

# WARSAW DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY

8 July 1997

## PREAMBLE

1. We, parliamentarians of the OSCE participating States, have met in Warsaw on 5-8 July 1997 as the parliamentary OSCE institution to assess developments relating to security and co-operation in Europe and to offer our views to OSCE Ministers.
2. We wish all success to the next OSCE Ministerial Council to be held in Copenhagen in December 1997, and bring to its attention the following declarations and recommendations.

## CHAPTER I (POLITICAL AFFAIRS AND SECURITY)

The OSCE Parliamentary Assembly,

3. **Recalling** that implementation of the principles and commitments enshrined in the Helsinki Final Act, the Charter of Paris for a New Europe and other OSCE documents is the basis of OSCE activity, and that the implementation process exactly defines the international significance of the OSCE and its impact on events in the region;
4. **Emphasizing** the paramount importance of the functions of the OSCE in the area of preventive diplomacy, in preventing conflicts, in broadening and developing wide-ranging cooperation among those participating States, in defining specific new risks and challenges, and in increasing their capacity to confront them;
5. **Recognizing** in particular the necessity for full implementation of commitments in the politico-military sphere of security as well as of those relating to respect for human rights, promotion of democracy and the rule of law, as well as international law and peaceful settlement of disputes;
6. **Convinced** that possible threats and challenges to the sovereignty and security of States require the OSCE to pay special attention to the consistent implementation of the principles contained in the Helsinki Final Act;
7. **Reaffirming** the commitment, found in Principle I of the Helsinki Final Act, to respect the sovereign right of participating States to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties, including the right to be or not to be a party to treaties of alliance, and to have the right to neutrality;

**8. Emphasizing the primary responsibility of participating States to raise violations of OSCE commitments as matters of direct and legitimate concern to all participating States;**

**9. Noting with concern that a regular review of OSCE implementation by the participating States, which has played a critical role in achieving greater implementation, has been de-emphasized in the OSCE in recent years;**

**10. Expressing concern over reported non-compliance with agreed arms control measures;**

**11. Noting that the co-operation of different security organizations in Bosnia and Herzegovina is a good example of joint action aimed at conflict settlement; but that the implementation of the civilian part of the Dayton Agreement and the normalization of the situation also necessitate effective collaboration, which is not as yet assured;**

**12. Welcoming the increased role the OSCE will play in the reintegration of Eastern Slavonia, Baranja and Western Sirmium into Croatia and in encouraging greater respect for human rights and fundamental freedoms throughout the country, including the right of all displaced persons to return to their homes of origin;**

**13. Supporting the continued exclusion of the Federal Republic of Yugoslavia from the OSCE until firstly its human rights record substantially improves, especially regarding Kosovo, secondly the OSCE Mission of Long Duration is permitted to return, and thirdly there is cooperation with the International Criminal Tribunal;**

**14. Convinced of the need to develop a global co-operative approach, based on the principle of solidarity among participating States, in the implementation of OSCE commitments;**

**15. Welcoming the efforts undertaken to settle existing unresolved conflicts in the OSCE area;**

**16. Noting that, despite these efforts, in most of the "hot spots" in the region political settlement is far from complete and needs to be given impetus, first of all by stronger political will among the States concerned;**

**17. Noting the signing on 8 May 1997 of the Memorandum on the Basis for Normalization of Relations Between the Republic of Moldova and Transdniestria by representatives of the Republic of Moldova, Transdniestria, the guarantor States Russia and Ukraine, in the presence of the Chairman-in-Office of the OSCE, expressing the hope that this step will assist in the continuing process of complete removal of Russian forces and their weapons from Moldova;**

18. **Emphasizing** that the development of good-neighbourly relations and close co-operation among newly independent States and States which have restored their independence will significantly help to strengthen stability and security in the OSCE area;

19. **Convinced** that the final settlement of the problems of legal confirmation of borders between certain OSCE participating States will serve the interests of stability and security in the region;

20. **Expressing** the hope that the frontiers between States will not turn into new dividing lines;

21. **Noting** that ensuring the inviolability of State frontiers and their territorial integrity constitutes one of the imperatives of our time, and that its implementation requires a thorough democratization of domestic relationships in the countries concerned in order to create conditions for full equality and free development of all nations and persons belonging to national minorities;

