

MARCH 2005



**OSCE diplomacy in action:  
Searching for a solution in Ukraine**

**Christmas in Ukraine:  
Record number of OSCE observers monitor election**

**A Constitution for Europe:  
Enshrining minority rights**



# Slovenia takes over the helm

## The OSCE at a crossroads



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views expressed in the articles are those of the authors and do not necessarily reflect the official position of the OSCE and its participating States.

Editor: Patricia N. Sutter  
Designer: Nona Reuter

Please send comments and contributions to:  
[osce-magazine-at@osce.org](mailto:osce-magazine-at@osce.org)

Press and Public Information Section  
OSCE Secretariat  
Kärntner Ring 5-7  
A-1010 Vienna, Austria  
Tel.: (+43-1) 514 36-278  
Fax: (+43-1) 514 36-105

The Organization for Security and Co-operation in Europe is a pan-European security body whose 55 participating States span the geographical area from Vancouver to Vladivostok.

### OSCE Chairmanship 2005: Slovenia

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- Forum for Security Co-operation, *Vienna*
- Secretariat, *Vienna*
- OSCE Representative on Freedom of the Media, *Vienna*
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- OSCE Spillover Monitor Mission to Skopje
- OSCE Mission to Serbia and Montenegro

## Message from the Spokesperson of the OSCE

Events in Ukraine served as a bridge between the OSCE's Bulgarian Chairmanship in 2004 and the Slovenian Chairmanship that began on 1 January 2005.



The Ministerial Council meeting in Sofia in December was overshadowed by the political crisis in Ukraine following a disputed presidential election. OSCE Secretary General Ján Kubiš played an active role as a member of a team of international mediators whose meetings with the main political actors helped to resolve the impasse.

The 2005 Chairman-in-Office, Slovenian Foreign Minister Dimitrij Rupel, began the year in happier circumstances by travelling to Ukraine to congratulate newly elected President Viktor Yushchenko, returning later in the month for his inauguration as head of state. Our cover story gives an overview of Foreign Minister Rupel's first few months in office.

Continuing the Ukrainian theme, the Acting Head of External Co-operation in the OSCE Secretariat, Oleksandr Pavlyuk, gives an insider's account of what it was like for a Ukrainian national to participate, on the Organization's behalf, in momentous talks on his country's future.

Just before the *OSCE Magazine* went to press, the sad news reached us that Ambassador David R. Nicholas, OSCE Project Co-ordinator in Ukraine, had died suddenly in his office in Kyiv. He was 64. A big man in every sense of the word, he was liked and respected by everyone who worked with him. A tribute to Ambassador Nicholas appears on page 23.

This issue marks the start of the second year of the new-look *OSCE Magazine*. We have received very favourable feedback from readers on the lively full-colour format. We encourage all readers interested in the activities of the OSCE to contact us with story ideas, comments and suggestions.

Richard Murphy  
Vienna  
March 2005

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Front cover: The triple bridge (*Tromostovje*) in the heart of Ljubljana dates back to 1842 and was widened in 1929-1932.  
Photo: Matjaz Preseren/PR and Media Office of Slovenia

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# Slovenia takes over the helm OSCE at a crossroads

Mount Triglav, Slovenia's highest mountain and its national symbol, inspired the Chairmanship logo.  
Photo: Stane Klemenc/  
PR and Media Office of  
Slovenia

**BY RICHARD MURPHY**

**A** hectic round of high-level meetings on both sides of the Atlantic marked the first 10 weeks of the OSCE Chairmanship of Slovenian Foreign Minister Dimitrij Rupel.

Official duties took him to Kyiv, Brussels, Belgrade, Pristina, Moscow, Astana, Tashkent, Strasbourg, New York, Washington, D.C., Chisinau and Geneva.

Leaders with whom he held discussions included United Nations Secretary-General Kofi Annan, NATO Secretary-General Jaap de Hoop Scheffer, Russian Foreign Minister Sergey Lavrov, and U.S. Secretary of State Condoleezza Rice. He also addressed the North Atlantic Council in Brussels and the U.S. Helsinki Commission on Capitol Hill.

Slovenia took over the OSCE Chairmanship

on 1 January at one of the most difficult times for the Organization in its recent history.

Foreign Ministers had failed to agree a concluding declaration at their Ministerial Council meeting in Sofia in December. This reflected differences on key political issues among OSCE participating States. Moreover, the new year began without agreement on a 2005 budget or new scales of contribution.

Although the Organization's internal difficulties were a key item on the agenda in his meetings with other foreign ministers, the Chairman-in-Office insisted that the OSCE should not become too introverted and obsessed with its internal affairs.

"There is a whole world out there that requires our attention," he said, urging OSCE countries to overcome their differences and show willingness to compromise to ensure that agreement on a budget was reached quickly. (The Organization can continue to operate on the basis of provisional financing arrangements, but the absence of agreement on a 2005 budget meant that no new activities could be launched.)

## **VITAL FORUM**

The Chairman-in-Office recalled that the OSCE, like its forerunner, the CSCE (Conference on Security and Co-operation in Europe), had overcome many setbacks in the 30 years since the 1975 Helsinki Final Act. He insisted that it had lost none of its relevance as a vital forum for addressing security challenges in Europe.



Chairman-in-Office Dimitrij Rupel with UN Secretary-General Kofi Annan, 4 March.

Meeting new Ukrainian leaders, 5 January: parliamentarian Yuliya Tymoshenko, now Prime Minister, President Viktor Yushchenko and Foreign Minister Borys Tarasyuk. Photos: OSCE/BOBO



“We should not forget that the first few decades of the CSCE were marked by an atmosphere of deep hostility and mistrust, with two armed blocs confronting each other,” he said. “Helsinki launched a process of co-operative security which remains valid and relevant today. What we have in common is much greater than the points on which we differ.”

Nevertheless, in his first address to the Permanent Council in Vienna on 13 January, the Chairman-in-Office acknowledged the political difficulties in the Organization. “Slovenia takes the helm of this ship in choppy seas,” he said. Expressing concern at the tone of some statements from certain OSCE countries, he added: “We must work together to prevent political fault lines from reappearing.”

He told the representatives of the 55 participating States that Slovenia wanted to use its year at the helm to “revitalize, reform and rebalance” the Organization. He followed up on this in February by appointing a seven-member Panel of Eminent Persons to carry out a thorough review of the way the Organization operates. It is due to present its recommendations for the future by the end of June.

“My expectation, which I believe is shared by all participating States, is that you will provide us with a vision for the future and some radical, yet politically realistic, food for thought on where the OSCE should

be going in the years ahead,” he told the Panel at its first meeting near Slovenia’s capital, Ljubljana.

#### PIVOTAL ROLE

The Chairman-in-Office had begun the year by visiting Ukraine on 4 and 5 January. After meeting members of the outgoing and incoming governments in Kyiv, he flew to the west of the country and drove into the Carpathian mountains to visit newly-elected President Viktor Yushchenko, who interrupted his holiday for the meeting.

The OSCE had mounted its largest-ever election observation mission for the repeat second round of Ukraine’s presidential elections on 26 December. “The eyes of the world were on Ukraine for a month and the role of the OSCE election observers in the process was pivotal,” he said in Kyiv.

“I wanted to come here as soon as possible to show solidarity with the Ukrainian people and to demonstrate the importance which the OSCE attaches to a democratic and stable Ukraine, enjoying good relations with its neighbours at the heart of the OSCE community.”

Foreign Minister Rupel indicated at the very outset that the Slovenian Chairmanship would place high priority on the situation in Kosovo, where the OSCE maintains its largest field mission.

