



Interview with incoming Chairperson-in-Office
Eamon Gilmore

Adam Kobieracki on the
Conflict Prevention Centre

OSCE support to ombudspersons



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On the cover: The Nikosi irrigation water project, managed by the CPC, has provided water pumps and pipes to supply river water to the large Saltvisi irrigation channel, for the benefit of farmers affected by the August 2008 conflict in Georgia. June, 2011. (OSCE/Emmanuel Anquetil)



Organization for Security and
Co-operation in Europe



Repair work on the intake of the Znauri water distribution network, being rebuilt in an EU-funded OSCE project, managed by the CPC, to build confidence in the region affected by the August 2008 conflict in Georgia. From the intake, a nine-kilometre pipe will bring potable water to Znauri. (OSCE/Emmanuel Anquetil)

The Conflict Prevention Centre enters its third decade

The Conflict Prevention Centre (CPC) was established at the Paris Summit in 1990 to assist with reducing the risk of conflict. When it started working in Vienna in March 1991, its first task was to support the implementation of confidence- and security-building measures (CSBMs), including those for military transparency and exchange of information that participating States had agreed in the Vienna Document 1990. These measures, last updated in 1999, remain an important cornerstone of the security regime in the OSCE region, and participating States are currently adapting them to present-day conditions.

The CPC was also authorized to send missions to crisis regions. The July 1992 Helsinki Summit ruled that these, established by consensus, could be used as long-term instruments for conflict prevention and crisis management. The first field operations with preventive mandates were deployed in Kosovo, Sandjak and Vojvodina, as well as to Skopje, all in September 1992. Today, the CPC oversees the work of 16 OSCE field operations. They are one of the OSCE's greatest assets, providing long-term assistance,

at the host countries' request, in promoting political, military, economic, environmental and human security in accordance with OSCE commitments.

Over the past twenty years, the CPC has developed political expertise and a wide range of tools to prevent conflict in the OSCE region. Today, it forms part of the OSCE Secretariat. It consists of a Forum for Security Co-operation Support Unit, a Policy Support Service, a Programming and Evaluation Support Unit and an Operations Service that includes a Planning and Analysis Section, a Borders Section and a Situation Room.

As the CPC entered its third decade this year, it continues its support to the 56 participating States, which have met regularly over the last two years for informal discussions on how to better prevent conflicts, respond to emerging crises, mediate among conflicting parties and promote long-term stability in the OSCE area.



INTERVIEW WITH ADAM KOBIERACKI,
DIRECTOR OF THE CONFLICT PREVENTION CENTRE

Timely action, sustained engagement

Adam Kobieracki has been the Director of the Conflict Prevention Centre (CPC) since June of this year. His involvement with conflict prevention in the OSCE goes back to the 1990s, when he participated as a Polish diplomat in the negotiation of confidence- and security-building measures in Vienna. As head of the Polish delegation, he chaired the Permanent Council in 1998. Ambassador Kobieracki has also served with NATO, as Assistant Secretary General for Operations from 1997 to 2000. He spoke with the editor of the OSCE Magazine, Ursula Froese, about his views on conflict prevention and his plans for the work of the CPC.

Ursula Froese: What does a Conflict Prevention Centre have to be able to do in today's world?

Adam Kobieracki: Clearly, the context has changed since the CPC was set up 20 years ago, when there was a real expectation of conflict breaking out in South-Eastern Europe. The role of the CPC today is to watch over a region that is essentially stable. Conflict prevention is effective if nothing happens. It is like defusing a bomb: if there is an explosion, the operation has failed. In the OSCE region, we have a number of protracted conflicts that have persisted over many years. The CPC supports the Chairmanship, Special Representatives and field operations in negotiating and mediating settlements and carrying out confidence-building measures.

The CPC has to provide early warning and possible response options to the Chairmanship to enable the Organization to take timely and effective measures to prevent the emergence, re-emergence or escalation of conflicts. It supports the negotiation and implementation of arms control and confidence- and security-building measures and provides assistance on the non-proliferation and control of small arms and light weapons.

What are your goals for the CPC?

My goal for the coming years is to adapt the CPC to

changing realities, to develop our capacity for early warning and analysis, for instance by making use of fact-finding or observation missions, and to strengthen our mediation support. We should enhance our confidence-building measures and rehabilitation activities in the field.

After all, it is not the case in the modern-day world that the successful conclusion of diplomatic talks can definitively end a conflict. A negotiated solution is only the beginning of the road. A great deal needs to be done to stabilize a post-conflict situation. Establishing the rule of law, ensuring respect for human rights, building democratic institutions, making sure borders are open and secure, promoting reconciliation between communities: these are all tasks that require sustained engagement and that must be fulfilled to prevent conflict from flaring up again. Working for reconciliation must be a central role of the CPC.

This year, the CPC is assisting participating States in updating the military confidence- and security-building measures (CSBMs) contained in the Vienna Document 1999. How important is this work?

CSBMs and the Vienna Document are among the most important achievements of the OSCE. My view here might be somewhat more subjective than objective, because I spent ten years of my life here in Vienna in the 1990s, participating not only in the Conventional Armed Forces in Europe (CFE) Treaty negotiations but also in the negotiations of regional CSBMs and the first Vienna Document. CSBMs are the software of arms control, the conventional arms control regime being the hardware. They should go hand in hand and reinforce each other.

The Vienna Document was a very instrumental document in the 1990s. The challenge now is to adapt it to new political and military realities, and this is what participating States are doing in the Forum for Security Cooperation (FSC). I can hardly imagine any participating State in the present day wanting to conduct training or move troops on the massive scale envisaged in the Vienna Document. So the adjustment of thresholds or ceilings for

troops or military equipment is one thing that is being discussed. But there is another thing I consider important, and that is the fact that we are dealing with different military realities in different regions. This is very much my personal view, but I do think that there is a future for regional or rather sub-regional CSBMs. The military requirements for confidence-building in the Black Sea region are different from those in South-Eastern Europe or the South Caucasus or any other part of our region.

I would say that today, the importance of transparency, military predictability and openness is probably more clear to all of us than it was in the 1990s. At that time we still had to deal with the remnants of the Cold War military potentials. What is more important now is to know what others are doing, to be in a position to envisage and anticipate the evolution of military potentials. And for that, CSBMs are a perfect tool.

Military intentions are also extremely important. The OSCE is the only organization that organizes a seminar on military doctrine from time to time, every five years — in my view it should be much more frequent. Explaining military doctrines to each other, discussing them, showing their defensive nature is a perfect instrument for defusing a lack of trust or a deficit in predictability.

In what other ways does the CPC provide support to the FSC's work for military stability?

The FSC Support Section in the CPC is doing a lot of useful, practical things, like helping some of our participating States, for instance Ukraine and Kazakhstan, to get rid of the highly toxic rocket propellant, mélange, or helping with the disposal or safe storage of surplus ammunition, small arms or light weapons.

Our FSC support team advises and trains participating States on implementing their OSCE commitments on military security — under the Vienna Document, the

Code of Conduct on Politico-Military Aspects of Security, the Document on Small Arms and Light Weapons and the Document on Stockpiles of Conventional Ammunition. It also supports interested participating States in their efforts to implement global commitments — particularly the measures under UN Security Resolution 1540 on weapons of mass destruction and their means of delivery.

What is the role of the Annual Security Review Conference (ASRC)?

The ASRC was established in 2002 to enhance the security dialogue in the Organization and to review the implementation of programmes and participating States' commitments in the politico-military dimension. I consider it to be one of the most important discussions the OSCE has every year. It is an opportunity for all the participating States to talk about security challenges as they see them, in a very frank and open manner. The real added value of the ASRC is that it is not just an exchange of instructions coming from the capitals. It is talking about national perspectives and exchanging perceptions.

The ASRC is a relatively new event, but it is very much in the tradition of the OSCE: if there is a problem, then let's look at it from all perspectives, let's talk about it. The moment you start to discuss something that is worrying, compare different perspectives, it begins to change colour. It works as a kind of a safety valve, so that we can focus on the real issues.

Much of the CPC's work is focused on military matters. Does conflict prevention also involve political, economic and environmental or human aspects of security?

In the twenty-first century, there is no other way to work for security and stability than by taking a comprehensive approach. Even the most difficult, protracted conflicts in the OSCE area have more than just a military dimension.



Alan Gabaraev, director of Energy Resources, based in Tskhinvali (left), and Konstantin Predein, a hydro-mechanical engineer with Georgia Water Project, based in Tbilisi (right), on the crest of the Zonkari Dam. The EU-funded OSCE project to restore the dam will improve the safety of the population and involves engineers from both Tbilisi and Tskhinvali. (OSCE/Emmanuel Anquetil)



The Nikosi irrigation water project, managed by the CPC, has provided water pumps and pipes to supply river water to the large Saltvisi irrigation channel, for the benefit of farmers affected by the August 2008 conflict in Georgia. June, 2011. (OSCE/Emmanuel Anquetil)

If you look at the CPC's interaction with OSCE field operations in Central Asia, South Caucasus, South-Eastern Europe and Eastern Europe, you can see that conflict prevention also entails economic and environmental and human dimension activities: capacity and institution building or longer-term reforms in the rule of law or democratization.

How does the CPC support the work of the field operations?

