Boston College Law School

From the SelectedWorks of David A. Wirth

June 22, 1998

Fulbright Report of Organization for Security and Cooperation (OSCE) Regional Research Program

David A. Wirth, Boston College Law School

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June 22, 1998

Mr. Richard Pettit
Council for International Exchange of Scholars
3007 Tilden Street, NW, Suite SM
Washington, DC 20008-3009

Dear Richard:

Attached, as we discussed last week, is my final report on the grant. I hope this is useful to you and others, and feel free to copy and distribute it as you see fit.

As I said, I will be visiting at Boston College Law School for all of academic year 1998-99. As of approximately August 15, you can reach me through the following channels:

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If you encounter any difficulty, my assistant at Washington and Lee, Vera Mencer, knows how to contact me at all times. Her telephone is (540) 463-8570, e-mail mencerv@wlu.edu.

Assuming my professional schedule permits, I would be delighted to participate on the review committee you described. Thanks so much for keeping me in mind for this activity and others.
Once again, I cannot thank you enough for making this unique professional experience possible!

Cordially,

David A. Wirth
Associate Professor of Law

Attachments: as stated
REPORT OF DAVID A. WIRTH

This report consists of two parts: (1) a narrative description of the activities I have undertaken with Fulbright support, including work product produced with Fulbright support to date, my initial conclusions, the benefits to my professional agenda, and my agenda for future work in the area supported by the Fulbright grant; and (2) an agenda of my professional meetings in Europe, which total nearly 100. A detailed list of contact information for most of those individuals and organizations is attached as an appendix. Also enclosed, as described in greater detail below, are a published article from a recent issue of the *Virginia Law Review* and a manuscript for a chapter that will shortly appear as a contribution to an edited volume entitled *Beyond Sovereignty*.

I. PROFESSIONAL ACTIVITIES

I was the very fortunate and grateful recipient of a partial grant under the auspices of the Organization for Security and Cooperation in Europe (OSCE) Regional Research Program during the 1996-97 year. My research topic concerns environment and security under the auspices of the OSCE. Much current literature, policy analysis, and official decision-making in the United States and Europe focuses on the presence or absence of a cause-and-effect relationship between armed conflict on the one hand and resource degradation, population pressures, global warming, nuclear safety, and other environmental effects on the other. My work takes a different approach, using the entry point of the OSCE to focus on the benefits of multilateral cooperation.

I spent last summer in Europe, as per my understanding with the Council for International Exchange of Scholars, researching this matter at the offices of the OSCE secretariat in Vienna. In the spring of 1997, in advance of my departure for Europe, I dispatched a mailing of more than 150 pieces to selected colleagues requesting advice concerning the approach I ought to take in implementing this project. A very high proportion of those inquiries produced helpful suggestions. The working hypothesis behind my research, and the theory guiding my choice of itinerary, was that the OSCE’s preventive and comprehensive multilateral approach to security, including such social policy issues as human rights, was equally applicable to environment, both in the OSCE and other international organizations.

Accordingly, while in Vienna at the OSCE Secretariat, I was able to make good use of additional contacts at the International Atomic Energy Agency (IAEA), the International Institute for Applied Systems Analysis (IIASA), and the International Commission for the Protection of the Danube River. I spent the remainder of the summer pursuing this agenda in other regions of Eastern and Western Europe, including outside Budapest at the Regional Environmental Center for Central and Eastern Europe (REC), in London at the European Bank for Reconstruction and Development (EBRD), and in Paris at the Organization for Economic Co-operation and
Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), among others. I returned to Europe in December and spent two weeks in Geneva, headquartered at the UN Economic Commission for Europe (ECE), which has worked extensively on related issues. In this, the most active multilateral center in Europe, I had meetings with more than a dozen other governmental and private organizations. So far, I have had nearly 100 personal meetings with high-level officials in Europe. I intend to use the small amount of residual funds remaining under the grant to go to Brussels this fall to complete my research at NATO and the European Union.