Kosovo figured prominently on the agenda in his meetings in Belgrade, Moscow, New York and Washington, D.C. In Pristina,



NATO Secretary General Jaap de Hoop Scheffer (left) confers with OSCE Chairman-in-Office at the Conference on Security Policy in Munich, 11-13 February.



Dimitrij Rupel (left side of photo, at circular table) addresses the UN Security Council in New York, 4 March.



he met the Special Representative of the UN Secretary-General, Soren Jessen-Petersen, and both Kosovo-Albanian and Kosovo-Serb politicians.

In a signed article in the *Wall Street Journal Europe* of 11 March (“Completing Kosovo”), the Chairman-in-Office said a discussion of Kosovo’s future status should not be postponed and it was high time Belgrade and Pristina were brought back to the negotiating table.

“Kosovo’s future status can be resolved in a stable manner only if the result is sanctioned by both capitals,” he said. “Success in future-status negotiations depends on whether we succeed in building cross-ethnic trust in Kosovo and in strengthening the confidence between Belgrade and Pristina.”

In Moscow on 1 February, the Chairman-in-Office met Russian Foreign Minister Sergey Lavrov to discuss OSCE reform, the Organization’s election-monitoring activities, and a range of regional issues. Russia had expressed concern about what it perceived as geographic imbalances in the work of the OSCE and “double standards” in its election-monitoring.

Emphasizing that the Slovenian Chairmanship took Russia’s concerns very seriously, Foreign Minister Rupel said: “We share a common desire to strengthen the OSCE and make it more effective and responsive to the needs of all participating States.”

In New York, on 4 March, he urged Permanent Members of the UN Security Council to use their influence to help end

some long-standing conflicts in the OSCE region, especially in parts of Moldova and Georgia and in the disputed region of Nagorno-Karabakh.

“It is difficult for inter-state organizations to deal with non-state actors, even if — as in some cases — they are de facto authorities,” the Chairman-in-Office said. “There are times when the leverage of powerful states — including Permanent Members of this Council — can be crucial. I urge you to exert that pressure in the context of OSCE mediation efforts to help resolve these long-standing conflicts.” He also encouraged the United Nations to make more use of regional organizations such as the OSCE.

At a meeting with UN Secretary-General Kofi Annan, he discussed Kosovo and the reform processes under way both at the United Nations and at the OSCE.

OSCE reform and the budget impasse were also high on the agenda at a meeting with U.S Secretary of State Condoleezza Rice in Washington on 7 March.

“As far as our internal difficulties are concerned, I am much more optimistic after talking to Secretary Rice,” he said afterwards. “She pledged very strong support for the work of the OSCE and encouraged the Slovenian Chairmanship to continue with its efforts to reach a compromise. I am hopeful that we will see some progress in the coming weeks. We will certainly work extremely hard to achieve a breakthrough.”

**Richard Murphy is OSCE Spokesperson and Head of Press and Public Information.**

## Panel of Eminent Persons to draw up vision for OSCE's future

The OSCE Chairman-in-Office has urged the OSCE's Panel of Eminent Persons to be "bold" in performing its task of giving new impetus to political dialogue and providing a strategic vision for the Organization in the 21st century.

"I don't want to over-dramatize this — the OSCE has been in a constant state of flux since 1975 and has periodically been adapting and re-tooling itself to deal with changed threats and challenges to security," Slovenian Foreign Minister Dimitrij Rupel said at the Panel's first meeting on 17 February near Ljubljana, "but long-time OSCE-watchers tell me that the situation now is significantly different. Serious questions are being raised at a high level about

the OSCE and there is a strong sense that something profound has to change."

The Panel members reconvened in Vienna on 10 and 11 March. They are expected to issue their recommendations by the end of June.

The OSCE participating States had agreed at their Ministerial Council meeting in Sofia in December to establish the Panel, "recognizing that the 30th anniversary of the Helsinki Final Act, the 15th anniversary of the Charter of Paris for a New Europe and the 10th anniversary of the OSCE provide a unique opportunity to reflect on the role of the Organization in a changing Europe."



Brdo Castle near Ljubljana was the setting of the first meeting of the Panel of Eminent Persons on 17 February, following their appointment by the Chairman-in-Office (third from right) on 3 February. The members, representing a cross-section of participating States, are (left to right):

**Wilhelm Höynck** (Germany): Former Secretary General of the CSCE/OSCE (1993-1996);

**Kuanysh Sultanov** (Kazakhstan): Deputy of the Senate of Parliament and former Ambassador to China;

**Miomir Zuzul** (Croatia): Former Acting Foreign Minister and member of the Croatian negotiation team at the Dayton Peace Accords;

**Nikolay Afanasievskiy** (Russia): Ambassador to Poland and former Deputy Foreign Minister;

**Knut Vollebaek** (Norway): Ambassador to the U.S. and former Foreign Minister and Chairman-in-Office of the OSCE (1999);

**Hans van den Broek** (Netherlands): Former Foreign Minister and member of the EU Commission; and

**Richard S. Williamson** (United States): Former Assistant Secretary of State, U.S. Representative to the UN Commission on Human Rights, and Ambassador to the UN Office at Vienna.



## Dimitrij Rupel: At home in many worlds

Dimitrij Rupel's career, background and scholarly pursuits span the worlds of politics, public service, diplomacy, academia, and arts and letters.

At 44, he was appointed the first Minister for Foreign Affairs of the newly independent Republic of Slovenia (1990-1993), a post he has held again.

He has been a Member of Parliament (1992-1995), Mayor of Ljubljana (1994-1997) and Slovenia's Ambassador to the United States (1997-2000).

His political activism goes back to the period when he co-founded and edited the magazine *Nova Revija*, which published the Slovene National Programme in 1987, a manifesto for political change. He later helped establish the Slovenian Democratic Alliance (SDZ) and became its first President in 1989.

"My first love was literature and I came to politics relatively late in life," the Foreign Minister says. "Perhaps that's why I take a broad view of Slovenia's role in the world — I see it from many perspectives."

Foreign Minister Rupel obtained a degree in world literature and sociology from the University of Ljubljana (1970), and subsequently a Ph.D. in sociology from Brandeis University in Massachusetts (1976). He was Visiting Professor at Queen's University in Kingston, Canada, at the New School for Social Research in New York, and at Cleveland State University in Ohio. He has also taught at the University of Ljubljana.

He is a prolific writer, with a string of novels as well as books with historical, international relations and sociological themes. Among his best-known works are: *Skrivnost države* (Secret of State), 1992; *Odcarana Slovenija* (Disenchanted Slovenia), 1993; *Srečanja in razhajanja* (Meetings and Partings), 2001; and *Prevzem zgodbe o uspehu* (Taking Over the Success Story), 2004.

This article appeared in the **Washington Post** of 7 March 2005.

## Cold War Echoes

By **Dimitrij Rupel**

When my prime minister suggested some years ago that Slovenia should take on the chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2005, I knew it would be a challenge.

Our 55 States face critical security issues that require our full attention, from terrorism and human trafficking to conflicts in Georgia, Moldova and Nagorno-Karabakh. The OSCE, a pan-European body spawned by the 1975 Helsinki Final Act and of which the United States is an active member, is uniquely placed to address these challenges.