The CPC is the key link between the field operations and the rest of the OSCE. The field operations are an important source of early warning information. Through its regional desks, the CPC helps to shape their response to rapidly evolving situations and needs and co-ordinates their activities with OSCE Institutions and the Secretariat's thematic units.

The field operations are sometimes far away from Vienna, so they rely on us. It is we who tell them what the mood is in Vienna, what the expectations are from headquarters. We make sure they actually implement their mandates and that they work with the authorities of the host country. We also talk to the host country representatives here. We are part of the reporting process. And of course, the field operations rely on us for administrative support.

One of the important mandates of the CPC is early warning. How does it function and how is it translated into response?

There is an almost eternal discussion in the OSCE about the relation between the consensus rule and the flexibility to act in case of tension or crisis. I hope that with a decision at the Vilnius Ministerial on the conflict cycle, we will strike a proper balance. We here in the CPC have no intention whatsoever to undermine the consensus rule, which is one of the foundations of this Organization. But on the other hand, if participating States expect us not only to warn them about possible crises or tension but also to take early action, then we should be given the flexibility to act.

Imagine a crisis has occurred in country X. What we should be able to do, without waiting for a formal decision, is send an observer or fact-finding mission to talk to the authorities, to get a picture from them and present it to the participating States, so that the decision they would then take, about what kind of involvement the OSCE should consider, would actually be well informed. I do not mean that the CPC or any other executive structure should take a decision on how to interfere without clear guidance, consensus-based guidance, from the participating States. One has to strike a proper balance between the consensus rule and the flexibility to act in the first hours.

On the protracted conflicts, in addition to supporting negotiations, does the CPC take any other measures to make progress?

It is a combination of support to negotiations and practical projects, like our water projects in areas affected by the August 2008 conflict in Georgia, where the idea is simply to make sure that farmers there have water. Despite all the political problems, regardless of where the borders or so-called borders are, a farmer must have water.

This is a simple, practical thing, but it is a good example because it shows how extremely diverse and wide-ranging CPC activities are. Sitting at this desk, I read early warning reports, sign papers authorizing the transfer of pipes for water projects, look into police-related issues of the Community Security Initiative in Kyrgyzstan, and make sure all participating States are fully aware of the incidents in northern Kosovo.

The Lithuanian Chairperson-in-Office has appointed you his Special Envoy for Kyrgyzstan. Can you describe the CPC's work there?

The Community Security Initiative, which supports Kyrgyzstan police, is one tool we are implementing to promote reconciliation in the southern part of the country. We have the Centre in Bishkek, which is working in many other areas according to its mandate. I have been appointed Special Envoy of the Chairmanship for trilateral efforts with the EU and the UN, basically for visits to Kyrgyzstan, to talk with authorities, parliament and civil society, making sure they get the kind of assistance for their reforms that they actually need.

Since you mentioned Kyrgyzstan, let me also make a more general point. There is a kind of growing understanding among participating States in Vienna that we, as the OSCE, should consider how we could usefully contribute to stability and security in Central Asia in the context of the withdrawal of international troops from Afghanistan. In line with the OSCE tradition, we are not looking at what it is that we could impose upon participating States, but what we, as a non-military organization, could offer, so they can feel more safe and secure, given the obvious uncertainties about the situation close to their common borders with Afghanistan.

The success of prevention is notoriously difficult to measure. How can the CPC evaluate its effectiveness?

The CPC is careful to ensure that self-evaluation is an integral part of the way we manage our programmes and projects. In evaluating the process of reconciliation and building trust, one indicator for us is whether communities that we have assisted over time with the help of our field operations can overcome their animosity and engage in joint projects. Of course, the best indicator of our success is that there is no renewed rise in tensions or, worse, relapse into violence.

When we talk about reconciliation, we need our participating States to be cognisant of the complexity of the kind of change they want the OSCE to achieve. We are talking about shifts in values, building capacity and transforming societies. The relationship between what an international organization does to build trust and the outcomes are not tightly coupled. These changes do not happen overnight. Sometimes they take generations. With regard to sensitive political changes, evaluations do reveal the effectiveness and impact of multilateral action over bilateral efforts. That is why the CPC's work in all phases of the conflict cycle is so important for the comprehensive security of our participating States.

The V to V Dialogue on the Conflict Cycle

The Conflict Prevention Centre's supporting role in strengthening the OSCE's conflict response

by Alice Ackermann



Participants in the V to V Dialogue expert meeting on strengthening the mediation-support capacity of the OSCE, speaking during a break, Vienna, 12 July 2011. (Lithuanian MFA/Paulius Kalmantas)

Since 2009 the OSCE Conflict Prevention Centre has been assisting three Chairmanships — Greece, Kazakhstan, and Lithuania — and the participating States in strengthening the Organization's responsiveness to conflict in all its phases.

What began as a renewal of dialogue on the future of European security within the framework of the so-called "Corfu Process", named after an informal meeting of OSCE foreign ministers on the Greek island of Corfu in the summer of 2009, has evolved over more than two years into a wide-ranging strategic discussion on crisis and conflict management in all its stages. Under the Lithuanian Chairmanship in 2011, participating States have been convening for informal deliberations under the title of the V to V (Vancouver to Vladivostok via Vilnius and Vienna) Dialogue on the Conflict Cycle, to discuss early warning; early crisis response; dialogue facilitation and mediation; prevention of conflict or a relapse into violence; and long-term peace-building and reconciliation.

The Conflict Prevention Centre has played an important role in this endeavour. It has helped the successive Chairmanships to synthesize the many

constructive ideas and proposals that participating States have brought forward; it has advised on and helped to organize appropriate forums for pursuing further dialogue — informal working groups, expert meetings and workshops —; and it has provided assistance to the four participating States appointed by the Chairmanship in early 2011 as co-ordinators on the conflict cycle, France, Romania, Slovakia and Switzerland.

NEW APPROACHES FOR THE TWENTY-FIRST CENTURY

Why should the OSCE rethink its approach to the way it addresses conflicts? It already has a number of core documents on the subject. In the early 1990s, the OSCE was at the forefront of new thinking and innovative action in conflict resolution — one of the few international organizations covering all phases of the conflict cycle: early warning, conflict prevention, crisis management and post-conflict rehabilitation. The final document of the 1992 Helsinki summit meeting contains wide-ranging provisions that provide a solid basis to guide the Organization's work.

However, nearly twenty years have passed since the adoption of the Helsinki document. Since then, the Organization has had to respond to several serious conflict and post-conflict situations in the Western Balkans, Eastern Europe, Central Asia and the South Caucasus, including three protracted conflicts. The use of force among participating States has proven to be far from obsolete, as the 2008 confrontation between the Russian Federation and Georgia demonstrated. Intra-state conflicts of various kinds continue to threaten the security and stability of participating States and their societies. There is a growing awareness of the complexity of the root causes of conflicts, which often involve not only political but also economic, environmental or social factors. Another important change is that the conflict prevention and crisis management capabilities of other international organizations and actors, such as the European Union, have developed over the years.

As the first decade of the twenty-first century neared its end, many participating States felt the need for the OSCE to regain its strategic vision and its position on the forefront of dealing with conflicts in all their complexity. Taking stock of the OSCE's conflict prevention and resolution repertoire had become a necessity.

It is therefore encouraging that the participating States decided in 2009 to begin generating new ideas for making the Organization fit to address conflicts in the twenty-first century. About 16 food-for-thought papers and proposals were put forward by participating States and representatives from international organizations during the Corfu Process meetings in 2009 and 2010.

Strengthening the analytical and early warning

capacities of the OSCE executive structures such as the Conflict Prevention Centre; enhancing the Chairmanship's and participating States' ability to respond more effectively to conflict situations, including by moving more quickly from early warning to early action and by making full use of existing mechanisms and procedures; and new options for OSCE support to post-crisis and post-conflict rehabilitation were some of the major topics. In several cases, proposals were co-sponsored by a group of participating States.

This year, the Lithuanian Chairmanship set itself the task of translating the many proposals that had been put on the table into policies that could be implemented. Here again, the support of the Conflict Prevention Centre was vital. Together with the Chairmanship, it developed a framework for focused and robust discussions among participating States. One of the key objectives was to keep to the informal style and spirit of the Corfu Process discussions, to maintain the momentum of the journey that participating States had been making together for the past two years.

The result of these efforts was the V to V Dialogue on the Conflict Cycle, a series of expert meetings and workshops hosted by the Chairmanship. The Conflict Prevention Centre identified appropriate experts; drafted concept and background notes; provided expertise on conceptual and operational issues related to the conflict cycle; synthesized and summarized recommendations and topics to be addressed; and assisted in formulating concrete policies that could guide future practice. One workshop, on economic and environmental confidence-building measures, was supported by the Office of the Co-ordinator of Economic and Environmental Activities and drew attention to the necessity for multi-dimensional approaches to conflict prevention and resolution.

The first expert meeting, on enhancing the early warning and analytical capacity of the OSCE, took place in April 2011. Experts from OSCE institutions, universities and other international organizations, such as the European Union, were invited to participate. This was also an opportunity to take advantage of expertise from other regional institutions with a functioning early warning capacity. OSCE participating States acknowledged the need for systematic early warning, also to assure timely and preventive responses to emerging crises.