22. **Further noting** that the implementation of the principle of self-determination in the form of secession may at present create a serious threat to the peace and security of nations, and that this principle should be implemented exclusively by peaceful means and on the basis of democratic decisions adopted within the framework of national legal systems, international norms and possibly under the supervision of the international community;

23. **Stressing** that the right to self-determination cannot be founded upon or be the result of the violation of the territorial integrity of a State;

24. **Expressing** support for the OSCE Lisbon Summit decisions, which constitute a comprehensive programme of action by the OSCE community to deal effectively with challenges and threats to stability and security in the region and to work fruitfully towards the common and comprehensive security model for Europe for the twenty-first century;

25. **Welcoming** wholeheartedly in this connection the signing of the "Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation" and the signing of a "Charter on a distinctive NATO - Ukraine partnership";

26. **Welcoming** wholeheartedly that the "Founding Act" between NATO and the Russian Federation recognizes the OSCE's key role in European peace and stability and that the signatory States declare their readiness to contribute to a strengthening of the OSCE;

**27. Fully supporting the recognition of the importance of interparliamentary dialogue declared in the NATO-Russia Founding Act and the NATO-Ukraine Charter;**

**28. Taking into consideration that the implementation of the commitments for strengthening European security calls for the broadest possible cooperation and coordination between European and Euro-Atlantic organizations - OSCE, NATO, WEU, the European Union, the Council of Europe - believes that the OSCE is a particularly appropriate forum at which these mutually complementing and reinforcing institutions could work to the benefit of their mutual cooperation and understanding;**

**29. Welcoming the successful efforts of the OSCE, represented by Felipe Gonzalez as the personal representative of the Chairman-in-Office, to obtain respect for the result of municipal elections in Serbia;**

**30. Calls on the OSCE Ministerial Council, at its meeting in Copenhagen in December 1997, to discuss the development of a Charter on European Security in compliance with the Lisbon Document 1996, and to take a concrete and substantial decision on the matter, and notes in this respect the paramount importance of the implementation of the decisions of the OSCE Lisbon Summit regarding the elaboration of a Charter on European Security - a cornerstone of the co-operative security system for the twenty-first century;**

**31. Urges the OSCE Ministerial Council, at its meeting in Copenhagen in December 1997, to consider ways of ensuring full implementation of OSCE principles and commitments in parallel with the elaboration of procedural rules for relevant bodies and institutions of the OSCE and, accordingly, to accelerate the political settlement of conflicts and tensions in the region;**

**32. Recommends that, in this respect, the OSCE Ministerial Council should in particular:**

**a) study the possibility of convening on an ad hoc basis a conference of experts to discuss thoroughly the experience gained in implementing OSCE fundamental principles and to elaborate suitable recommendations,**

**b) devise instruments and procedures making it possible to ensure an efficient and adequate response by States and security organizations to violations of the OSCE principles and commitments, including joint integrated action,**

**c) provide for relevant proposals, including various proposals on sanctions of an economic and military nature, to be submitted to the Security Council of the United Nations,**

- d) intensify the process launched by the Pact on Stability in Europe and with this aim in mind renew and expand the practice of regional "round tables" within the OSCE area where there is a need to establish and strengthen good-neighbourly relations based on United Nations and OSCE principles,**
- e) hold another "round table" for the Central and Eastern European countries, with the assistance of the Central European Initiative,**
- f) stimulate an exchange of experience among OSCE member States on settling territorial and borders-related issues, with a view, in particular, to providing any necessary assistance and advice to the Newly Independent States and States who have restored their independence,**
- g) intensify discussions on proposals for establishing a network of research institutions, which could be called an OSCE Academy or OSCE Institute for Co-operative Security, for the benefit of all participating States and their peoples,**
- h) ensure that future OSCE documents, including the results of the study on a Security Model for the twenty-first century and the possible future Charter on European Security, contain meaningful provisions for responding to implementation failure beyond the consensus-minus-one rule,**
- i) study the possibility of conferring real legal status on the OSCE so as to strengthen the implementation of commitments made within it by the participating States,**
- j) encourage participating States to incorporate, where appropriate, the contents of the political commitments within the OSCE framework in their national legislation, as well as in the international agreements which are legally binding on these States,**
- k) widen and deepen subregional cooperation in the OSCE area, especially in the Mediterranean with a view to creating a Mediterranean-wide organization,**
- l) encourage regional and subregional initiatives in South-Eastern Europe, which contribute to the implementation of OSCE principles and commitments in the region and to the integration of the participating States in European and Euro-Atlantic structures;**