The Chairman-in-Office with U.S. State Secretary Condoleezza Rice, 7 March, and Russian Foreign Minister Sergey Lavrov, 1 February. Photos: OSCE/BOBO

I did not imagine, though, that I would spend my first few months in the post haggling with fellow foreign ministers about a relatively insignificant amount of money. Yet that is exactly what I have been doing. The OSCE faces paralysis within months because we have been unable to agree on a 2005 budget or on how much each country should contribute in the future. The sums involved are relatively small — the OSCE budget was 180 million euros (\$238 million) last year, about four per cent of the annual budget of the District of Columbia. Running on provisional budget arrangements, the OSCE is unable to launch any new activities or implement important initiatives. This is both absurd and embarrassing.

The budget dispute, of course, masks fundamental political differences that go well beyond the OSCE. The Russian Federation and some

members of the Commonwealth of Independent States argue that the OSCE applies a double standard, that the way it monitors elections is flawed, that too much attention is paid to human rights and not enough to security.

The United States and the European Union, on the other hand, appear generally content with the focus on the “human dimension”: upholding basic human rights and monitoring elections. They rarely bring significant political-military issues to the negotiating table.

I sense a hardening of attitudes on all sides, and I hear rhetoric uncomfortably reminiscent of the Cold War. If the impasse continues, the OSCE’s credibility and its survival will

be in jeopardy. Does that matter? I firmly believe it does.

The OSCE started life in the 1970s as a series of meetings between two opposing blocs that had the power to obliterate one another. It provided a forum in which trust was slowly and painfully built. The result was a series of landmark accords, starting in Helsinki, on confidence-building measures to reduce the risk of war and on new common standards for human rights and democratic elections. Without a doubt, the Helsinki process played a significant role in helping to bring about a peaceful end to the Cold War.

After the collapse of communism, our leaders reinvented the Organization as an operational body with a network of field offices. Throughout the 1990s, it played an important conflict-prevention role from the Crimea to the southern Balkans and helped with post-conflict rehabilitation in places as diverse as Kosovo, Tajikistan and Georgia.

The OSCE has achieved much on a shoestring budget. But as the only security organization that includes the United States, Canada, Russia, the whole of Europe and the former Soviet Union as equal partners, it could achieve so much more if participating States mustered the political will to let it do its job properly.

Countries in transition are crying out for the expertise the OSCE can provide in training police forces. All countries want to boost their capacity to fight terrorism, and the OSCE helps by bringing together experts in protecting airports from shoulder-fired missiles and making passports more difficult for terrorists to forge. All of us confront the scourges of human trafficking, organized crime, and racial and religious intolerance.

Yet many OSCE countries appear to contemplate the Organization’s loss of influence with indifference. Our heads of state have not held a summit since 1999. So what can be done?

First, Russia should stop blocking the budget and engage constructively in trying to move the OSCE more in the direction it wants — by negotiation. It should play a more active role in the work of the OSCE by sending more Russians to field missions, providing more election observers and submitting more high-calibre candidates for top positions.

Second, the United States and the European Union should take Russian concerns seriously. They should avoid patronizing their partners and acknowledge that not all Western countries are perfect democracies with flawless human rights records. They should devote more attention to the political-military dimension of security, without weakening OSCE human rights commitments, and stop treating the OSCE as if it were little more than a non-governmental organization.

Third, all OSCE countries should devote high-level political attention to the Organization and use it as the effective security instrument it was designed to be. Lip service is no longer enough.

*The writer is Foreign Minister of Slovenia and Chairman-in-Office of the Organization for Security and Co-operation in Europe. This article reflects his personal views.*





# Christmas in Ukraine

## Record number of OSCE observers monitor election

In the closing weeks of 2004 to the start of the new year, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) once again found itself in the thick of a controversial election. Following a ruling by Ukraine's Supreme Court in early December, which invalidated the second round of the presidential election on 21 November, a re-run was set for 26 December. Realizing the significance of the rescheduled poll, OSCE participating States expanded the mission's size from 600 to more than a thousand observers from 44 countries — an all-time high.

**BY URDUR GUNNARSDOTTIR**

The largest OSCE election observation mission ever — a total of 1,300 personnel, including parliamentarians from the OSCE area — turned out to be nothing short of a logistical miracle. Faced with a massive administrative and co-ordination task, members of the ODIHR team in Kyiv were unfazed. They worked around the clock to fly in observers, assigning them to more than 5,800 polling stations in various parts of the country, hiring translators and drivers for each two-person team, ensuring that everybody had a place to stay in, and arranging their return to Kyiv and their onward journey.

Fortunately, the only venue that was large enough to hold briefings for the whole group was available — Ukraine's aeronauti-

cal institute. ODIHR experts described the nuances of legislative and administrative matters, a media analyst presented the findings of an extensive, four-month monitoring of the national media, and a political analyst sketched the political landscape. Steering the whole operation was the former Head of the OSCE Presence in Albania, Ambassador Geert-Hinrich Ahrens of Germany, who delivered a message of appreciation and encouragement and gave other practical instructions.

On Christmas eve, packed buses and trains took observers to every corner of the country. They lost no time in familiarizing themselves with their assigned locations, checking out polling stations and making preparations for the big day. Pizzas and sandwiches were the holiday fare for most. Mindful of the fact that many of their col-

Kyiv's Independent Square goes "orange".

Photo: ODIHR/Urdur Gunnarsdottir

leagues were missing out on a special celebration with their families, Ukrainian staff treated the 20 experts in the Kyiv team to a Christmas buffet.

Election day, 26 December, got off to a calm start. It did not take too long for the core staff in Kyiv to realize that observers all over the country were witnessing far fewer irregularities than in the previous two rounds of elections.

The following day, the mission noted in its preliminary statement that, despite the remaining shortcomings, campaign conditions were markedly fairer, observers had received fewer reports of voter intimidation, election administration was more transparent, and media coverage was more balanced. In short, the election's repeat second round had taken Ukraine substantially closer to meeting international standards.

"Building blocks have been put in place for future democratic elections in this country," said Ambassador Ahrens at a press conference. Former OSCE Parliamentary Assembly President Bruce George, who headed the short-term observers, was no less upbeat: "In our judgment, the people of this great country can be truly proud that yesterday, they took a great step towards free and democratic elections."

**Urdur Gunnarsdottir is spokesperson of the Office for Democratic Institutions and Human Rights.**



The *Kyiv News* of 27 December 2004 led with a picture of ODIHR Director Christian Strohal and spokesperson Urdur Gunnarsdottir getting ready to monitor the polling stations. The headline reads: "Third round is the most complicated".

## TIMELINE

The largest-ever election observation undertaking of the OSCE/ODIHR, culminating in the third and final poll on 26 December 2004, had actually begun months earlier:

**31 August 2004.** The ODIHR opens an election observation mission in Kyiv to observe the presidential election. The mission – 57 experts and long-term observers – focuses on the election campaign, the legislative framework and its implementation, the media situation, the work of the election administration and other official bodies, and the resolution of election-related disputes.



Monitors get their OSCE armbands ready.

**26 October.** Some 600 short-term observers reinforce the mission. They are joined by observers from the Council of Europe and NATO Parliamentary Assemblies, and from the European Parliament.

**31 October.** Presidential election takes place.

**1 November.** "With a heavy heart, we have to conclude that this election did not meet a considerable number of OSCE, Council of Europe and other European standards for democratic elections," says Bruce George in a statement. "The election process constitutes a step backward from the 2002 [parliamentary] elections ... Nevertheless, the very high participation of the electorate and civil society shows encouraging signs for the evolution of Ukrainian democracy."

**10 November.** The Central Election Commission announces the results. As both of the two leading candidates fall short of an absolute majority – Viktor Yanukovich having received 49.46 per cent and Viktor Yushchenko 46.61 per cent – another round of voting is scheduled.