Strengthening the OSCE's capacity for facilitating dialogue and supporting mediation was the theme of the second expert meeting, in July 2011. A draft concept on enhancing mediation support by the OSCE was introduced at this event. The draft reflected expert advice that had been provided by Switzerland, a participating State with extensive experience in mediation support, and by other international organizations, including the United Nations and the European Union.

A workshop in May 2011 on post-conflict rehabilitation was attended by representatives of international and regional organizations, NGOs, think tanks and academia. The discussions brought to the fore that while the OSCE is an important and experienced actor in post-conflict rehabilitation, challenges remain, such as practical

co-operation and co-ordination among national and international actors.

There was also no lack of challenges identified during the final event, an ambassadorial workshop in September exploring ways to enhance the OSCE's potential to act in a timely manner when crises arise. While the development of a culture of early crisis response found resonance among participants, the discussion also demonstrated the complexity and politically sensitive nature of the issue for participating States. There are various reasons for this, including concerns about interference in the internal affairs of states, about finding consensus to initiate an early response and about making available required financial and human resources.

The collective efforts of the many actors involved in all of these discussions have yielded a draft decision on enhancing the OSCE's capacities with regard to the conflict cycle, for the consideration of the foreign ministers at the Ministerial Council meeting in Vilnius in December. If adopted, the decision would allocate new tasks to the Secretariat, including the Conflict Prevention Centre.

Regardless of the outcome, the Conflict Prevention Centre will remain on centre stage in providing operational and policy support to OSCE Chairmanships, participating States, the Secretary General and field operations on early warning, conflict prevention, crisis management and post-conflict rehabilitation. Its activities over the years have grown substantially, from analyzing and conveying early warning signals and providing general policy advice on conflict prevention to assisting with early crisis response; advising OSCE Chairmanships, Special Representatives and field operations as they engage in dialogue, mediation and negotiation; and supporting long-term capacity and institution building.

The lessons learned have been many: that an operational structure such as the Conflict Prevention Centre must remain flexible to adjust to new tasks and requirements; that it is vital to bring regional, thematic, policy-relevant, operational, programmatic and technical expertise together in one place; that although the Conflict Prevention Centre's work mostly concerns politico-military security, the OSCE's first security dimension, it can and has been linked with activities and projects in the economic and environmental and the human dimensions.

Alice Ackermann is Senior Operational Adviser in the Conflict Prevention Centre in the OSCE Secretariat in Vienna.

Can the private sector contribute to conflict resolution?

by Natalia Mirimanova

In recent years, the conventional narrative concerning the role of business in armed conflicts, according to which predatory business benefits from the chaos and lawlessness they entail and may even seek to perpetuate discord, has been increasingly challenged. The attention of conflict resolution scholars and practitioners has shifted to ways in which the domestic private sector can participate in peace processes or encourage reconciliation between communities on both sides of a conflict divide. A seminal contribution to this discussion was the comprehensive collection of essays, *Local Business, Local Peace*, published by International Alert in 2006.

Although there have been some striking examples of business successfully furthering conflict resolution — the private sector in Northern Ireland, for instance, famously persuaded the government to uphold the 1994 cease-fire by pointing to the “peace dividends” brought by increased investment and tourism — economic activities across the lines of a conflict, more often than not, have neither a positive nor a negative impact on the process of resolving it. In order to consider how they could be strategically harnessed to promote political reconciliation, we need to determine what is preventing them from doing so. That will allow us to identify ways in which conditions might be created that would allow them to develop their potential for promoting peace.

One observation we can make is that when business activities across sides in a conflict involve only restricted personal contact, there is little chance for them to reduce animosity. A minimum condition for cross-border business to help repair a damaged relationship between societies would be that it widens the circle of contacts among entrepreneurs from both sides.

In conflict-prone areas, schemes of co-operation among entrepreneurs that are based solely on trust usually do not endure once conflict escalates into violence. In southern Kyrgyzstan, for instance, Uzbek and Kyrgyz entrepreneurs in Osh did not withstand as a unified force when inter-ethnic violence erupted in June 2010. In Aravan, on the other hand, which had a similar ethnic composition, local business associations were able to serve as a middle ground and violence prevention mechanism. Institutionalization of trust between individual entrepreneurs and companies is needed to anchor cross-community solidarity.

When cross-conflict economic links are illicit, businesses are vulnerable to political pressure from formal and informal authorities. This disempowers them as peace actors. Bosnia and Herzegovina’s Brcko district, which straddles the country’s two entities, demonstrated a more creative approach towards the Arizona market, which burgeoned there after the war. It was a place for separated families to meet and former foes to trade, but also a playground for traffickers in persons, drugs and stolen goods. Instead of closing the market, the Brcko district, supported by the local Office of the High Representative, decided in 2000 to legalize it, ordering all taxes and fees to be paid into the district budget.

A lack of vision among policy-makers regarding post-settlement economic development prevents them from capitalizing on the positive experiences of entrepreneurs conducting business across conflict lines. Involving them in the design of future scenarios could lead to creative ways of using business connections to promote reconciliation.

The larger context in which a conflict is embedded often determines whether the domestic private sector can contribute to conflict resolution. In the absence of possibilities for bi-lateral co-operation, access to regional platforms and institutions that may engage with private enterprises in conflict-ridden states and entities becomes crucial. There are not many that are open to the private sectors of unrecognized entities or regions. Access to larger markets, including the European Union, was an important stimulus for many Transdnistrian industrial enterprises to register in Chisinau.

Strengthening the private sector within societies in conflict, if carried out strategically with the above-named limitations in mind, can build confidence and increase the chances of a lasting political peace. The OSCE’s mandate to promote economic co-operation and good governance, assist with border management and conduct peace negotiations to resolve the protracted conflicts in its region offers ample opportunities in this regard.

Natalia Mirimanova is Senior Adviser in the Eurasia Programme of International Alert. This article is based on a presentation she gave at the OSCE Chairmanship Workshop on Economic and Environmental Activities of the OSCE as Confidence-Building Measures, Vienna, 30 May 2011.





Tánaiste and Minister for Foreign Affairs and Trade of Ireland, Eamon Gilmore, the incoming Chairperson-in-Office of the OSCE for 2012.

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INTERVIEW WITH THE INCOMING CHAIRPERSON-IN-OFFICE OF THE OSCE

Multilateral co-operation and respect for human rights

EAMON GILMORE IS DEPUTY PRIME MINISTER (TÁNAISTE) AND MINISTER FOR FOREIGN AFFAIRS AND TRADE OF IRELAND AND WILL ASSUME THE POST OF CHAIRPERSON-IN-OFFICE OF THE OSCE IN JANUARY 2012. HE ANSWERED QUESTIONS FOR THE OSCE MAGAZINE.

OSCE Magazine: Tánaiste, as Ireland prepares to chair the OSCE in 2012, what security challenges are you placing highest on the Organization's agenda?

Eamon Gilmore: The OSCE's comprehensive concept of security is the Organization's greatest strength. As Chair, it will be Ireland's priority to maintain and develop this approach by enhancing our confidence- and security-building measures and by strengthening our conflict prevention capacity.

As regards existing protracted conflicts, I will be asking the parties concerned to redouble their efforts to achieve tangible progress and will make every effort to facilitate and support their work. I will be drawing on our own experience of peace building in Northern Ireland.

I will also prioritize the strengthening and modernizing of our confidence- and security-building and conventional arms control regimes. Important work has been done over the last two years, in particular under Ireland's chairmanship of the Forum for Security Co-operation in 2010, and I intend to build on that good work.

Ireland has direct experience of the challenges of conflict resolution. How are you hoping to use this experience during your Chairmanship?

I believe we will bring a unique perspective to this

element of the Chairmanship. We know only too well the devastating cost of conflict and the long and difficult road that must be travelled to achieve peace.

In 1975, when the Helsinki Final Act was signed, violence in Northern Ireland was a daily reality. For almost three decades the conflict seemed intractable and the division which had developed seemed insurmountable. Yet today, there is peace on the streets and democratic institutions have been successfully established. Those who were bitterly divided are now working together.

The particular circumstances of all conflicts are different. Nonetheless, I hope that by sharing our own experience of the peace process in Northern Ireland we can assist others who are engaged in similar peace building exercises.

I understand that good governance will be a priority theme for Ireland's Chairmanship. How will this theme be relevant for participating States dealing with the global financial and economic crisis?

Good governance is central to our efforts to recover from the financial and economic crisis and provide security for the future. I believe corruption and financial mismanagement flourish where governance is weak and ineffective. If left unchecked, these practices undermine

economic development, expose states to greater security risks, and can pose a threat to democracy. Combating them requires political will and close co-operation between governments, the private sector and civil society. The OSCE, under its economic and environmental dimension, has a mandate to address this increasingly important issue.

These are challenges shared by all members of our Organization. Ireland has particular expertise in developing innovative means of addressing organized crime, most notably through our Criminal Assets Bureau, which was established to carry out investigations into the suspected proceeds of criminal conduct and to seize the proceeds from such crime. We hope that sharing practical experiences like this can assist other States who are considering similar measures.

In addition the economic crisis will impact on the resources available to the OSCE and will have implications for the way our Organization operates. Constrained resources mean that we must look at how we can deliver more with less and I welcome the work undertaken by the Secretary General in this regard.

Terrorism, organized crime, and cyber-crime are new transnational threats. How should the OSCE address transnational threats?