**33. Calls on the Permanent Council to give continuing attention to the review of implementation of the principles and commitments by the OSCE participating States;**

**34. Calls for increased efforts to bring implementation of the Dayton Agreement on Bosnia and Herzegovina into accordance with the principles of the OSCE, especially those dealing with the territorial integrity of States, the inviolability of frontiers and human rights and fundamental freedoms, and urges that there be improved ability**

to exercise the freedoms of movement, expression and association leading up to municipal elections in September of this year and stresses that military balance can only be achieved through compliance with agreed arms control measures;

**35. Appeals to all OSCE participating States:**

a) to implement fully and strengthen the commitments laid down in the Vienna Document on CSBMs and in the Code of Conduct on Politico-Military Aspects of Security,

b) to recommend the opening, under the aegis of the OSCE, of the regional arms control negotiations foreseen in Article V of Annex 1b of the Bosnia and Herzegovina Peace Agreement,

c) to accelerate the negotiation process for CFE Treaty adaptation,

d) to intensify their efforts in the sphere of disarmament, including reduction of nuclear weapons;

**36. Urges the OSCE participating States:**

a) to continue in a constructive and innovative way the ongoing process of elaborating "A Common Security Model for Europe in the Twenty-First Century",

b) to integrate the security policies of each and every group of OSCE participating States into a framework of a common and cooperative security model without dividing lines as defined in the Lisbon Document,

c) to entrust the Forum for Security Cooperation (FSC) with the task of elaborating a comprehensive disarmament treaty, in order to achieve nuclear-weapon-free zones in the area of the OSCE as a step towards a global ban on all nuclear arms;

**37. Urges OSCE participating States to make use of the procedures existing within the framework of the OSCE for peaceful settlement of disputes, in particular the Court of Conciliation and Arbitration;**

**38. Reaffirms the call by last year's Parliamentary Assembly in Stockholm to States participating in the OSCE to develop an approach which guarantees a continuous reciprocal exchange of information, close consultation and coordination of activities between the OSCE and all other institutions engaged in questions of relevance to security, especially since the need for coordination between the individual institutions has increased once more following the NATO-Russia Summit on 27 May 1997;**

**39. Calls upon security institutions to cooperate constructively on an equal basis, without hierarchies or superior responsibilities, and thus to utilize the comparative**

advantages of various institutions to safeguard peace and stability in the OSCE area;

40. Calls upon the OSCE, since the effectiveness of different OSCE institutions cannot be considered as optimal, to streamline and reorganize its institutions such as the Conflict Prevention Centre which needs to adjust its work to present political conditions;

41. Calls upon the OSCE participating States to extend the Conflict Prevention Centre in a way which enables it to act as a consultative body for the Chairman-in-Office and the Secretary General by collating and evaluating information, analysing existing or possible potential for conflict in the OSCE area, and drafting recommendations for action;

42. Renews the mandate of last year's Parliamentary Assembly in Stockholm to the Forum for Security Cooperation to examine questions of preventive and qualitative arms control, with particular regard to the impact of new developments in weapons technology;

43. Calls upon the OSCE participating States to ensure, in connection with the export of weapons and armaments, that arms exports do not contribute to an escalation of regional conflicts, and, furthermore, to draft a code on arms exports and so-called dual-use products; and also calls upon the States participating in the OSCE to establish an arms export register under the aegis of the OSCE, in order to safeguard transparency with regard to the transfer of weapons and armaments;

44. Urges the implementation of industrial policies and the endorsement of international regulations to guarantee a stop to the making and commercialization of anti-personnel mines and equivalent weapons;

45. Appeals to President Lukashenko of Belarus to restore the rights of the parliament which, having been duly elected on the basis of democratic elections at the end of 1995, is the only rightful parliament in Belarus;