**21 November.** Second round of voting takes place.

**22 November.** Observers assess election day even less favourably than the first round. "With an even heavier heart than three weeks ago, I have to repeat the message from the first round," Bruce George says. "The Election Observation Mission concludes that the second round has failed to address election irregularities and lacked transparency. The deficiencies have not been addressed."

Emphasizing that the electoral process has not been concluded and urging transparency, especially in the tabulation of votes, Ambassador Geert-Hinrich Ahrens says: "While this was certainly a competitive election, it was not conducted on a level playing field."



Keeping vigil in freezing temperatures.

**26 November, 1 December and 6 December.** High-level roundtables with the main political actors are held at the presidential Mariinsky Palace to help resolve the mounting crisis. OSCE Secretary General Ján Kubiš takes part at the request of the Bulgarian Chairmanship. The international mediation efforts pave the way for the repeat of the second election.

**26 December.** The second round of voting is repeated.



A Ukrainian citizen makes her voice heard.

**27 December.** The OSCE/ODIHR mission announces in a preliminary statement that the repeat second round has taken Ukraine substantially closer to meeting international standards.

**10 January 2005.** The Central Election Commission announces that Viktor Yushchenko has won the repeat second run-off, after he registers as leading by 8 percentage points.

**23 January.** Viktor Yushchenko is sworn in as president. Guests include Chairman-in-Office Dimitrij Rupel and Secretary General Ján Kubiš.



Ukraine inaugurates its new head of state, 23 January.



EYEWITNESS TO HISTORY

# OSCE diplomacy in action

## Searching for a solution in Ukraine

On 21 November 2004, a nation of 47 million in the heart of the OSCE area found itself faced with its most hotly contested election since it gained independence in 1991. The presidential contest in Ukraine, now on its second round, had turned into more than a mere competition between two candidates. For voters and their families, much more was at stake: the country's future direction, as epitomized by two different visions.

Secretary General Ján Kubiš (left) with international mediators and Ukrainian leaders, 6 December 2004, at the Mariinsky Palace. AFP photo/Sergei Supinsky

**BY OLEKSANDR PAVLYUK**

Long before the first round on 31 October, many observers were convinced that the election would have historic significance not only for Ukraine but also for the Commonwealth of Independent States and for Europe. No one, however, could have foreseen the suspense and drama that would build up in the country as the year drew to a close.

It all started on the morning of 22 November, when more than a hundred thousand Ukrainians gathered at Kyiv's *Maidan Nezalezhnosti* (Independence Square), protesting against what they perceived as blatantly fraudulent practices the day before. Their numbers were to grow with every passing day. In a simultaneous development all across the country, millions flooded into the streets.

For 17 straight days and nights, men and women, young and old, rich and poor, Ukrainian- and Russian-speaking, kept vigil on *Maidan*, often in freezing temperatures.

The entire capital was transformed into a landscape of bright orange — the campaign colour of the opposition party. Orange flags fluttered from cars and balconies, orange ribbons adorned tree branches and everyone wore something in orange — a hat, a scarf, or a sweater.

It was this emotionally charged, politically uncertain and potentially explosive situation that set the stage for the OSCE's participation in an urgently initiated international mediation effort. Secretary General Ján Kubiš arrived in Kyiv in the early afternoon of 26 November, having been asked to represent the Organization by the 2004 OSCE Chairman-in-Office, Bulgarian Foreign Minister Solomon Passy. Lamberto Zannier, Director of the Conflict Prevention Centre,



and I had flown in earlier and were standing by to provide support.

From the airport, we whisked the Secretary General to a bilateral meeting with departing President Leonid Kuchma. He was spending the last few weeks of his presidency in his official residence outside the city. As we drove through the snow-covered woods, I felt uniquely privileged — as a Ukrainian-born staff member of the largest security organization in Europe — to be taking part in the making of history in my own country.

After the one-hour meeting, we proceeded to our next appointment: discussions with the leader of the democratic opposition, Viktor Yushchenko. We found his election headquarters in Podil, the historic part of the city, buzzing with revolutionary fervour. People exuded conviction and deep confidence in their cause.

That evening, the first of what was to be a series of “roundtable” meetings was held in the presidential Mariinsky Palace, in central Kyiv. President Aleksander Kwasniewski of Poland, President Valdas Adamkus of Lithuania, EU High Representative Javier Solana, OSCE Secretary General Ján Kubiš, and Speaker of the Russian State *Duma*, Boris Grizlov, were joined by the central figures in Ukraine’s crisis: President Kuchma, Chairman of the *Verkhovna Rada* (parliament) Volodymyr Lytvyn, and the two presidential contenders, Viktor Yushchenko and Viktor Yanukovich.

The meeting proved to be a timely and ground-breaking confidence-building measure. It was the first face-to-face encounter between the two camps since the election. Tension and unease were in the air. Gradually, however, this gave way to dialogue — a major feat, given the wide chasm between the two sides.

The OSCE’s preliminary findings and conclusions concerning the second round of the presidential election served as the springboard for discussions. Citing the report of the Office for Democratic Institutions and Human Rights (ODIHR), the Secretary General pointed out that “the second round of the Ukrainian presidential election did not meet a considerable number of OSCE commitments and Council of Europe and other European standards for democratic elections”.

This first meeting ended with a joint statement urging all sides to refrain from the use of force and to start negotiations towards a peaceful settlement of the political stalemate. Although the Ukrainian leaders

and the citizens themselves were the key players, the engagement of the international mediators — at the roundtable talks as well as in the flurry of behind-the-scenes diplomacy — was essential to maintaining the momentum of the complex process.

A second meeting was held on 1 December, followed by a third on 6 December. The latter lasted six hours, ending only after 2.00 a.m. the next day, reflecting the general intransigence on both sides. At a particularly trying moment, the heads of delegation secluded themselves in another room to try to come up with an agreement among themselves. The rest of us waited anxiously and impatiently, exchanging views and trying hard to fight exhaustion and drowsiness. Everyone was eager to bring about a positive outcome.

When Parliamentary Chairman Lytvyn emerged from behind closed doors and shook his head, looking dejected, I realized our optimism had been premature: the meeting was to conclude without an agreement after all, although a statement to the press was issued.

The discussions did serve to create a sound basis for the critical compromise reached the next day, 8 December, at the *Verkhovna Rada*, which, in turn, paved the way for the repeat of the second round of elections on 26 December.

People’s faces reflected determination while radiating peace and good cheer.  
Photo: ODIHR/Urduur Gunnarsdottir





The mood was festive at the inaugural ceremony of Ukraine's new leader.  
Photo: OSCE/BOBO

The solution, said Ukrainian Foreign Minister Kostyantyn Gryshchenko in a letter of appreciation to the Secretary General, was “civilized, legal and, most importantly, non-violent”. The broad package of agreements in parliament included amendments to the Law on Election of the President of Ukraine that were specifically meant to prevent fraud and falsification. Another set of intended amendments focused on changes to the constitution of Ukraine, aimed at reforming the political system and maintaining a better balance between the branches of power.

Besides participating in the roundtable meetings, we also held numerous bilateral meetings with Parliamentary Chairman Lytvyn, presidential contender and Prime Minister Viktor Yanukovich, leaders of the opposition Yuliya Tymoshenko and Borys Tarasyuk, Foreign Minister Gryshchenko, and the Russian and American Ambassadors to Ukraine.

By the time the crisis was over, Secretary General Kubiš had visited Kyiv four times within a 10-day period. In every single discussion with Ukraine’s leaders, he remained focused on his core message: Refrain from the use of force and proceed with political dialogue. He also expressed the OSCE’s commitment and readiness to do everything possible to help ensure that the repeat of the vote on 26 December would be free, fair and transparent.