Security is no longer contained within traditional borders and is now a collective issue for the entire OSCE region. Transnational threats such as human trafficking, drug smuggling and cyber-attacks illustrate the need for strong co-operation and engagement and this was recognized in the Astana Commemorative Declaration. I hope that, during our Chairmanship, we will be able to build on the progress achieved by Lithuania in combating transnational threats, in particular, in the areas of policing, drugs and anti-terrorism activities. I would also hope to see progress in the field of cyber-security in 2012.

Why is the protection of human rights important for maintaining security in the OSCE region?

From its beginning, OSCE has recognized that security is more than the mere absence of war. It can only be truly achieved if the human rights and fundamental freedoms of individuals are recognized and protected and if governments are truly accountable to their citizens. Democracy and the protection of human rights are the best guarantees of creating free, open and peaceful societies, and this is reflected in Ireland's foreign policy and international relations.

As I set out in my address to the Permanent Council in June, I intend to make freedom of the media — with an emphasis on Internet-based media — a core human dimension priority during Ireland's Chairmanship. The Internet offers unparalleled scope for empowering citizens and sharing information, but there are threats to this new pluralism in all parts of the OSCE region. I will work closely with the OSCE Representative on Freedom of the Media to ensure that the Internet remains an open and public forum. As the European headquarters for many of the most important names in the Internet world, such as

Facebook, Google and Twitter, Ireland will also seek to involve industry players in this work.

Ireland has been chairing the contact group of the Mediterranean Partners for Co-operation in 2011. How do you see the OSCE's role developing in this neighbouring region?

Ireland has been fortunate to hold the Chairmanship of the Contact Group for the Mediterranean Partners for Co-operation during such an exciting and significant period. 2011 has been a momentous year in the Mediterranean region as we watched people power become a reality on the streets of Tunis, Cairo, and Benghazi.

I believe that the OSCE can play an important role in assisting the countries of the southern Mediterranean region in their transition to democracy. I would like to see a declaration or decision at the Vilnius Ministerial Council to demonstrate the OSCE's willingness to extend the hand of friendship and support.

What is the main relevance of the OSCE to Western European participating States like Ireland?

With 56 participating States and a population of over one billion, the OSCE is the world's largest and most regionally diverse intergovernmental security organization. The Chairmanship provides us with an opportunity to project our foreign policy values on the international stage — the values of multilateral co-operation and respect for human rights, which also lie at the very core of the commitments of the OSCE.

Ireland is proud to be a member of an Organization which has contributed so much to the cause of peace and stability. The OSCE, and its predecessor, the Conference on Security and Co-operation in Europe, played a central role in the winding down of the Cold War and creating co-operative relations between former antagonists. Through its human rights bodies and field operations, the staff of the Organization work tirelessly to ensure that it makes a real difference on the ground. It continues to be an important actor in conflict prevention and resolution, democracy and human rights. I am immensely honoured to have been tasked with leading this important Organization in the coming year.

Croatia: an OSCE success story in the making

by Todd Becker



Chairperson-in-Office Solomon Passy (bottom right) and Head of the OSCE Mission to Croatia Peter Semneby (bottom left) meet with Croatian authorities, including OSCE liaison officer Tomislav Vidošević (seated second from right), to develop joint approaches for working on mandated goals, Zagreb, 2004.

“Success,” the old saying goes, “has many fathers.” That being so, many individuals and organizations will cheerfully claim paternity for Croatia’s achievements: NATO membership, successful EU candidacy, a stable society and working democratic system, significant progress in resettling Serb and other refugees, improved relations with once hostile neighbours and a growing economy at a time of economic crisis. A few important issues remain to be addressed, to be sure, including the handling of remaining war crimes trials and investigations. How it is addressed will determine the speed with which Croatia brings its process of reform and recovery to a successful conclusion.

The OSCE has been instrumental in supporting Croatia, its people and its institutions on the journey that has brought it to where it is today. As Deputy Head of the OSCE Mission to Croatia from 2000 to 2007, I was one of many who participated in that process during a particularly significant period of change. I would also be one of the first to say that what we achieved was not our work alone. Numerous interrelated factors have been at work over the years, but the progress that has been made is substantially the result of the extensive collaboration, co-operation and communication that exists along all conceivable axes, among all domestic and international organizations and individuals, at every level of society and government.

OVERCOMING MISTRUST

It was not always that way. When I first took up my duties in Zagreb, I found that Croatian authorities and Mission members viewed each other with considerable skepticism, even open antagonism. The Croatian side saw the Mission as a blemish to its honour and reputation, an albatross around its neck, as it were, while in the Mission, a critical, somewhat one-sided view of the nature and causes of the problems in Croatia was widespread. There was an impatience with the government as it struggled to make an entirely new nation state out of a regional republic and handle the complex and largely new tasks required to establish an open, transparent, rule of law-based, multi-party, multi-ethnic and multi-religious society — and this in the aftermath of five years of bloody, physically and emotionally destructive war.

In the past 11 years, this unease between the Mission and its host country has evolved into collaboration and co-operation. How was this possible?

First, the Mission was able to build a reputation as a solid partner through its extensive field presence. When I arrived, the Mission had 16 field offices staffed by close to 250 international officers from 25 participating States, and over 700 national staff members. This network of observers, reporters and actors allowed us to develop an in-depth analysis of conditions in the widely different and varied parts of the country. Our reporting was the envy of bilateral embassies, the EU and the UN, which frequently looked to us for objective information on refugees, human rights or the rule of law. Even the Deputy Prime Minister, Željka Antunović, once approached me at a reception to thank the Mission for its reporting, which, she said, provided the government with crucial information about conditions some distance from Zagreb, which it could acquire from no other source.

Second, continuity and length of service contributed significantly to the Mission’s effectiveness. Building trust takes time, patience and not a little trial and error. The OSCE’s policy of allowing up to seven years of service in one position gave it a significant advantage over other diplomatic and aid programmes, which often turned over staff every two to three years.

As in a great many countries, personal relations in Croatia matter a great deal. In my own case, I was able to establish and maintain long-term relationships with key Croatian interlocutors, beginning with the Prime Minister’s OSCE liaison officer, Tomislav Vidošević, to whom I give credit for much of the progress the Mission and Croatia made together over the years. In addition, I established close relationships with many regional, city, NGO, ethnic

and religious community leaders throughout the country, from Dalmatia to Eastern Slavonia. Having the time to let our communication develop allowed us to constructively engage on issues despite our differing points of view and ultimately contributed to mutual respect. Often a relationship of trust with one key official, even in situations where there were strong differences, led to ultimate understanding. That in turn contributed to our ability to successfully address some of the most difficult and contentious issues objectively and with a common purpose, including inter-ethnic disputes and Serb refugee returns. Over time we could find effective solutions which helped Croatia meet its OSCE commitments in the areas of human rights, minority issues and rule of law.

The Mission regularly informed the Permanent Council of its progress, or lack thereof, through the Head of Mission's reports, initially three times a year — a managerial nightmare! — and subsequently every six months. These reports did not make anyone's life comfortable, but they demanded careful and accurate assessments by the Mission and challenged reformers and resisters alike on the Croatian side: were the criticisms justified? what was the appropriate response on the part of Croatia in order to change and meet its OSCE commitments?

I was fortunate to work with three Heads of Mission, Bernard Poncet, Peter Semneby and Jorge Fuentes, and a large (but constantly decreasing) international team, who approached our work with the philosophy that the OSCE has a mandate from many countries, not a bilateral agenda. Our role was to support and empower Croatia, its institutions, organizations, groups and individuals to create the conditions in which agreed OSCE goals and principles, to which it had committed itself, could be best achieved in its particular cultural and historic context.

In the beginning, this often meant we had to confront serious resistance. That was the case when the representative of the UN High Commissioner for Human Rights, the Croatian OSCE liaison officer Vidošević and I struggled for over a year against stubborn internal Croatian parliamentary and administrative opposition to establish an independent Human Rights Institute in Zagreb. Establishing positive conditions for the return of Serb refugees to the former war zones in Eastern Slavonia, Knin and the region behind the coastal city of Zadar also required constant effort. Repeatedly, success hinged on our having four or five international staff members who could provide continuity to the Mission's policies and actions and build key trust relationships with influential Croatian authorities over a period of years. Progress was often mind-numbingly slow, millimeter by millimeter, with starts and long stops; but we understood the necessity of keeping the process alive. In the end, that approach paid off.

GETTING ON THE SAME SIDE

An important breakthrough in the OSCE-Croatian relationship came — if one can identify one event — in January 2004, when the then Head of Mission Peter Semneby and I held a strategic planning meeting with the newly elected Prime Minister, Ivo Sanader, and the Deputy Prime Minister, Jadranka Kosor, who later succeeded him. The

The author receives bread and salt from Serb returnee Sofija Skorić in the village of Biljane Donje, 2004.



Prime Minister, with whom the Mission had established open lines of communication prior to his election, proposed that all mandate issues be put on the table for frank discussion between his government and the Mission, and that policy solutions be developed by his administration with support from Mission and OSCE experts. With that straightforward agreement, a fruitful process was begun.

This working relationship was later expanded by Head of Mission Jorge Fuentes, who established with the Foreign Ministry a formal series of regularly scheduled and carefully structured roundtable meetings, systematically attacking “tough nut” issues, including rule of law, refugee return and war crimes.