46. Welcomes and supports the establishment of an Advisory and Monitoring Office in Minsk, as agreed between the OSCE and the Belarussian Foreign Minister, and expresses its expectation that this office will focus particularly on the human rights situation, whereby unhindered cooperation with civil rights groups working on humanitarian issues must be safeguarded;

47. Proposes study of the idea of convening a meeting of the Heads of Parliaments of the OSCE participating States to consider the issues relating to the elaboration of a legal basis for the Organization, the further development of OSCE norms and principles, taking into account present conditions, as well as the status of implementation of OSCE principles and commitments;

**48. Condemns those countries that refuse to apprehend and surrender to the International Criminal Tribunal on the former Yugoslavia persons indicted for war crimes committed during the course of the conflict in the former Yugoslavia who reside on their territory or territory under their effective control, and calls for the imposition of economic and political sanctions on such countries by all other OSCE States;**

**49. Calls upon Serbian and Montenegrin authorities to create conditions for free and fair elections by the end of 1997 and to respect the results of these elections;**

**50. Calls upon the international community to address the issue of military imbalances which result from reported non-compliance with agreed arms control measures;**

**51. Calls upon the parliaments of the OSCE participating States, taking into account the decisions of the OSCE Lisbon Summit, to make a constructive and useful contribution to the development of a Charter on European Security;**

**52. Agrees that a review of implementation of OSCE commitments will be a permanent aspect of the work of the OSCE Parliamentary Assembly; and**

**53. Calls upon the parliaments of the OSCE participating States to promote actively enhanced implementation of fundamental OSCE principles, in particular those relating to respect for human rights, promotion of democracy and the rule of law, respect for the sovereignty, territorial integrity and inviolability of the frontiers of States, as well as the putting into practice of the recommendations contained in this resolution.**

## **CHAPTER II**

### **(ECONOMIC AFFAIRS, SCIENCE, TECHNOLOGY AND ENVIRONMENT)**

The OSCE Parliamentary Assembly,

**54. Recognizing that promoting economic co-operation and providing assistance to the countries undergoing transition to a market economy have been goals of the OSCE since the Charter of Paris was signed in 1990;**

**55. Acknowledging that OSCE activity in the field of economic dimension is insufficient today;**

56. Aware that the economic situations of the countries of Central and Eastern Europe and the former Soviet Union differ greatly;

57. Understanding that the varying degree of success among transforming economies is related to past economic experience, level of infrastructure, skill of the workforce, proximity to Western markets, as well as the level of political stability and commitment of governments to reform and the level of international assistance and foreign investment;

58. Encouraged by the fact that many transition economies have started the process of drafting and enacting legislation in the areas of property, contracts, bankruptcy, foreign investment, taxation and competition;

59. Noting, however, that few transforming countries have developed effective implementation and enforcement mechanisms to oversee these reforms;

60. **Recognizing the broad exchange of information and adjustment programs that have been implemented between the European Union and those transition States aspiring to join the European Union;**

61. Noting that support for the countries of Central and Eastern Europe and of the former Soviet Union flows through three channels: multilateral assistance through International Financial Institutions (IFIs), bilateral assistance in the form of loans and technical assistance, and private investment;

62. Concerned that the level of private investment flows and public aid by national or international public organizations to the transition economies is not enough to sustain economic growth in these countries;

63. **Emphasizing the need for the transition countries to put in place, in parallel with the reforms, a clear, transparent and stable legal framework;**

64. **Concerned by the existence of the practice of using blockade, especially of humanitarian assistance, as a means of political pressure, which is especially dangerous for the countries with economies in transition;**

65. Recognizing that regional economic co-operation organizations in Central and Eastern Europe and the former Soviet Union have not achieved their potential;

66. Noting that the flow of persons and goods across certain significant border points is still far from efficient, in terms of lengthy waiting times which result in financial losses, due to the less than wellorganized border crossing control procedures and infrastructure;

67. Convinced, however, that regional co-operation is crucial for infrastructure development, industry specialization, information sharing, dispute resolution and environmental protection;

68. **Noting that more intensive co-operation and exchange in all fields of research and science are necessary to promote the transfer of know-how and technology;**

69. **Convinced that the current transition offers the chance to lessen the degradation of the environment and to move towards more sustainable economic development;**

70. Recognizing that the world trading regime would benefit from extending membership in the World Trade Organization to the transition economies;