Several aspects of the OSCE’s constructive role had become apparent: the Organization’s impartiality, its internationally recognized election standards, its outstanding reputation in election-monitoring, its professional track record in Ukraine, and,

last but not least, the cordial personal relations between Ján Kubiš and several Ukrainian leaders.

A few days after the much-heralded compromise was reached in the *Verkhovna Rada*, Chairman Lytvyn wrote a letter to the Secretary General expressing “sincere gratitude” for his active participation in resolving the political crisis. He was confident that the relationship between Ukraine

and the OSCE would become even closer, and would contribute to “strengthening peace and stability in the Euro-Atlantic space and in the world”.

The series of visits left me with many deep and lasting impressions. There was the night after the first meeting when we went without any sleep as our hotel rooms were almost directly facing Independence Square, which was pulsating with non-stop energy.

There was one evening when the Secretary General and I deliberately sought out a closer look at the action on *Maidan*. We were overwhelmed by what we saw: a sea of humanity as far as one could see, dominated by orange and blue-and-yellow Ukrainian flags, with splashes of Georgian, Lithuanian, Polish and Russian banners. People’s faces reflected determination and self-discipline but at the same time radiated a feeling of peace and good cheer.

Another memorable incident took place on our way from one meeting to another. Our car was blocked by demonstrators and it took about an hour and the personal intervention of Yuliya Tymoshenko — now Prime Minister — before we could get going again.

Looking back, I realize now that the people’s unbowed spirit that emerged from the “Orange Revolution” is the best guarantee that Ukraine will ultimately come into its own. The OSCE stands ready to continue playing its part in the country’s progressive steps towards democratization — whether through the office of the Project Co-ordinator in Ukraine, or by sending observers to the parliamentary elections in late March 2006.



**Oleksandr Pavlyuk is Acting Head of the OSCE Secretariat’s External Co-operation Section.**



# The New York Times goes on the road in Kazakhstan

## Journalism master classes reflect spirit of Helsinki



The long road from Helsinki to the windswept steppes of Central Asia took me almost three decades to travel. As a foreign correspondent for *The New York Times*, I had covered the creation in 1975 of what is now the Organization for Security and Co-operation in Europe. Thanks to the OSCE, I found myself in the back room of a small restaurant in Kyzylorda, Kazakhstan, in December 2004, teaching a score of enthusiastic local journalists the basics of Western-style reporting and news-writing.

**BY CHRISTOPHER S. WREN**

The OSCE has become a family affair. My son, Chris, a trial lawyer in New York City, worked during his law-school vacation in 1997 as an election monitor for the OSCE in the Bosnian city of Brcko. So it seemed logical that after retiring from nearly 29 years at *The Times*, I should sign on as a media consultant and trainer for the OSCE in Kazakhstan, which belonged to the Soviet Union when I first visited it as bureau chief in Moscow.

On another trip to Kazakhstan for the Washington-based International Center for Journalists in 2003, I met Beata Martin-Rozumilowicz, political and media officer at the OSCE Centre in Almaty. She invited me to conduct a series of master classes for young Kazakhstani journalists.

I developed a two-day intensive seminar in reporting and editing and took it to 10 cities and towns around Kazakhstan from February to December 2004: Astana, Atyrau, Aktau, Aktobe, Karagandy, Kostanai, Kokshetau, Kyzylorda, Shymkent and Oral. Ian MacWilliam, a correspondent for the BBC in Almaty, held similar master classes in five other cities. Nine of the 15 classes were funded by the Delegation of the United Kingdom to the OSCE.

The Helsinki Final Act, which I reported on from the Finnish capital in 1975, pledged the signatory nations to encourage such exchanges of experience between experts in

the press, radio and television. "The master class," one of my students in Astana wrote afterwards, "reminded me how important it is not to forget the basic principles upon which the profession of a journalist is based."

Although I have taught at Princeton University and Dartmouth College in the United States, I made it clear that I had come to Kazakhstan as a colleague, sharing the knowledge that I had accumulated during 40 years as a working journalist.

"Not everything would work here," one of the participants demurred. I agreed. I invited them to challenge, modify or discard anything I said, because we Americans had no monopoly on the truth. I didn't care what they wrote, I said, but I wanted them to learn to do it well.

The idea behind the master classes was to hone the professional skills of journalists, most of whom are still trying to overcome the legacy of the old Soviet Union, which taught journalists to function as propagandists. This role has changed in Kazakhstan, but many journalism schools haven't. A developing democracy needs an independent media, not just to help citizens make informed choices but also to function as a watchdog against official or unofficial misfeasance.

### WHIMSICAL RULES

My students complained that their own journalism schools were long on theory and short on practice. "In two days, we have covered a volume of information which would have taken one year at a university," one told me after the master class. Another said she had heard of newspapers like *The New York Times*, but had never seen a copy before I brought some to the master class.

My classes, conducted in Russian with some additional translation into Kazakh,

Master class participants with  
*The New York Times*.  
Photo: Tanya Bogusevich/  
Centre in Almaty

stressed some whimsical rules: “There is no such thing as a stupid question.” “Three secrets of satisfying your reader are to explain, explain and explain.” “If your mother says she loves you, check it out.”

We discussed how to write compelling headlines and how to employ numbers and statistics in such a way that the reader could understand them. I offered some tips on conducting a productive interview. We tried brainstorming to think up better ideas for stories.

I sketched out the distinction that American journalists make between reporting, analysis and opinion. I distributed more advice in the form of handouts translated into Russian. We wound up debating the ethics of journalism and examples of dilemmas confronting reporters around the world.

Some students said they most liked the ethical discussions, while others preferred the practical applications. They peppered me with questions about journalism in the United States. “What can’t you write?” one wanted to know. I explained that Americans were fortunate to have a constitution that enshrined freedom of the press, which left us free to range from the worst to the best.

Asked to compare journalists in Kazakhstan with their Western peers, I replied that Kazakhstani had to work harder to pry out the same amount of information. It was more revealing, I added, to compare journalists in Kazakhstan with their predecessors in the Soviet Union, because today they were so vastly superior.

At our final master class in Astana, Ambassador Ivar Vikki, Head of the OSCE Centre in Almaty, stopped by and addressed the students in flawless Russian. Vikki, a gracious career diplomat from Norway, stayed for lunch and returned that evening to award the certificates of completion.

#### LARGER STORY

Did the master classes make any real difference? I would point to the evaluations that we asked the participants to fill out, to learn what we could do better. “I’ve heard a lot of useful things and obtained answers to questions that I’ve wanted to ask for a long time,” said one participant in Astana. Another said, “The seminar reminded me

it’s very important to be professional.”

There were only a few complaints. The participants mostly regretted that the master classes did not run longer than the two days allocated for each city. When I showed them how to pick apart a sample press release to find the larger story, one journalist protested, “We’re not allowed to do that. We have to publish what we are given.” “But,” I replied, “now you’ll know how to do it whenever you can.” Another asked about investigative reporting, which I



Towns and cities in Kazakhstan that benefited from journalism master classes

said was nothing more than painstaking in-depth reporting.

While I tended to speak about newspapers, more than a few participants came from radio and television outlets. “Because I work for television, I was slightly discouraged at first, but then I got very interested,” one correspondent said. “It is not important whether you work for a newspaper or television,” I replied. “What is most important is that you are a journalist, and the basic principles in our work are common for all.”

The warmth of the responses startled me. In Kyzylorda, students queued up to get my autograph, making me feel like a rock star. But they were as thrilled to meet one another and to swap e-mail addresses so they could keep in touch. “It was nice to realize that we have much in common,” a young man said.