This new systematic and business-like way of working also served Croatia's efforts to achieve NATO and EU membership. Here one must come back to a point mentioned earlier: the OSCE's success in Croatia has been consistently linked to its good and close relationships with other international organizations — the UN and its bodies, the EU, NATO and the Council of Europe — whose goals dovetail with its own. Working with each of them in a mutually supportive and not in a bureaucratically competitive fashion has smoothed Croatia's pathway to success.

I look back on the years of transformation from mistrust between the OSCE and Croatia to co-operation and success as a process in which we were able to move from confronting each other across the table, with the central issues languishing forgotten between us, to sitting on the same side of the table and tackling the problems together.

Todd Becker is currently Special Advisor on the Balkans in the OSCE Chairmanship Task Force of the Ministry of Foreign Affairs of Lithuania. A former United States diplomat with 34 years of service, he was Deputy Head of the OSCE Mission to Croatia from 2000 to 2007. In 2007, he was awarded the Croatian Helsinki Committee Human Rights Award and Special Recognition by the Croatian Minorities Office for his promotion of minority rights in Croatia.

National Human Rights Institutions and the OSCE

by Liane Adler

PROTECTING HUMAN RIGHTS IS ONE OF THE KEY ASPECTS OF THE OSCE's approach to building security and stability in its region. OSCE participating States have made a commitment to respect and protect the human rights of each of their citizens. The task is enormous, and National Human Rights Institutions (NHRIs) are an invaluable aid in its fulfilment. Since the OSCE participating States resolved in 1990 to "facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law",¹ there have been important developments in this field.

In 1993, the UN General Assembly adopted the Principles relating to the Status of National Institutions, or Paris Principles, which lay out minimum requirements to guarantee the independence and effectiveness of NHRIs. Also in 1993, the International Coordinating Committee of National Institutions (ICC) was set up under the auspices of the UN Office of the High Commissioner for Human Rights to accredit NHRIs and determine the level of their implementation of the Paris Principles. Institutions accredited with 'A' status are permitted, for example, to make statements on their own behalf in the UN Human Rights Council and contribute their own reports to UN human rights treaty bodies.

To date, more than 40 OSCE participating States have established NHRIs, mostly in the form of single-headed ombudsman institutions, but also as institutes or national human rights commissions, and 19 have been accredited by the ICC with 'A' status. But many are still struggling to develop their capacity to handle individual complaints, make recommendations, write reports and engage with civil society actors. Quite a number of NHRIs have recently been entrusted with expanded mandates: to act as National Preventive Mechanisms under the UN Optional Protocol to the Convention Against Torture (OPCAT); as independent monitoring mechanisms under the UN Convention on the Rights of Persons with Disabilities or as focal points under national anti-discrimination legislation.

How effectively NHRIs can promote and protect the human rights of citizens depends on the effort and determination governments invest in them. Especially in countries where their establishment was the result of advocacy efforts by the international community rather than a self-motivated commitment, political will is sometimes lacking. This is reflected in various ways: insufficient

financial and human resources, an undue level of government influence in appointment procedures, a limited protection mandate, little co-operation with civil society actors and weak implementation of their recommendations.

OSCE field operations have been able to serve as long-term partners for their host countries in establishing and strengthening NHRIs, often in the form of ombudsman institutions. Their staff members provide expert advice to the national institutions and assist them in their operations. Today, NHRIs exist in each of the countries in which OSCE field presences operate or have previously operated (with the exception of Belarus).

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has a long-standing history of supporting NHRIs. Complementing the work of field operations, it reviews legislation establishing NHRIs and serves as an OSCE-wide knowledge hub on related issues, providing assistance to participating States upon request. For the past two years, it has concentrated on supporting National Preventive Mechanisms under the OPCAT.

In 2011, the Lithuanian OSCE Chairmanship made strengthening NHRIs one of its priorities. Throughout the year ODIHR provided advice and with its programmatic activities supported under-explored areas such as gender-specific rights and the relationship between NHRIs and civil society.

An OSCE Supplementary Human Dimension Meeting in Vienna on 14 and 15 April gathered government, civil society and NHRI representatives to discuss the importance of strengthening these vital national guardians of human rights. That discussion was further developed at a conference organized by ODIHR together with the Chairmanship in Vilnius on 13 and 14 July, attended by a wide range of stakeholders from 34 OSCE participating States and one Mediterranean Partner for Co-operation.

Liane Adler was Human Rights Adviser at the OSCE Office for Democratic Institutions and Human Rights, responsible for National Human Rights Institutions, from 2009 to 2011, and a member of the OSCE Mission to Kosovo from 2005 to 2009.

¹ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, para. 27.

The Paris Principles: lessons learned

by Brian Burdekin AO

IN OCTOBER 1991 A GROUP OF HUMAN RIGHTS PRACTITIONERS, including myself, met in Paris for the first International Workshop on National Institutions for the Promotion and Protection of Human Rights. Based on our experience as practitioners, we developed a set of standards on the obligation of each state to set up an independent human rights institution (generally now referred to as the Paris Principles). These principles, officially the Principles relating to the Status of National Institutions, were adopted by the UN in 1993. Member states voted for them twice: once at the UN World Conference on Human Rights in Vienna in 1993 and again at the UN General Assembly later that year.

Why did we feel the need to establish such principles? As a former advisor to the political leaders in my own country, I had seen that you could have a democratic system, an executive government responsible to an effective legislature and independent courts — but that all of that did not necessarily ensure protection of the rights of some of the most vulnerable groups in society. Some of us had been involved in negotiating human rights conventions — the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women, and Conventions prohibiting Racial Discrimination — and a number of states were setting up institutions focused on each of these conventions. But we felt very strongly that since human rights are universal, each country needed an institution with a holistic approach which did not leave out any sector of society, be it women, children, ethnic, linguistic or religious minorities, people with disabilities or indigenous groups. That was the primary motivation behind the Paris Principles.

The Paris Principles oblige each state to establish a national human rights institution (NHRI), but also affirm the prerogative of each state to set it up in accordance with its own structure and

needs. They prescribe the basic functions of national human rights institutions: research and advice, education and promoting an understanding of human rights, monitoring compliance with international human rights treaties and norms, investigating violations of human rights and providing remedies, co-operating with international and regional human rights mechanisms; and interacting with the judiciary.

One of the key characteristics of human rights institutions we agreed on in 1991 is that they must be independent. They must also

be established by legislation. Endowing the institution with the legitimacy, the authority and the support of the parliament was important to us. As practitioners we had seen that what can be set up by presidential decree can sometimes be disestablished by presidential decree. Part of being independent is being able to do your job fearlessly and, when necessary, give frank advice to the government and to the parliament. NHRIs usually prefer to operate as advisory bodies. But if there are violations of human rights by the

military, by police, or by the government itself, then they may have to move from an advisory to an adversarial mode. That is not an easy balance to strike, but it is a balance which is one of the challenges for all national institutions in all regions, including that of the OSCE.

Another aspect of NHRIs we stressed in the Paris Principles was the importance of working in close co-operation with civil society — not only NGOs but also human rights defenders, advocates and leaders of professional organizations. Working in conjunction with civil society is the only way that a broad-based national institution can focus effectively and offer authoritative and accurate advice to governments and parliament, because civil society is its eyes and ears.



Prof. Brian Burdekin (right) gives the keynote speech during the OSCE Supplementary Human Dimension Meeting on national human rights institutions, while Lithuania's Ambassador Renatas Norkus looks on, Vienna, 14 April 2011. (OSCE/Sarah Crozier)

NEW CHALLENGES

Considerable progress has been made in accepting the universal standards set out in the Paris Principles. Fortunately, we are living in a world where, increasingly, there is accountability for human rights violations. There is a much greater expectation than there was twenty years ago that international human rights treaties are not just aspirational norms created by diplomats, but fundamental obligations that have to be translated into reality at the national level.

NHRIs are generally recognized and respected. But they face the challenge of limited resources to deal with expanding responsibilities. As globalization progresses, governments are increasingly privatizing and outsourcing services that they used to provide — such as education, healthcare and even water supply. More and more, human rights abuses take place in the private sector. This creates new challenges for national human rights bodies that have the responsibility to monitor both the public and private sectors and advise the parliament and the government.

The role NHRIs play in the international community is also expanding. They are called upon in the Human Rights Council and international expert bodies that monitor human rights treaties. Two of the most important recent international agreements, the UN Optional Protocol to the Convention against Torture and the Convention on the Rights of Persons with Disabilities, specifically refer to NHRIs as national monitoring bodies. Increasingly, national institutions are also dealing with cross-border human rights issues: human trafficking, migrant workers, asylum seekers, refugees. It would be tremendously valuable if the OSCE could give tangible support to the idea of a regional secretariat or forum to help them talk to each other and exchange experiences.

LESSONS LEARNED

This is still a relatively new but rapidly evolving and increasingly important area. As we look back at our work over the past twenty years, what have we learned?

One important lesson has been the necessity for a clear mandate. In the very large and diverse area the OSCE represents, one of the problems is that some institutions have not been given clearly defined responsibilities and some of them have not been given a clear legislative basis for their operations. That makes it extremely difficult for them to operate effectively and independently.

Also, we have learned that national human rights institutions need to be given powers commensurate with their responsibilities. If they are given the responsibility to protect human rights and investigate human rights violations, they must be given the power that requires. That is why the Paris Principles refer to quasi-judicial competence: the authority to compel the production of evidence and attendance of witnesses.