71. Concerned over the condition of nuclear reactors with obsolete design and technologies, and their obvious risks for the population, in Central and Eastern Europe and the former Soviet Union, as well as in countries in Western Europe;

72. **Welcoming the decision taken at the meeting of the G8 in Denver to provide financial aid to close down the Chernobyl nuclear power plant;**

73. Noting that both the transition economies and the Western industrialized States have much to do in order to fulfil the economic goals set by the OSCE;

#### **Priorities for the Transition Economies**

74. Urges the transition economies to continue to focus their efforts on developing a stable private banking system, property and environmental protection, **merger control, anti-trust measures, protection of consumers, copyright and intellectual property rights, as well as** fair, reliable and equitable tax codes;

75. Calls on the governments of reforming countries to develop regulatory or supervisory bodies which would oversee reforms, monitor environmental progress and serve as watchdogs on state activities, economic crime and corruption;

76. **Urges the transition economies to strengthen subregional organizations and institutions which play a role in the OSCE area;**

77. Encourages the transition economies to increase intraregional trade and to continue to reduce tariffs and trade barriers;

78. **Calls on economies in transition that use economic sanctions against each other to refrain from this practice, and thereby greatly promote the development of economic relations between them, and contribute to their quick development;**

79. **Encourages those transition States aspiring to join the European Union to adjust their economic legislation and environmental standards to enable them to take part in the internal markets of the European Union in the future;**

**80. Calls on the governments of reforming countries to reorganize border crossing control procedures and infrastructure in order to minimize waiting time at border crossing points for persons and goods;**

### **Priorities For Western Industrialized States And International Economic Institutions**

81. Calls on the international community to reduce the overlap of international initiatives by streamlining efforts and improving co-ordination among Western institutions and countries;

**82. Urges all countries to pay attention to the sustainable use of their natural resources and therefore to develop legislation, institutions and practices to reach that goal;**

83. Encourages better co-ordination among the international financial institutions in order to develop a more focused assistance plan for transition economies;

84. Urges funding institutions like the European Bank for Reconstruction and Development to assist regional and subregional organizations establish a funding base for the implementation of programs and initiatives;

85. Calls on donor countries and Western economic institutions to concentrate foreign assistance in the area of institution-building, training and technical assistance in order to improve the capacity of transition economies to implement market reforms and sustainable development policies;

**86. Requests Western industrialized States and international financial institutions, when providing assistance to South-Eastern European countries, to take into consideration the fact that some of these countries have sustained grave financial losses as a result of the strict observance of the UN Security Council sanctions during the crisis in former Yugoslavia (1992-1996) without having received any significant compensation;**

87. Urges Western countries and international financial institutions to meet to discuss and seek appropriate financial means and technological support to close down or repair outdated and dangerous nuclear reactors in Central and Eastern Europe, in the Baltic States, in Russia and other countries of the former Soviet Union which constitute an increasingly serious environmental threat and to replace nuclear power plants, to the extent possible using renewable energy sources in combination with energy saving and efficiency measures;

**88. Recognizes the absolute priority of the safety factor in the use of nuclear energy and of the full implementation of agreements in this area, and stresses the need for further significant progress in the countries of Central and Eastern Europe and the**

**former Soviet Union, especially in strengthening institutions with executive power and control, increasing the reliability of reactors and improving safety standards;**

89. Calls on OSCE participating States, relevant organizations and financial institutions to intensify their efforts to render effective assistance towards eliminating the consequences of the Chernobyl accident and warning of other technological catastrophes in the OSCE region;

90. Advises members of the World Trade Organization to extend membership to the new market economies in order to exploit new trading opportunities in the East;

91. **Urges OSCE participating States to actively encourage the further development of international Conventions for the protection of the environment and to ratify and implement the international conventions already agreed upon. A high priority should be placed on the establishment of a binding Protocol for the United Nations Framework Convention on Climate Change, the further development of the United Nations Convention on the Law of the Sea and the drafting of a Protocol for the protection of forests;**

92. **Calls on the European Union to prepare for enlargement to Central and Eastern Europe and to the Baltic States in the coming years;**