The OSCE has loftier roles to play in security concerns, economic co-operation and the high-visibility monitoring of elections. But the master classes for journalists also reflect the letter and the spirit of the original Helsinki Final Act of 1975. At least I think so, because I was there too.

**Christopher S. Wren worked for *The New York Times* for almost three decades, living 17 years abroad as a foreign correspondent. He was chief of the *Times* news bureaus in Moscow, Cairo, Beijing, Ottawa and Johannesburg, and later covered the United Nations. As a Knight International Press Fellow, he spent six months in St. Petersburg, training journalists, and recently assisted independent newspapers in five Russian provincial cities.**







## Polish media professionals share expertise

More than 350 junior journalists, aged 18 to 25, completed one of the 15 master classes held all across Kazakhstan in 2004. The best 15 participants from the regions were sent on a two-week professional internship in Poland, where they toured newsrooms and radio and television stations and exchanged views with leading local journalists. The internship programme was made possible through a partnership between the OSCE Centre in Almaty and the Polish-Czech-Slovak Solidarity Foundation, with the assistance of the Polish Embassy in Kazakhstan.

Learning from Poland.

## Junior journalists in Atyrau realize “unattainable dream”

By Iliya Agayev

There was not a single empty seat at a two-day seminar for budding journalists in Atyrau, known as the “oil capital of Kazakhstan” (Note that my country has many capitals!). Not too many young people are involved in journalism in this western city of 200,000, so the level of attendance was a major achievement in itself. What’s more, the seminar organizers managed to draw in journalism students from the local university. Most of them, including the most senior, have had extremely limited theoretical and even less practical training.

Thanks to the fairly large media market and the relatively frequent training sessions and seminars in Almaty and Astana, Kazakhstan’s old and new capital cities, junior reporters somehow manage to develop their skills and supplement the knowledge acquired at university.

However, for the overwhelming majority of their colleagues in the other regions, participation in events of this kind remains an unattainable dream, and they are forced to make do with what little is on offer locally. Since the most talented regional journalists usually seek work in the capital cities, their young, aspiring colleagues from the provinces often have no one to look up to from whom they can gain experience.

Christopher Wren, our principal trainer, is a journalist with some three decades’ worth of experience working under the most varied and difficult conditions. However, skills alone, even the very best, are often not enough to make someone an effective teacher. What is also required is a special talent to enable the trainer to pass on knowledge in a way that is accessible to beginners.

This is exactly where Mr. Wren was at his best. An excellently structured programme, training modules that

took into account the primary needs of neophyte reporters, accessible language, a willingness to answer questions, and finally, practical assignments designed to consolidate the knowledge conveyed — these were the elements that made the seminar so special.

What was particularly important was that the trainer had an excellent understanding of the situation concerning journalism in the post-Soviet environment. Because of his previous work in the old Soviet Union, he was able to compare journalism then and now.

I believe it is fair to say that the two-day seminar in Atyrau was a notable event in the professional life of the region’s up-and-coming journalists like myself.

*Iliya Agayev, 22, took part in the pilot master class for young journalists organized by the OSCE Centre in Almaty in February 2004. He now works for the Epokha weekly newspaper in Almaty.*



Journalists examine a newspaper with a critical eye.



## Thirty years ago in *The New York Times*

Christopher S. Wren was part of a team of *New York Times* correspondents who filed detailed and analytical articles from Helsinki over several days in the summer of 1975. They were among the hordes of journalists who descended on the Finnish capital to report on one of the biggest stories of the post-Second World War period: the historic Conference on Security and Co-operation in Europe and the signing of the “Final Act”, a 30,000 word document which is widely considered to have contributed to the end of East-West confrontation and to have provided impetus for democratic change that led to the end of the Cold War. Following are excerpts from Mr. Wren’s human-interest news coverage, reproduced with his permission.

### Helsinki greets visitors and guards them well.

HELSINKI, July 29 — Stringent security measures intruded on the easy-going pace of this small capital today, as national leaders arrived from throughout Europe and North America for the summit-level conclusion of the 35-nation European Security Conference.

Finland is host to the three-day session, which opens tomorrow, with every nation in Europe except Albania participating, plus the United States and Canada. The meeting brings to a close nearly three years of wide-ranging negotiations that opened here, and then moved to Geneva.

The largest security operation in Finnish history has been mounted to forestall any difficulty prompted by the gathering of so many leaders.

Helsinki’s 1,600-man police force has been augmented by reinforcements summoned from as far away as Lapland above the Arctic Circle. The size of the security force has been estimated at 3,000 to 5,000 men.

The tightest security was thrown around the railway station before Mr. [Leonid I.] Brezhnev’s arrival at 2.30 p.m. The stone building was cordoned off and policemen could be seen silhouetted on its roof as the 16-car special train pulled in.

A few shop-windows displayed portraits of visiting leaders and President [Urho] Kekkonen. Stockmann’s department store was selling T-shirts embossed with the initials and emblem of the European conference.

### Behind the scenes, active negotiations.

HELSINKI, July 30 — In between solemn public pledges to improve East-West relations, the leaders of government assembled here are trading tough language in private on the problems of Europe.

While face-to-face meetings called “bilaterals” in diplomatic parlance do not appear on the formal schedule of the European security conference, they are providing the most substantive exchanges.

This evening, the West German Chancellor Helmut Schmidt conferred for the first time with East German party chief, Erich Honecker, in a meeting that, for all its

lack of tension, was little short of historic.

After an encounter between the Soviet leader, Leonid I. Brezhnev, and President Valéry Giscard d’Estaing of France, a French official disclosed that Mr. Giscard d’Estaing would pay a formal visit to the Soviet Union in mid-October. It is in return for the visit Mr. Brezhnev made to France last December.

Amid all the high-level exchanges, President Urho Kekkonen, who is host for the conference, offered a Finnish variation of the bilateral by inviting [Hungarian leader] Mr. [Janos] Kadar to join him in a sauna.

### Curtain falls softly at Helsinki parley.

HELSINKI, Aug. 1 — The Conference on Security and Co-operation in Europe ended today with a whisper of pens as the ranking representatives of 35 assembled states, from superpowers to pocket nations, signed the pages of a huge document worked out over the last two years.

President Tito of Yugoslavia had doffed his vanilla-colored suit for something more somber. But Prime Minister Pierre Elliott Trudeau of Canada bucked the pattern of formality by showing up in a modish tan summer suit with his usual red carnation.

The actual signing took only 17 minutes as Joel Pekuri, the Finn who has been executive secretary of the conference, passed a blue-bound docu-

ment the size of a telephone directory down the long line. There was sustained applause from the delegates in the chamber and a few newsmen peering down from the balcony.

In a rare departure, the Italian Premier, Aldo Moro, after signing his name, added by hand, “and President of the European Economic Community”. The gesture resulted from a decision by the nine Common Market countries to note their appearance as a bloc, notwithstanding the Russians’ unwillingness to recognize the situation.

President Urho Kekkonen of Finland, in declaring the conference closed, expressed the hope that the document would be “the foundation of and guideline for our future relations and their further development.”



Leonid I. Brezhnev, General-Secretary of the Communist Party of the USSR, signs the Helsinki Final Act on 1 August 1975. Turkey's Prime Minister Suleyman Demirel looks on. (OSCE photo)





HIGH COMMISSIONER ON NATIONAL MINORITIES

# A Constitution for Europe: Enshrining minority rights

## Words can make worlds of difference

At a solemn ceremony in Rome, on 29 October 2004, the Treaty establishing a Constitution for Europe was signed by the Heads of State or Government of 25 European Union member States and three candidate countries. For OSCE High Commissioner on National Minorities, Ambassador Rolf Ekéus, the event was much cause for celebration: A clause on minority rights that had gone missing had now found its way to Article I-2 of the Constitution.