The educational role of national human rights organizations is fundamentally important. Changing the law is often a necessary, but never a sufficient, pre-condition for ensuring the protection of human rights, for eliminating discrimination against minorities or people with disabilities. What is critical is changing public attitudes — and to achieve this we have had to develop new strategies, such as conducting public national inquiries.

Human rights bodies must also be accessible. That is why national institutions, with the power to investigate human rights violations and, where appropriate, engage in alternative dispute resolution, are so important. Many of the most vulnerable individuals in all countries cannot afford to litigate if their rights are violated. Regional mechanisms can play an important role — but the reality for the vast majority of OSCE participating States, those in Europe and Asia, is that the European Human Rights Court is almost overwhelmed by a growing backlog of cases, and there is no Asian regional mechanism at all.

One of the most painful lessons we have learned is the importance of prevention. Once the genie of racial hatred, or ethnic or religious intolerance, has been let out of the bottle, we, as the international community, are not very good at putting it back. It is far better to invest in national human rights institutions, with a clear mandate to promote societies in which individual differences are accepted and individual dignity respected. In many countries, national institutions have defused or addressed discrimination against a particular minority that could have led to escalating violence, horrific violations of human rights — and even national insecurity and regional instability.

At the practical level, determining priorities is always a difficult issue. When governments confer a mandate on a national institution in legislation, they must recognize that the institution must have a certain amount of discretion as to what it does and how it does it — because with a broad mandate you can't do everything.

AN INDISPENSIBLE ROLE

In conclusion, I would like to emphasize that NHRIs play an indispensable role in protecting human rights. There is no doubt that the work of the courts is important. But if you examine the whole range of human rights abuses in recent years, many of the most egregious violations were not against the law. The way we treated millions of mentally ill people, for example, was largely a matter of omission and neglect — and there was very little judges were able to do about it. For many people, often the most disadvantaged and vulnerable, the law is not a complete answer; the courts are, in reality, not always accessible. Human rights institutions are free; nobody pays a fee to obtain their assistance.

Essentially, judges have no choice but to be reactive; they can only deal with issues brought before them. National human rights institutions, under the Paris Principles, can play a proactive role. The great challenge for those of us who work in NHRIs is to ensure that international norms, embodied in international treaties that states have voluntarily and solemnly ratified, are actually translated into reality.

Brian Burdekin AO is a visiting professor at the Raoul Wallenberg Institute in Sweden. An Australian academic, lawyer and former diplomat, he served as the first Australian Human Rights Commissioner from 1986 to 1994 and as Special Advisor to the UN High Commissioner for Human Rights from 1995 to 2003. He was one of the key figures involved in drafting the Paris Principles in 1991.

From the ground up

by Sonya Yee and Marie-Astrid Huemer



Premiere of the play, *Same in a Different Way*, produced by the OSCE to raise awareness of the role of the ombudsperson institution in protecting from discrimination, Skopje, 18 October 2010. (Pristop, MK)

IN THE BEGINNING THERE WAS ONE. THE OMBUDSPERSON Office of the former Yugoslav Republic of Macedonia began its work in July 1997 with the election of the country's first Ombudsperson. Since then, with the support of the OSCE Mission to Skopje, the Office has developed into an institution with six regional offices and some 80 staff members, all dedicated to safeguarding the rights of citizens.

Creating a new independent body to help regulate and protect human rights, in a post-conflict country grappling with the challenges of establishing an inclusive and equitable multi-ethnic society, is a formidable task. The ombudsperson must be independent, impartial and fair. Equally important, the institution must be seen as such by all communities.

The Office of the Ombudsperson was established in line with article 77 of the country's constitution, adopted in 1991. However, it took until 1997 to enact the Law on the Public Defender (Ombudsperson), with the Office only operational from 1998. The interval underscores the difficulties involved in setting up the new body with a potentially sensitive mandate.

"Given that the state was facing the task of creating a new pluralistic legal system, the main challenge was generating the political will for establishing an institution that would have the competence to monitor the work of all public administration bodies and the government," said Ixhet Memeti, the Ombudsperson since 2004 and the first ethnic Albanian to serve in the post.

The OSCE Mission, supported by the Swedish International Development Agency (SIDA), has been working with the Ombudsperson Office for the past seven years to build and strengthen its capacities, through expert assessments,

study visits, provision of references and IT equipment, training and promotional activities.

"Building an ombudsperson institution from the ground up means not just getting the right laws on paper but ensuring that the staff is trained and able to assume their responsibilities, and that the necessary resources are provided. It also means developing awareness and trust — on the part of the public in the first instance, but also on the part of public institutions," said Ambassador Ralf Breth, the Head of the OSCE Mission to Skopje.

One important step in this process was the creation of six regional offices in Kumanovo, Tetovo, Bitola, Stip, Strumica and Kicevo in 2004, which have helped to make the Ombudsperson more accessible to people throughout the country.

"The Ombudsperson Office today is not only recognized by citizens but also has their confidence, which is clearly proven by the continuous increase in the number of complaints in the past few years. This, along with the fact that yearly the Ombudsperson successfully addresses 80 per cent of complaints, illustrates our achievement in strengthening the capacities of the institution," said Memeti.

"The main factors for this development are not only the complaints-handling skills of the personnel, but also the promotional activities undertaken with the support of the OSCE and SIDA. These have not only raised the awareness of the Ombudsperson's role in society and among civil servants, but they have raised citizens' awareness of their rights and the mechanisms for their protection," he explained.

These mechanisms have also expanded over time. Legislative amendments in line with the Ohrid Framework Agreement, which ended the conflict in the country in 2001, gave the Ombudsperson a specific focus on non-discrimination and equitable representation of communities. In 2008, the Ombudsperson was designated as the National Preventive Mechanism in accordance with the UN Optional Protocol to the Convention Against Torture.

The OSCE Mission is also supporting the country's new Commission for Protection against Discrimination, an independent body established by the Law on Prevention and Protection against Discrimination adopted last year. The Commission can deal with all complaints, not just those involving public institutions. The Mission is helping to strengthen its co-operation with the Ombudsperson Office to ensure that the two bodies avoid overlap and work together effectively.

Sonya Yee is Press and Public Information Officer in the Press and Public Information Section of the OSCE Secretariat in Vienna. Marie-Astrid Huemer is Deputy Head of the Rule of Law Department in the OSCE Mission to Skopje.

From peace agreement to national institution

by Fermin Cordoba

THE OSCE MISSION TO BOSNIA AND HERZEGOVINA'S long-standing support to ombudsperson work is unique among OSCE field operations: firstly, because it is rooted in an international peace agreement. The General Framework Agreement for Peace (also known as the Dayton Peace Agreement) that ended the war in Bosnia and Herzegovina in 1995 mandated the OSCE Chairperson-in-Office to appoint a human rights ombudsperson. Foreign Minister Laszlo Kovacs of Hungary appointed Gret Haller of Switzerland to the post.

Secondly, due to the complex political situation in post-Dayton Bosnia and Herzegovina, the Mission has, from its establishment in 1995, worked with several different ombudsperson institutions. In addition to the semi-international ombudsperson appointed by the OSCE, the Federation of Bosnia and Herzegovina had established three ombudspersons by its constitution enacted in 1994. The other entity of the country, the Republika Srpska, created an ombudsperson institution in 2000.

The Mission supported all three institutions. The entity ombudspersons, especially, benefited from its financial assistance. It assisted with informing the public through leaflets and radio and TV campaigns. Senior OSCE officials made public statements underlining the importance of implementing the ombudspersons' recommendations.

NATIONALIZATION AND REFORM

The Dayton Agreement foresaw that responsibility for the ombudsperson institution it had established should fall to the state of Bosnia and Herzegovina when the term of the first ombudsperson expired. In 2003, three state ombudspersons were appointed from the three constituent peoples in Bosnia and Herzegovina, Bosniacs, Serbs and Croats.

Helping to steer the process of nationalization marked a new phase in the Mission's work. While some argued that nationalization of the state ombudsperson should immediately entail a dissolution of the entity institutions, the OSCE Mission maintained that, in the short term, it was important not to sever the link between citizens and the ombudspersons in the entities, where the concentration of political power still lay.

For the long term, however, the OSCE Mission and other international partners — the Council of Europe, the European Commission, the Office of the High Representative — advocated a transition from one state and two entity institutions to a single state institution, arguing that only a unified institution would be in position to uniformly hold public authorities accountable for the protection of basic human rights, given the existing fragmentation of laws and practices.

New legislation was adopted in March 2006 and, in a

highly politicized and delayed process, during which the OSCE Mission unceasingly urged the parties to move ahead, three new ombudspersons were appointed to the state institution, Nives Jukic, Jasminka Dzumhur and Ljubomir Sandic. Also, entity laws were enacted that closed entity institutions and transferred their responsibilities to the new institution at the state level.

CONSOLIDATING THE INSTITUTION

Since 2010, when the reforms were broadly completed (a few legislative amendments in both entities are still pending), the OSCE Mission to Bosnia and Herzegovina has concentrated on assisting the local authorities in helping to make them irreversible and consolidate the ombudsperson institution, guided by the OSCE commitments under the 1990 Copenhagen Document and the United Nation's Paris Principles. One important activity has been to raise public awareness of the ombudsperson institution's role under the Law on Prohibition of Discrimination, passed in 2009.