93. Stresses the need to offer the transition economies better access to all external markets;

94. Recommends that the OSCE strengthen its economic analysis capacity so as to make effective and continuous use of work carried out by other organizations (OECD, World Bank, IMF, EBRD, European Union, etc.) and disseminate the results;

95. **Calls on the OSCE to identify threats to security, arising from problems in the economic, social and ecological fields, their causes and possible consequences, leading to the adoption by the relevant international institutions of appropriate measures to counteract these threats;**

96. Urges the OSCE to improve the capacity of the Economic Forum to deal effectively with economic issues affecting OSCE members;

97. Expresses the wish for the appointment of a high profile OSCE representative, before the next Ministerial Council in Copenhagen, to observe the processes concerned with economic and ecological aspects of security in the OSCE region and to identify potential threats, to liaise with international economic and financial institutions, formulate economic policies for the OSCE and, when necessary, intercede with member governments;

98. **Expects that the OSCE Council of Ministers - in compliance with the decisions taken by the Heads of State and Government in Budapest and Lisbon - will make a**

**clear commitment to strengthen the economic dimension of the OSCE and to make this tangible through appropriate measures;**

**99. Calls on the OSCE Council of Ministers to submit a progress report on the economic dimension by the next Annual Session of the Parliamentary Assembly;**

100. Urges all participants to pay due attention to the important initiative to convene a Parliamentary Conference on subregional economic cooperation in Monaco in October 1997, as a contribution to the new European architecture;

**101. Encourages the establishment of an OSCE Economic Charter, which will be an important contribution to the further development and implementation of the standards of the organization in its economic dimension;**

**102. Calls on the OSCE, for the purpose of strengthening confidence in the field of economic co-operation among participating States, to continue and intensify elaboration of a code of conduct on interstate economic relations as well as a code of conduct in the field of ecology; and**

**103. Further calls on the OSCE participating States to continue their assistance to accelerate integration of the Central and Eastern European transition economies into international structures of European co-operation.**

### **CHAPTER III (DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS)**

The OSCE Parliamentary Assembly,

**104. Underlining the importance of all OSCE States to work for full implementation of their OSCE humanitarian dimension commitments;**

**105. Disturbed by any violation of such commitments;**

**106. Emphasizing the necessity of strengthening the civil liberties based on the rule of law and democratic government;**

**107. Recognizing free and fair elections, held at regular intervals, as the only basis for democratic government;**

**108. Underlining that, in those areas where ethnic cleansing has taken place, elections may be deemed to be free and fair only if all pre-conflict inhabitants are allowed to take part;**

**109. Conscious that transparency, plurality, the avoidance of media concentration and the unrestricted dissemination of information are essential for the working of democracy;**

**110. Acknowledging the role of the media and its indispensability as an essential element of democracy and the implementation of OSCE humanitarian commitments;**

**111. Recalling that human rights have always been a focal concern of the OSCE, and have determined its historic contribution to the development of democracy in Europe;**

**112. Noting, however, that implementation of OSCE norms and principles in the human dimension is not keeping pace with the increasing challenges of the time (to which many conflicts in the OSCE area bear witness);**

**113. Calls on all States to assess fully shared OSCE commitments and fully co-operate with international bodies recognizing such problems of implementation;**

**114. Reaffirms the commitments in the human dimension and the continuing progress in the implementation of these obligations;**

**115. Condemns all violations of human rights and calls for prosecution of such infractions under national and international law;**

**116. Condemns ethnic cleansing and genocide as especially grave violations of human rights and calls for prosecution of the perpetrators by a competent international tribunal;**

**117. Continues its support for free and fair elections, respect for the rule of law, freedom of expression, information, religion and belief as necessary aspects of a true democracy, as well as all of the other aspects of the human dimension;**

**118. Calls on all member States to respect the right of all national minorities to speak their own languages and to nourish their own culture;**

**119. Renews its efforts to open lines of communication between parliaments and to assist new democratic States by organizing seminars, election monitoring missions, and presidential and parliamentary missions;**

**120. Encourages the ongoing success of the work of the HCNM and his contribution to the field of conflict prevention;**

**121. Urges States to become parties to international treaties and agreements which contribute to the implementation of the OSCE human dimension.**

The OSCE Parliamentary Assembly,

122. **Accepting** the important role the media play in democratic States and will increasingly play in the knowledge and information society of the 21st Century;