**BY KRZYSZTOF DRZEWICKI**

**H**ow did this little-noticed but significant change come about and what is its likely impact?

Earlier, in June 1993, the European Council meeting in Copenhagen had accorded minority rights a prominent position — side by side with the guarantee of human rights. Defining the non-economic standards for the admission of Central and Eastern European countries into the European

Union, the Council specified:

*[M]embership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, **human rights and respect for and protection of minorities.*** (Emphasis has been added.)

Regrettably, however, there was no mention of a specific “minority clause” in the EU Charter of Fundamental Rights adopted by the European Council in Nice in December 2000. The draft European Constitution, completed on 10 July 2003 by the European Council’s Convention on the Future of Europe, was equally silent on the rights of minorities.

What happened to the Copenhagen criteria in the course of the European Union’s standard-setting? They were subsumed under Article I-57, Paragraph 1, of the Draft European Constitution, which stipulated that

Austria signs the Treaty establishing the EU Constitution in Rome, 29 October 2004.  
Photos: ©European Community, 2005

the Union's values served to underpin conditions for eligibility for admission:

*The Union shall be open to all European States which respect the values referred to in Article I-2, and are committed to promoting them together.*

Compared with earlier EU documents, the enumeration of shared values under Article I-2 was an impressive effort to go beyond a mere set of lofty goals:

*The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and **respect for human rights**. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination.*

Nevertheless, the "missing link" — the omission of the specific passage concerning minorities — was a source of profound disappointment in many international circles.

Was this approach to be construed as a reflection of a new position within the EU — that the protection of national minorities would now disappear from the EU agenda? What happened to the European system of values between 1993 and 2003, and why did the clause concerning minorities vanish from the catalogue of "values ... common to the Member States"?

The formulation in the Draft Constitution conveyed the impression that the minority clause served as a specific requirement only during the accession procedure, and that, after the enlargement, the EU no longer considered it worthwhile to call attention to it.

This interpretation risked weakening the position of the High Commissioner on National Minorities regarding his diplomatic and conflict-prevention efforts within non-EU States. The governments concerned would likely raise the "double-standards" argument; they would be emboldened to comply with minimum standards on the protection of national minorities only selectively and to ignore recommendations aimed at ensuring a higher level of integration of minorities into their societies.

It was this potentially worrying scenario that prompted the High Commissioner on National Minorities to raise the issue publicly. At a conference in Copenhagen on 5 November 2002, he stated unequivocally:

*... standards on which the Copenhagen criteria are based should be universally applicable within and throughout the EU, in which case they should be equally — and consistently — applied to all Member States. Otherwise, the relationships between the existing and aspiring EU Member States would be unbalanced in terms of applicable standards.*

One could argue, of course, that the rights of minorities are intrinsic to the concept and notion of human rights as a whole. However, the fact is that the Copenhagen European Council had made a conscious decision to single out the protection of minorities for special attention. Within the ambit of his responsibilities, it was incumbent upon the High Commissioner to do his utmost to ensure that the Draft Constitution placed the

## The route to the Constitution

On 1 May 2004, 10 new countries joined the European Union: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia.

Six months later, on 29 October 2004, representatives of the enlarged European Union — comprising some 450 million people, or 7.2 per cent of the world's population — signed the Treaty and Final Act establishing a Constitution for Europe in Rome's *Campidoglio*, in the *Sala Degli Orazi e Curiazi*. It was the same room in which the six original Member States — France, Germany, Italy, the Netherlands, Belgium and Luxembourg — had signed the Treaty establishing the European Community in 1957.

The candidate countries Bulgaria, Romania and Turkey signed the Final Act. Croatia, which had not participated in the European Convention's 16-month intensive work, did not sign the Final Act but attended as an observer.

The Treaty establishing a Constitution for Europe needs to

be ratified by all 25 member States of the enlarged Union. The deadline is end of October 2006.

The national parliaments of Hungary, Lithuania and Slovenia have already ratified the EU Constitution, with the Belgian and German parliaments following suit in May.

In some countries, ratification is subject to a referendum. Spain's voters said a firm "yes" on 20 February. France, Germany, Luxembourg and the Netherlands are due to hold referenda in the first half of 2005, and Portugal possibly in December. Dates have yet to be set in the Czech Republic, Denmark, Ireland, Portugal, Poland and the United Kingdom.

Sources: *EU Observer* and *CIDEL Project*





rights of minorities in sharper relief.

In the High Commissioner's view, the EU, in order to steer clear of accusations of failing to be even-handed, should adopt and apply its minority-related standards equally — extending them to candidate countries as well as to members.

Furthermore, the High Commissioner believed that the EU Constitution should include a clause on minority rights that would have an impact far beyond the EU itself and its members. It is generally agreed, after all, that a number of OSCE participating States will most likely not become EU members in the near future — or perhaps never will. With this in mind, an explicit minority clause would also serve to promote the application of EU values and standards in non-EU countries through trade and policies and the like. This made it even more imperative to have a legal stipulation setting out a single, consistent system of values and standards.

It was against this background that the OSCE High Commissioner on National Minorities took formal steps to turn to the Irish Foreign Minister under the EU presidency. In his letter of 14 January 2004, the High Commissioner advocated continuation of the validity of the Copenhagen political criteria for EU membership, proposing two alternative amendments to the Draft Constitution that would restore an explicit clause on the rights of minorities.

He proposed that Article I-2, outlining "The Union's values" be supplemented, following the words "respect for human rights" with either "including minority rights" or "including the rights of persons belonging to minorities".

The latter option was proposed to avoid any potential arguments that could arise from a collective reference to "minority rights". Similar proposals for the inclusion of a clause on minorities were also submitted by the Governments of Hungary and Romania.

The High Commissioner's proposal reflected a commendable improvement to the original formulation of the Copenhagen criteria. Whereas in Copenhagen, "democracy, the rule of law, human rights and respect for and protection of minorities", had been enumerated separately, the latest language recommended inserting "the rights of persons belonging to minorities" as an integral part of human rights (note the word "including").

This solution restores an adequate balance to Article I-2 by conveying a proper

## Treaty and Constitution

The European Constitution is both a treaty subject to the rules of international law and a constitution, in that it contains elements of a constitutional nature. Consisting of four parts, the document:

- defines the European Union and its values, objectives, responsibilities, decision-making procedures and institutions;
- incorporates the Charter on fundamental rights;
- describes the policy and actions of the European Union; and
- contains the final clauses, including the procedures for approval and a possible revision of the Constitution.



understanding that the rights of persons belonging to minorities are merely a *lex specialis* — a special regulation — of the international law on human rights as a whole.

It came as a pleasant surprise to the High Commissioner and to other concerned parties that at their meeting in Brussels on 18 June 2004, Heads of State and Government placed their stamp of approval on the texts of a number of modified provisions of the Draft Constitution for Europe, which they subsequently signed on 29 October 2004.

Among the amended provisions — highlighted below — was the reformulated Article I-2:

*The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*

The fruitful dialogue between the High Commissioner and the European Union on the "human dimension" of the Constitution for Europe is a reminder of the wisdom of ancient Roman legal tradition, in which values cannot be separated from instruments for their implementation. Indeed, the minority clause brings us closer to the Roman maxim, *Ubi jus, ibi remedium*. ("Where there is a right, there is a remedy.")