The period covered by this grant turned out to be an extraordinarily propitious time to work on the topic of environment and security in the OSCE. At the end of the previous year, in December 1996 in Lisbon, the most recent OSCE summit had targeted environment as a priority subject matter area and had directed the Secretariat to hire a new Economic and Environmental Coordinator. During my time in Europe, the mandate for this position -- effectively an agenda-setting exercise for the Organization as a whole -- was under active discussion. Whereas the commitment to an environmental agenda for the OSCE was apparent among heads of state and government, the details of such an undertaking were far from clear at the working level. Although the situation has improved somewhat with the hiring of the new OSCE Economic and Environmental Coordinator, there has been a significant “cognitive dissonance” in the OSCE and its predecessor, the Conference on Security and Cooperation in Europe (CSCE), between high-flown rhetoric on environmental matters on the one hand and at most an intermittent policy presence on the other.

Upon my arrival in Vienna it was instantly clear that some OSCE participating states were considerably less enthusiastic than others about this initiative. The United States, Russia, and the Central Asian countries were said to be highly supportive of a major role for the OSCE in the environmental field, largely because the states of the former Soviet Union are not members of other international organizations that might serve as effective vehicles for environmental assistance to them. At the same time, the European Union (EU) was said to be reluctant to identify a major role for the OSCE on environmental matters, ostensibly because of the potential for overlap with the ongoing work of other international institutions in the environmental field, but also because of a concern, less frequently voiced in public, about the potential for the OSCE to displace the EU as the principal window from West to East on a variety of issues, including but not limited to environment. Indeed, this question of the “value added” that the OSCE might contribute in this field, in light of the extensive work undertaken by other international organizations, proved to be a major policy debate in Europe during my visit. Even among strong proponents of a more active posture for the OSCE on environment there was a great deal of uncertainty about the appropriate niche for the Organization.

This latter question was precisely the subject of my Fulbright-sponsored research. Given my background in international institutions and my itinerary’s focus on environmental diplomacy in a variety of multilateral organizations throughout Europe, I was particularly well-positioned to address this timely question. Indeed, I was repeatedly asked by high-ranking officials for my
input. More generally, policymakers expressed a significant level of interest in my conclusions, in part because of the timeliness of the topic. There is consequently a strong likelihood that that this work will have a direct and immediate impact on public policy decisions by the United States Government and in Europe.

The initial conclusions from my research are elaborated at greater length in the reprint from the Virginia Law Review attached to this report. In brief, the OSCE can make a unique contribution to environmental progress in Europe and Central Asia because it is one of the few organizations whose membership includes all the states of Western Europe, Eastern Europe, and the former Soviet Union, as well as Canada and the United States. The OSCE’s multilateral preventive approach to security generally, and to environmental security in particular, implemented fully 15 years before the end of the Cold War, is a much more productive way to view the connection between environment and security than the more prevalent attempt to link environmental degradation to armed conflict in a causative sense.

Environment can serve as a “bridging” issue between the Organization’s successful and well-recognized work in the “Human Dimension” -- including human rights, the rights of national minorities, election monitoring, the development of civil societies, and democracy- and institution-building -- and other social welfare concerns with security overtones. To that extent, future progress on environmental diplomacy as a vehicle for reducing risks to stability and for preventing armed conflict can be expected to be emblematic of the OSCE’s comprehensive approach to security more generally. The Organization’s work on such institutional and structural issues as the rule of law and dispute settlement can be expected to enhance the efficacy of this approach. As noted in the attached Virginia Law Review piece, regional “hot spots” involving environmental controversies that might be amenable to intervention from the OSCE include Chernobyl, the Danube basin, and the Black, Aral, and Caspian Seas.

I began to establish a presence in policy discussions and to realize the professional benefits of the Fulbright grant even before my departure for Europe. In spring 1997 I was invited by the Department of State to serve as an official, accredited representative of the United States to an OSCE meeting on environment in southeastern Europe to be held in Skopje, the capital of the Former Yugoslav Republic of Macedonia. This meeting was postponed for reasons that have nothing to do with my research, but which are generally indicative of the uncertainty of the environmental agenda at the OSCE and the need for the sort of research I conducted. While the individual who invited me to serve on this delegation is no longer at the State Department and I do not detect the same high level of enthusiasm for this research in his successor, I continue to keep in touch with the office in the Bureau of European and Canadian Affairs (EUR/RPM) responsible for these matters and may well be accredited to similar such meetings in the future.