123. **Aware** that media play an important role in all public debate, and should be encouraged to be fair and balanced in the presentation of information, especially in situations of tension and social conflict; but in any case media activities should be seen as the natural outgrowth of free speech in a free society;

124. **Acknowledging** that objectivity of the media is particularly important for the position of national minorities in society, and that prejudice and wrongful allegations can only be countered by balanced coverage of events and issues;

125. **Stressing** that an objective and free press could play a decisive role in resolving existing ethnic conflicts and that there should be no limitation on the free dissemination of information between different ethnic groups in the conflict zones;

126. **Recognizing** that, due to the cross-boundary nature of satellite television, the internet, new information technologies and international press coverage, it is becoming increasingly necessary for media to take a special interest in cultural diversity;

127. **Conscious** that in most OSCE States the media are subject to government regulation and to laws, and that it is not always easy to distinguish between legitimate aims in the interest of society and those that should be scrutinized;

128. **Acknowledging** that the concentration of media ownership endangers pluralism, democracy, human rights and basic freedoms;

129. **Conscious** that lack of transparency in the holders of media ownership seriously endangers democracy, human rights and basic freedoms;

130. **Taking** into account that media policy is a sensitive issue for many national governments and that in some countries the mass media may still bear the legacies of State monopoly and control;

131. **Recognizing** that the change from public broadcasting to a more commercial approach may bear the danger of media concentration;

132. **Acknowledging** that independence within media companies is an essential contribution to a democratic society;

133. **Condemning** all States which engage in or allow harassment - including murder, wounding, detainment and hostage-taking - persecution and imprisonment

of journalists, editors and publishers for exercising their freedom of expression in pursuit of their journalistic profession;

134. **Concerned** about a tendency towards censorship through legally exercised regulation, such as decency laws, which are supposed to be in the interest of citizens; and

135. **Taking** into account that news agencies may greatly contribute to a democratic society;

136. **Urges** governments to provide access to public information in a proper way and also to protect this right by law, such as, for example, a "freedom of information act", to open the way for independent and plural communications organizations;

137. **Underlines** the importance of an independent and pluralistic media for a free, open and multi-cultural society and, more particularly, the need for the public media monopoly in the Federal Republic of Yugoslavia to be replaced as a matter of urgency by democratic and pluralistic access to the public media;

138. **Stresses** the absolute need to allow political groupings and candidates during electoral campaigns sufficient access to the media, in particular media controlled by the State;

139. **Directs** attention to the significant role media can play in stabilizing situations of tension and social conflict;

140. **Recognizes** that the maintenance of a free, open and democratic society requires the widest possible latitude for freedom of speech and expression, for the media and for society as a whole. Accordingly, laws which provide criminal penalties for the defamation of public figures, or which penalize the defamation of the State, State organs, or public officials as such, chill free speech and undermine democracy and should be repealed where they exist;

141. **Notes** the important role of the media in combating the various forms of discrimination, xenophobia and intolerance, which continue to be a dangerous scourge of modern society and to threaten stability in the OSCE space;

142. **Reaffirms** that the true and unbiased information presented by the media is of special importance for the implementation of such OSCE values as the stable democratic development of individual countries and the strengthening of friendly relations and co-operation between them;

143. **Calls** upon governments to regulate only to facilitate public broadcasting, to refrain from restricting media and to ensure that any restrictions imposed are consistent with their international human rights obligations and commitments;

**144. Appeals to all media institutions to guarantee independence within their own organizations and to free their reporters from commercial and political interference;**

**145. Calls for rules ensuring against political favoritism in the privatization of broadcast services and in frequency allocation for private or associative broadcasters;**

**146. Recommends that particular attention should be given to defining terms such as "national security", "State secrets", "pornography" and all other reasons used for restricting the media, in order to avoid covert censorship;**

**147. Exhorts governments to regulate by law, adequate to protect the professional right not to disclose sources of information and a conscience clause respecting the rights of professional journalists;**

**148. Calls on all governments to ensure the speedy and effective investigation of harassment and serious crimes against journalists;**

**149. Encourages governments and parliaments to reassess existing legal instruments, such as anticartel regulations, to avoid concentration of media;**