No less important, the integration of the clause within the European Constitution creates a climate more conducive to synergy between the High Commissioner and the European Union. And it increases the chances that the issue of national minorities will not disappear from the EU's radar screen.

Krzysztof Drzewicki is Senior Legal Adviser in the Office of the OSCE High Commissioner on National Minorities in The Hague. Earlier, he was a professor of international law at the University of Gdansk, Poland. He has written extensively on the international protection of human rights.





OSCE/BOBO

**Ibrahim Djikic**, a senior diplomat and lawyer from Mostar, Bosnia and Herzegovina, has been appointed **Head of Centre in Ashgabad**. He succeeds Ambassador Paraschiva Badescu from Romania, who started a new assignment as Head of the Podgorica Office of the OSCE Mission to

Serbia and Montenegro on 19 January.

"Heading the OSCE's peace-building efforts in Turkmenistan is a great challenge for any diplomat," Ambassador Djikic said on assuming his post on 27 January. "The Centre in Ashgabad has been playing an important role in

assisting the host country to implement OSCE principles and commitments. I look forward to enhancing the dialogue even further, for the benefit of the people and the region."

Ambassador Djikic held various high-level Foreign Ministry responsibilities in the service of the former Socialist Federal Republic of Yugoslavia and of Bosnia and Herzegovina, including assignments in Moscow, Brazzaville and Tunis. After Bosnia and Herzegovina's independence, he became his country's first ambassador to the Russian Federation.

He also worked as Assistant to the President of SOUR Radio and Television in Sarajevo, where his main task was international relations.



OSCE/MIKHAL EVSTAFIEV

**Miroslav Jenca** from Slovakia was appointed **Head of the OSCE Centre in Tashkent** on 1 February, succeeding Ambassador Ahmet Kamil Erozan of Turkey.

"The Centre's priority will be to deepen mutual understanding and to strengthen co-operation with Uzbek authorities on the continued implementation of shared OSCE values and principles," Ambassador Jenca said. "In line with this, I consider the OSCE's outreach policy of utmost importance and will seek to develop activities throughout Uzbekistan."

Prior to his appointment, Ambassador Jenca was Slovakia's Representative to the European Union's Political and Security Committee in Brussels, which monitors international issues within the framework of the Common Foreign and Security Policy and directs the EU's crisis management operations.

From 1998 to 2001, he was Ambassador to Mexico, Columbia and Venezuela, based in Mexico City. His earlier postings were in Dublin, as Counsellor and *Chargé d'Affaires*, and in Mexico City, as Press Secretary.

Within the Foreign Ministry, Ambassador Jenca served as Deputy Political Director and Director of the department responsible for EU and NATO countries. He was also Head of the Division for Development Co-operation and Trans-border Co-operation, where he was responsible for designing a structure for Slovak Official Development Assistance (ODA) and for drawing up the Slovak Republic's medium-term ODA strategy.

A graduate of the Moscow State Institute of International Relations, he holds a law degree from the Comenius University in Slovakia.



OSCE/MIKHAL EVSTAFIEV

**Pauline Foisy** was appointed **Director for Human Resources**, starting 1 December 2004. She succeeded Sean Hand, who held the post from January 2001 to September 2004.

Ms. Foisy has had more than 20 years' experience in human resources management, general administration, and training in Australia and Switzerland. Most recently, she was a senior executive at Tupperware Europe, Africa and Middle East.

As Director for Human Resources of the International Federation of Red Cross and Red Crescent Societies for more than three years, she was responsible for human resources services for the organization's Geneva headquarters and field operations.

She obtained a master's degree in business administration, specializing in human resources, and completed graduate studies in employment relations at Sydney's University of Technology.

Born in Montreal, Canada, Ms. Foisy holds dual Canadian-Australian nationality.



# David R. Nicholas

2 March 1941 – 13 March 2005

The family, friends and former associates of U.S. lawyer, public servant and diplomat David R. Nicholas gathered at the University of Wyoming on 23 March, not to mourn his death but to celebrate his life.

“Although his family is extremely saddened by the loss of someone so full of life, they are all grateful for the time they had with him,” said a statement issued from Laramie, Wyoming, where Ambassador Nicholas had his roots.

At the time of his death on 13 March from an apparent heart attack in his office in Kyiv, Ambassador Nicholas had just marked his 64th birthday and his second year as the OSCE Project Co-ordinator in Ukraine.

“Ambassador Nicholas had won widespread respect for his effective leadership of OSCE activities in Ukraine for the past two years,” said Chairman-in-Office Dimitrij Rupel upon hearing the news of the Organization’s tragic loss.

“He was tireless in his efforts to assist Ukraine along the path of democratic reform. He was also a wise counsellor to me on my visits to the country.”

In Washington, D.C., leaders of the U.S. Helsinki Commission — Senator Sam Brownback and Representatives Christopher H. Smith and Benjamin L. Cardin — called David Nicholas a “human rights champion”, citing his effective role in supporting projects in Ukraine such as anti-human trafficking hotlines, assistance to the country’s judicial system and legislature, and helping the transition of former

military personnel to civilian life.

In memory of their colleague, representatives of the 55 participating States observed a minute of silence on 17 March at their weekly meeting in Vienna. In Kyiv, the following day, members of the diplomatic corps, government officials, NGO representatives and project partners gathered at a memorial service organized by the ambassador’s team of four international and 28 Ukrainian staff.

“Ambassador Nicholas made a significant contribution to the fair and transparent conduct of the recent presidential elections in Ukraine,” *Chargé d’Affaires* Yuri Polurez of the Delegation of Ukraine told the Permanent Council. “In close co-operation with him, we created a new model of interaction between the host nation and the OSCE.”

Ukrainian officials had been among the first to present their condolences to the OSCE, the U.S. Delegation, and the Nicholas family through Secretary General Ján Kubiš.

In his letter, Foreign Minister Borys Tarasyuk said: “He spared no efforts in translating OSCE core values and principles into practice. We have lost a highly professional diplomat and a true friend. We will always remember his untiring, resilient and optimistic character.”

“We suffer from the loss with pain in our hearts,” wrote the Head of Ukraine’s Central Election Commission, Yaroslav Davydovych. “Ambassador Nicholas enjoyed the respect and authority of government circles and the NGO community. His professionalism and personal



The late OSCE Project Co-ordinator in Ukraine: “He loved the people and the country.”

COURTESY OF NICHOLAS FAMILY

dedication to democratic change would have contributed to the implementation of many new, useful joint projects.”

“Apart from his being an admirable diplomat and professional, he was also able to go about his tasks with an enviable sense of humor and *esprit*, said the Director of the OSCE’s Office for Democratic Institutions and Human Rights, Christian Strohal, who had worked closely with Ambassador Nicholas during the recent historic events in Ukraine.

“Ambassador Nicholas was one of Ukraine’s strongest advocates,” said Cordula Wohlmuther, Senior Programme Officer in the Project Co-ordinator’s office. “He loved the people and the country. Every action he took stemmed from a deep well of commitment to, and concern for, Ukraine and the Ukrainians.”

“He observed, listened, decided and acted,” U.S. Ambassador to the OSCE, Stephan M. Minikes, told the Permanent Council. “He was a man of boundless energy. And he always had a smile.”

The Nicholas family has established a memorial fund to be administered by the University of Wyoming Foundation. It will enable student and faculty cultural exchanges between China, Eastern Europe and Russia. Information is available at: <http://uwadmnweb.uwyo.edu/Foundation> (e-mail: [foundation@uwyo.edu](mailto:foundation@uwyo.edu)).