During the institution's re-accreditation before the International Coordinating Committee, it was given an 'A' grade under the Paris Principles, meaning that it fully complies with international standards. Nevertheless, it still faces many challenges: lack of adequate financial and human resources, the need for training, especially in the area of anti-discrimination, and weak implementation of its recommendations. Above all, its independence needs to be more fully assured.

Finally, in light of the challenges that lie ahead for the country on its chosen path to EU integration as well as of the long term sustainability of the institution, it may be appropriate to bear in mind the suggestion given by the Venice Commission on whether Bosnia and Herzegovina's ombudsperson institution should be headed by a single person, instead of three as is the case in the current model, which reflects the preferential treatment afforded to the three constituent peoples by the constitution.

Whatever challenges might lie ahead, the Mission to Bosnia and Herzegovina remains committed to fulfilling its mandate with regard to the ombudsperson institution and to promoting the protection of human rights of all citizens of the country.

Fermin Cordoba is the Head of the Economic, Social Rights and Equality Section of the OSCE Mission to Bosnia and Herzegovina.

Work of a legal advisor

by **Mevlyde Salihu**



Shqipe Ibraj-Mala of the Kosovo Ombudsperson Institution presents her views on detention monitoring during a three-day training workshop organized by the OSCE Mission in Kosovo, Prishtinë/Pristina, 27 June 2011. (OSCE/Hasan Sopa)

THE QUICK, STACCATO RHYTHM OF HER VOICE SAYS A LOT ABOUT her. Shqipe Ibraj-Mala, legal advisor for the Kosovo Ombudsperson Institution, is passionate about human rights, and she is always working on a case.

A lawyer by profession, Ibraj-Mala joined the Ombudsperson Institution in 2006 and worked for almost four years in Pejë/Peć before moving to the main office in Prishtinë/Priština. Her legal expertise is called upon daily, as she responds to the wide range of complaints that reach the office in person, by phone or through e-mail from persons believing their rights have been violated.

The Kosovo Ombudsperson Institution was established by the OSCE Mission in Kosovo in 2000 and headed by an international ombudsperson for five years before being transferred to local leadership. Today it is headed by Sami Kurteshi, appointed by the Kosovo Assembly in 2009. The OSCE Mission remains an important partner. “We especially work to bring the Institution closer to all communities and vulnerable groups,” says Jerina Dampier, the Mission’s Special Advisor to the Ombudsperson.

LOBBYING FOR AN INDIVIDUAL’S RIGHTS

Sometimes, Ibraj-Mala follows a case for many years. She recounts the case of a 17-year-old boy, accused of assisting in a murder by providing information on where to buy a gun, whose trial had been unduly delayed for five years. She wrote to the Supreme Court for an explanation, which prompted a decision to schedule the trial.

Her involvement did not end there. The trial was held, and the minor sentenced to seven years. He was sent to Dubrava prison, famous for its harsh environment. “I wanted him to receive the benefits he was entitled to,” Ibraj-Mala recalls. “The first thing I focused on was placing him in a ward that allows prisoners to get an education or work. He chose to finish school, behaved well and respected all the rules of home visits. I followed his progress for

years. In the end, I lobbied for his right to a conditional release. He was released one year and eight months before he had served his full term — and he deserved it,” she says.

LIAISING AMONG GROUPS AND AUTHORITIES

Sometimes, it is problems affecting whole communities that Ibraj-Mala helps to resolve. In the city of Gjakovë/Đakovica in western Kosovo, which faced great hardship during the 1999 conflict, many Roma, Ashkali and Egyptian returnees, lacking birth certificates for their children, found themselves unable to register them. “We managed to get the municipality and the NGO Civil Rights Program Kosovo, which offers free legal assistance and advice, to sign an agreement allowing registration to begin,” she says.

But as is so often the case, this was only a part of the problem. The returnees were living in untenable conditions, on a small piece of land on the outskirts of town that the first families to return had found unused. They had received a donation to build new homes, but could not start construction because the land belonged to the municipality. “We called a meeting with all parties concerned and got results,” says Ibraj-Mala. “The municipality allocated the land to them.”

Not all cases are successful, Ibraj-Mala is quick to add. The recommendations of the Ombudsperson Institution are not always taken into consideration, and the consequences can be dire. Shqipe recalls a tragic case of an ex-husband repeatedly abusing his former wife and family. No action was taken, and the woman and her father were killed, while her sister was wounded.

MONITORING DETENTION FACILITIES

Apart from responding to complaints, the Ombudsperson Institution is mandated to monitor detention facilities. Ibraj-Mala co-manages a mechanism for joint monitoring by the Institution and two local NGOs, which the OSCE Mission helped to arrange. “We have started the first joint visits already. Our collaboration helps the NGOs, as we have the right to unannounced visits, and helps us, as they have doctors and psychologists in their teams,” she says.

After six years as a legal advisor, Ibraj-Mala’s work with the Kosovo Ombudsperson Institution is about to take a new turn. On 7 October 2011, the Kosovo Assembly appointed her Deputy Ombudsperson, the only woman among five deputies. “I will work at the policy-making level, but I will not stop working on cases,” she says. “That’s where you feel the impact of our work.”

Mevlyde Salihu is Senior Public Information Assistant in the OSCE Mission in Kosovo. She spoke with Shqipe Ibraj-Mala on 11 October 2011.

Bringing the ombudsperson closer to citizens

by Mia Laušević



National Legal Officer of the OSCE Mission to Montenegro, Milena Čeranić (left) with Maja Maraš, spokesperson of the Montenegrin Human Rights Protector (right) at one of the regular consultative meetings on the premises of the OSCE Mission to Montenegro, 17 November 2011. (OSCE/Mia Laušević)

A NATIONAL HUMAN RIGHTS INSTITUTION IS ONLY effective if citizens understand how to make use of it. That is why raising public awareness about the ombudsperson institution has been a priority of the OSCE Mission to Montenegro. When it supported the first Protector of Human Rights and Freedoms, Šefko Crnovršanin, a former judge of the Constitutional Court, in establishing his office in 2003, the OSCE financed the new institution's publications, including its annual reports. In 2005, it supported the launch of its website and the translation of its contents into English and Albanian.

In the early years, public awareness of the ombudsperson institution was low. Many complaints received fell outside of the institution's competence. Although after the country's independence it became firmly established within Montenegro's legislative framework — the constitution adopted in 2007 refers to it as “an autonomous authority that takes measures to protect human rights and liberties” — some still perceived it as a body able to amend decisions of public administration or to provide legal aid. Clearly, new ways were required to bring the role of the ombudsperson closer to citizens.

DIRECT CONTACT WITH CITIZENS

It was with the OSCE's support that the ombudsperson institution began reaching out to citizens directly. For instance, it organized Ombudsperson's Days in municipalities throughout the country, where Crnovršanin and his staff met with residents and provided individual advice

on how to report perceived violations of human rights. These meetings have become regular events, and have significantly increased awareness of the importance of the ombudsperson as an independent institution.

Montenegro's second Protector of Human Rights and Freedoms since 2009, former state prosecutor Šučko Baković, has continued to place emphasis on reaching out to all parts of society. In October 2011, for instance, in the week dedicated to the rights of the child, he visited the Institute for Education and Professional Rehabilitation of Youth with Disabilities in Podgorica, accompanied by members of Montenegro's Parliamentary Committee for Human Rights and Freedoms. As part of his visit, a special mailbox where the children can post complaints and proposals was placed in the Institute, enabling them to have direct contact with the ombudsperson.

COMMUNICATING WITH THE MEDIA

In recent years, the responsibilities of the Human Rights Protector have grown. In July 2010 it became the Institutional Mechanism for the Prevention of Discrimination, and in July 2011 it was designated as the National Preventative Mechanism under the UN Optional Protocol to the Convention against Torture.

As the ombudsperson's mandate becomes more complex, effective communication with the media is essential. The OSCE Mission's programmes for media and for rule of law and human rights are assisting in developing its public relations capacities. At the ombudsperson's request, this has included drafting public information procedures, and training the new spokesperson in communicating with the media.

The OSCE Mission's consistent engagement in support of the ombudsperson institution over the past eight years is yielding results. The institution is not only well known, but is also perceived as reliable and trustworthy and an independent guardian of human rights in Montenegro.

Mia Laušević is Public Information Assistant in the OSCE Mission to Montenegro.

Expanding a national institution to the regions



Karen Andreasyan, Human Rights Defender of the Republic of Armenia (Photo: Office of the Human Rights Defender)

THE OSCE OFFICE IN YEREVAN HAS BEEN WORKING with the Armenian ombudsperson institution, the Office of the Human Rights Defender, since its establishment in 2004. During this time Armenia has progressively developed the legal framework and structure of this institution. The Human Rights Defender has the power to raise concerns with state bodies including the Constitutional Court, the Council of Justice and the Ministries. In 2008, it was designated as the National Preventive Mechanism (NPM) under the UN Optional Protocol to the Convention Against Torture (OPCAT). Currently, the Office is working to expand into the country's regions. Gohar Avagyan, National Public Information Officer at the OSCE Office in Yerevan interviewed Karen Andreasyan, Armenia's third Human Rights Defender.

Gohar Avagyan: You were appointed the Human Rights Defender in March of this year. What do you see as your main goals and challenges?

