experience of serious violations of human rights being a good indicator of early warning for early action in different forms including preventive diplomacy. Such information can come both from International organizations and from NGOs.

Contributions in the discussion were made from nine governments, nine NGOs, two international organisations, and from representatives of the CSCE Secretariat and the High Commissioner of National Minorities.

The CSCE had decided in Paris, in Helsinki, in Moscow and in Warsaw to cooperate between the states in introducing democratic frameworks in new parts of the CSCE area. This could not be expected to happen only at government level. Establishing rules and frameworks involving NGOs was a crucial part of this process. Cooperation between NGOs without involving governments was necessary to speed up the process. The need for CSCE to involve NGOs should thus be seen at two level.

At one level there was a need to exchange views between governments on how to implement in practice agreements signed on legal practices, on another level there was need to involve NGOs and develop their capacity in early warning and preventive diplomacy. The former had been the focus of CSCE activities for many years, whereas the latter was seen as a new phenomenon and the focus of the discussion in Workshop C.

ANNEX 1

Index of documents distributed through the ODIHR Secretariat to the participants of the CSCE Seminar on Early Warning and Preventive Diplomacy

ALBANIA	Opening Statement by Mr. Zef Mazi
USA	Opening Plenary Speech by Amb. Robert Frowick
	Strategies for Conflict Prevention Statement by Amb. John C. Kornblum
BULGARIA	Intervention by Mr. Emil Yalnazov
DENMARK	A Danish Contribution The Role of NGOs in Early Warning and Conflict Prevention
GREECE/ EUROPEAN UNION	Opening Statement Statement of the Representative of the European Commission in Workshop A
HUNGARY	Statement by Mr. Gabor Iklody
ITALY	Intervention by Mr. Andrea de Guttry
	Intervention by Mr. G. Battaglia
LUXEMBOURG	Opening Statement (as WEU Chairmanship)

POLAND	Intervention by Mr. Andrzej Ananicz, Deputy Foreign Affairs of the Republic of	Minister for Poland
	Statement by Amb. Jerzy M. Nowak	
SLOVAK REPUBLIC	Intervention by Mr. Marcel Pesko	
TURKEY	Statement by Amb. Riza Turmen at the Opening Plenary Session	
COUNCIL OF EUROPE	Relations Between the Council of Europe and Non- Organizations (English and French)	
	Europe through its Associations (brochure)	
WESTERN Diplomacy UNION	The Role of Multilateral Institutions in EUROPEAN Western European Union Contribution by Mr. Stefan Muller	Preventive
NATO	The Role of NATO and NACC in Early Warning and Preventive Diplomacy, by Mr. Lamberto Zannier	
UNHCR	Intervention	
CSCE HCNM	Keynote Speech by Mr. Max van der Stoel, CSCE High Commissioner on National Minorities	
ASPR	International Civilian Peace-Keeping and Peace- Building Training Program - An Unique Initiative	Worldwide

THE BLUE FORUM/GENEVA Remarks on the Role of Long Duration Missions

INTERNATIONAL ALERT Early Warning and Preventive Diplomacy
Humanitarian Agencies and Armed Conflict

INTERNATIONAL SOCIETY FOR UNIVERSALISM Invitation to ISU and "Dialogue and Humanism"

PROGRAM ON CONFLICT ANALYSIS AND RESOLUTION Submission (by Mr. Herbert C. Kelman and Ms. Eileen F.J. Babbitt)

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Support Document, Seminar on Early Warning and Preventive Diplomacy
CSCE Missions under the Moscow Mechanism, A Review
Helsinki Document 1992 (brochure) (English, French) Italian,
Non-Governmental Organizations - list of NGOs
List of Participants
List of Participants - Corrigendum
No. 1, 2 and 3

WORKSHOP A - Early Warning Methods and Indicators, Including CSCE (by Amb. Rauno Viemerö) Institutions

WORKSHOP B - Review of Existing Early Warning Mechanisms -

Summing-up (by Dr Arie Bloed)

WORKSHOP C - Role of NGOs in the Overall Context of Preventive
Early Warning

Diplomacy and

(by Dr Gabriele Winai-Ström)

- Mr. Vetschera Paper (distributed in Plenary Hall only)