**150. Calls upon the governments and parliaments of the developing democracies to adopt appropriate legislation enabling the files from the totalitarian era of all citizens, including journalists and the heads of the mass media, to be opened, and allowing free access to the information contained therein;**

**151. Exhorts governments to encourage juridical norms in order to guarantee the transparency of media ownership;**

**152. Notes that broadcast programmes are often ruled by economic interests, which leads to the disintegration of old broadcasting orders and to a largely homogeneous television industry;**

**153. Appeals to all OSCE States to resist the growing trend toward regulatory control of new communications media, considering, however, a solution which will secure a proper balance to the conflict between, on the one side, protection of private e-mail and files through encrypting (right to privacy) and, on the other side, the legitimate right for society in some serious criminal cases to access such encrypted information;**

**154. Calls for an international debate on Net-ethics, similar to the one started by the UNESCO;**

**155. Urges all journalists to respect their professional codes, including respect for the truth, the willingness to correct false messages and to refrain from plagiarism, slander and insult;**

**156. Appeals to governments to co-operate with governmental and non-governmental organizations to assess their commitments on freedom of media by, *inter alia*, facilitating access by NGOs and ordinary citizens to broadcast and other electronic media;**

**157. Appeals to the Ministerial Council of the OSCE to devote more attention to media issues and to focus on countries which obstruct the media;**

**158. Recommends the Ministerial Council evaluate institutional improvements on media within the OSCE; and**

**159. Supports the proposal to set up an OSCE representative on freedom of the media as stated in the 1996 Lisbon Document of the OSCE (in accordance with guidelines drawn up by the European Union), with the task to work in close contact also with all competent OSCE institutions, including the Parliamentary Assembly of the OSCE as well as other international organizations, such as the Council of Europe.**

#### **CHAPTER IV (SYSTEMATIC RAPE IN CONDITIONS OF ARMED CONFLICT)**

**The OSCE Parliamentary Assembly,**

**160. Recalling that history abounds with examples of deliberate use of rape as a tool of war in situations of armed conflict;**

**161. Deploring the use of rape, including systematic rape, in the Second World War as well as in subsequent armed conflicts all over the world;**

**162. Noting with great concern that between 1992 and 1994 some tens of thousands of women in the former Yugoslavia were raped individually or in groups and that also men were raped;**

**163. Recalling that rape carried out by soldiers in the course of an armed conflict is a grave war crime according to international law, as laid down by the Fourth Geneva Convention of 1949 and its two supplementary Protocols of 1977;**

**164. Convinced that rape carried out in this manner is a crime against international humanitarian law, a violation of human rights and a first step in the execution of an act of genocide;**

**165. Welcoming the growing recognition that the use of rape in situations of armed conflict, including the use of systematic rape as a tool of war, is a war crime and a crime against humanity;**

**166. Recalling that during the trials in the International Military Tribunals at Nuremberg and at Tokyo there were no charges of rape;**

**167. Noting that the first cases of an investigation into accusations of the use of systematic rape were raised in the review of the crimes in the former Yugoslavia and Rwanda;**

**168. Regretting that charges of rape in the International Criminal Tribunal for the Former Yugoslavia have been withdrawn as the victims dared not testify;**

**169. Sympathizing greatly with the victims of rape and sexual abuse and aware of the devastating consequences of rape for those victimized as well as for their families;**

**170. Convinced that in spite of all the laws and conventions on systematic rape there is a need for further action in order to prevent future acts of violence;**

**171. Urges the OSCE participating States to recognize rape carried out by parties in armed conflict as a form of torture within the terms laid down in the United Nations Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment;**

**172. Calls upon the OSCE participating States to make provisions for considering torture in the form of rape carried out by parties in armed conflict as constituting grounds for asylum;**

**173. Requests the OSCE and participating States to ensure that war crimes in the form of rape are referred to the International Criminal Tribunal for the Former Yugoslavia in The Hague and are given equal treatment by the Tribunal as other grave war crimes, being of the opinion that such crimes should be mentioned in the decisions of the Tribunal when the person in question is found guilty, and urges the parties to the Dayton Agreement to co-operate fully with the Tribunal in keeping with their obligations under that Agreement; and**

**174. Asks the international community to provide support and protection to those women and men who are victims and witnesses in war trials involving rape charges.**