Karen Andreasyan: Our main objective is to make full use of the powers we have been given for the efficient protection and endorsement of human rights. We have intensified our work with NGOs to ensure efficient protection of the rights of vulnerable groups. An important goal is to increase the number of positive settlements of the matters raised by complainants. Recent statistics in this regard are encouraging.

Our biggest challenge remains increasing recognition by the public and the government. We are using public discussion forums in the press and other media to alert citizens to our work, and plan to increase our co-operation with the authorities to influence political action and policy-making. We also have a rapid response group with a hotline on which citizens can reach us directly.

Currently the Human Rights Defender has only one office, in Yerevan. How do you meet the needs of the population throughout the country?

At the Yerevan office, we regularly receive letters and e-mails from people in the regions of Armenia. Some come in person; for the majority of people from remote areas, however, it is difficult to approach us and make use of our services, due to financial limitations or other personal factors. Therefore our priority is to expand our presence to the regions of Armenia. As part of an EU-funded project, implemented by the OSCE Office in Yerevan, we will open six regional representations in January 2012. Once we open local presences of the Human Rights Defender's Office in Yeghegnadzor, Gavar, Kapan, Gyumri, Vanadzor and Ijevan we will be covering most of Armenia.

In what other ways do you co-operate with the OSCE?

The OSCE Office in Yerevan has been supporting our institution since its establishment and is one of our closest partners today. For example, it helped to organize a forum of civil society organizations with which we now have memorandums of co-operation. We are currently working with around 80 NGOs, on women's rights, children's rights, the rights of people with disabilities, refugees and minorities. The OSCE Office is currently preparing to implement a new EU-funded project to support our Office during the parliamentary elections in 2012 and the presidential election in 2013. We are also working with the OSCE Office on the prevention of torture, including in our role as NPM under the OPCAT. In May 2011, we formed a Torture Prevention Council, comprising professional staff of our office's Torture and Violence Prevention Unit and NGO volunteers. For the past six months, the members of the Council have been working intensively, conducting visits to prisons, army units, special hospitals and other detention centres. The OSCE is assisting with this work.

Visiting detention facilities

by Zhala Azizova



Ombudsperson Elmira Suleymanova and international expert Eric Svanidze at an OSCE-organized training session on detention monitoring techniques, Baku, 22 May 2010 (OSCE/Mirnaibli Hasanov)

A DECADE AGO, THE MANDATE OF THE OMBUDSPERSON Institution of the Republic of Azerbaijan was limited to responding to individual human rights complaints and advising parliament and the government on matters such as amnesty and pardoning. Today, it is entrusted with a broad range of tasks, with the function of considering complaints related to the right of access to information added just this year. In addition to the main office, it operates four offices in the regions of the country and has a staff of over 60 persons in total.

One of the Ombudsperson Institution's most important new duties is to serve as the National Preventive Mechanism (NPM) under the UN Optional Protocol to the Convention Against Torture (OPCAT), which requires all governments to set up a system of regular monitoring of places where persons are deprived of their liberty, to prevent torture and other ill treatment. President Ilham Aliyev designated the Ombudsperson Institution as the NPM in January 2009, after Azerbaijan ratified the OPCAT.

At that time, the Ombudsperson Institution was already dealing with human rights matters in prisons, with its Rapid Investigation Group, which the OSCE Office in Baku had helped to establish in 2004. "The Group was set up to provide prompt response to complaints about human rights violations in detention facilities," explains Elmira Suleymanova, the Ombudsperson of Azerbaijan. "It is still on duty 24 hours a day."

The Rapid Investigation Groups' work had been purely reactive, so the NPM's preventive mandate posed new methodological challenges. The OSCE Office in Baku and the Office for Democratic Institutions and Human Rights (ODIHR) organized a two-day workshop to address them. It quickly became clear to the state officials attending that Azerbaijan's ratification of the OPCAT and the

designation of an NPM had been just two steps in a longer process, which would also require developing new national legislation.

CONSOLIDATING THE NPM

In 2010, at the request of the Ombudsperson, the Office in Baku translated and published an Azerbaijani language version of the *Practical guide on monitoring places of detention* by the Geneva-based Association for the Prevention of Torture (APT). Together with ODIHR, it arranged for an APT representative to present the guidebook to the NPM staff and representatives of civil society. Involving civil society in the work of the NPM not only provides additional human resources but also helps to increase plurality and professional diversity.

The presentation was part of a larger event, which included training on detention monitoring techniques by experts from the Council of Europe Committee for the Prevention of Torture. It also included a conference held by the Office in Baku in co-operation with the parliament. "The conference was a significant step forward, as it drew attention to the NPM's mandate and the need for adopting specialized legislation. It also highlighted the importance of co-operation between the NPM and civil society," commented Koray Targay, Head of the Office in Baku.

In June 2011, the parliament approved new legislation on the NPM, based in part on recommendations provided by the OSCE. Although its provisions leave some questions open — how civil society will participate remains unclear —, their adoption nevertheless provides an important legal guarantee of the NPM's mandate.

Two years after the NPM's establishment, a specialized team in the Ombudsperson Institution is conducting regular visits to detention facilities and has gathered important first experiences. The OSCE Office in Baku is currently assisting with the publication and translation of a report describing progress and lessons learned. It will help the Ombudsperson Institution and the OSCE Office to plan their future co-operation as the NPM's operations expand.

Zhala Azizova is Programme Assistant at the OSCE Office in Baku.

International exchange

by Stefan Buchmayer, Silvia Pogolsa and Saltanat Mustafina



Left to right: Gulshara Abdykalikova, Kazakhstan's Minister of Labour and Social Protection; Igor Rogov, Head of Kazakhstan's Constitutional Council; Askar Shakirov, Kazakhstan's Human Rights Commissioner; Alexandre Keltchewsky, Head of the OSCE Centre in Astana; Madina Dzharbusynova, Kazakhstan's Ambassador at Large at the Ministry of Foreign Affairs, at a high-level conference on strengthening co-operation between the ombudsperson, state institutions and civil society organizations, Astana, 15 October 2010. (OSCE/Saltanat Mustafina)

HUMAN RIGHTS ARE UNIVERSAL, APPLYING TO every person anywhere. For a national human rights institution seeking to shape its vision and determine the best procedures for protecting citizens' rights, practices in other countries can be an important source of inspiration. For the past two years, the High Commissioner for Human Rights of the Republic of Kazakhstan has been benefiting from international expertise offered by the OSCE Centre in Astana and the Danish Institute for Human Rights (DIHR), one of the world's largest and most respected national human rights institutions.

In a project supported by Kazakhstan, Denmark and Germany, the Centre in Astana and its Danish partner have provided advice on developing the ombudsperson institution's legal framework, organizational and technical capacity and outreach to the regions. Recognizing that even

the most expert advice cannot rival the enrichment of observing best practices first-hand, they organized a study visit to Hungary and Austria in October of last year, for six members of Kazakhstan's ombudsperson institution.

The group had the opportunity to exchange experiences with their Hungarian and Austrian counterparts, and also with government representatives and NGOs. The discussions highlighted the crucial importance of maintaining a critical dialogue between the ombudsperson, civil society and executive and legislative branches of power.

Some aspects of the host countries' institutions — such as the existence of four ombudspersons in Hungary, with one specializing in the defence of the rights of future generations — were a cause for surprise. The team came away with many practical recommendations for familiar concerns: strategic planning, management of financial and human resources and, especially, dealing with individual cases.

One tangible result of the study visit has been a manual on processing citizens' complaints, which the Kazakhstan ombudsperson institution has prepared together with the DIHR, drawing on the rich exchange with the Austrian and Hungarian institutions.

"I am sure that the dialogue with our international counterparts has fortified the potential of our institution," commented the Kazakhstan High Commissioner for Human Rights, Askar Shakirov, on the conducted visit.

Stefan Buchmayer is Human Dimension Officer, Silvia Pogolsa is Project Co-ordinator and Saltanat Mustafina is Senior Project Assistant in the OSCE Centre in Astana.

OSCE OFFICE IN TAJIKISTAN

Co-ordinating donors

by Anna Crowley



Zarif Alizoda, Human Rights Ombudsperson of Tajikistan, and Ivar Vikki, Head of the OSCE Office in Tajikistan, discuss co-operation during a Conference on Human Rights Education, Dushanbe, 10 December 2010. (Nozim Kalandarov)


SINCE THE APPOINTMENT OF THE FIRST Human Rights Ombudsperson of the Republic of Tajikistan, Zarif Alizoda in May 2009, the Office in Tajikistan has worked closely with the institution itself and other donors and civil society partners to ensure that support is co-ordinated and complementary. In the following year, when the Office of the Ombudsperson presented its 2010 work plan, the Office in Tajikistan convened an informal co-ordination group to share ideas, plans, and consultant reports, allowing interventions of various donors to build on one another.

In addition, the OSCE provided an expert to help the Ombudsperson's office develop a five-year strategic plan. The strategy and its work plan were the subject of wide consultation among donors, civil society, and other government agencies. Now after more than two years, the Office of the Ombudsperson uses its strategy to proactively co-ordinate donor assistance, inviting interested counterparts in small groups discuss how they will collaborate in fulfilment of individual priorities.

Anna Crowley is Human Rights Officer in the OSCE Office in Tajikistan.

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