At the urging of a number of officials in the U.S. and other governments, based upon my familiarity with the field as a result of this research I applied for the position of Economic and Environmental Coordinator, described above. Unfortunately, this post, which had been created as a U.S. Government initiative, was filled by a pre-selected Foreign Service candidate from
inside the State Department. I nonetheless received informal feedback from a variety of official sources that, under other circumstances, my candidacy for this position would have been a strong one. I was an invited participant at a select conference on the environmental consequences held in Washington on June 10-12 of this year, sponsored by the Smithsonian Institution, the Environmental Law Institute, and the Government of Kuwait. This meeting is expected to be the first step in an ongoing, structured treatment of the environment-as-security issue, in which I intend to play an active role. Through this channel and others, I hope to continue to disseminate the learning from my Fulbright-sponsored research in the form of speaking engagements, publications, and a continuing professional presence on both the OSCE generally and the environment-and-security debate more particularly.

The principal long-term benefit to me from this grant was the opportunity to learn considerably more about the structure and functioning of OSCE than I had previously appreciated. Given my already-high level of familiarity with other international organizations active in Europe on environment, together with the timeliness of the environmental issue at the OSCE, I think I was able to obtain the maximum benefit from this unique opportunity. I have already produced one published piece, a book review essay entitled “At War With the Environment,” published in the Virginia Law Review this past spring. Also enclosed is a manuscript entitled “Globalizing the Environment,” solicited for a bound collection to be entitled Beyond Sovereignty. I gave a presentation based on this piece at the Marshall-Wythe School of Law at the College of William and Mary on February 20, 1998, and the article will be republished in a symposium issue of the William and Mary Environmental Law and Policy Review to accompany that conference. These writings gratefully acknowledge the generous support of the Fulbright program, as will any and all future work product that derives from Fulbright-supported activities.
II. SCHEDULE OF MEETINGS

Monday, June 9, 1997 (London)

José C. Carbajo
Economist, Office of the Chief Economist
European Bank for Reconstruction and Development (EBRD)

Timothy Murphy
William V. Kennedy
Public Infrastructure, Energy and Environment Department
EBRD

Bernard Jamet
Director, Energy Efficiency
EBRD

Martin Elling
Olivier Herbelot
EBRD

Tuesday, June 10

Ray Arnaudo
Embassy of the United States, London

Joel Hellman
EBRD

Wednesday, June 11

Jacob Werksmann, Staff Lawyer
Foundation for International Environmental Law and Development (FIELD)

Thursday, June 12

David Edwards
International Maritime Organization (IMO)
Ulf Hindström
Senior Banker, Municipal and Environmental Infrastructure
EBRD

Mahir Babaev
Senior Counsellor
EBRD

Friday, June 13

James Cameron
Director
FIELD

Roger Lavelle
Executive Director for the European Investment Bank
EBRD

Monday, June 16

Karen Shepherd
Executive Director for the United States
EBRD

Tuesday, June 17

Michael Grubb
Royal Institute of International Affairs (Chatham House)

Wayne McArdle,
EBRD

Manfred K. Nauke
Chief, Office for the London Convention 1972
Marine Environment Division
IMO

Wednesday, June 18

Norman Myers, Fellow of Green College
Oxford University
Sara Parkin  
Forum for the Future

**Wednesday, July 2 (Vienna)**

Walter Kemp, Public Information Officer  
Organization for Security and Co-operation in Europe Secretariat (OSCE)

Aidan Kirwan, Economic Adviser  
OSCE

Chris McCowan  
United States Delegation to the Organization for Security and Cooperation in Europe

Marvin R. Peterson, Science Attache  
United States Mission to the United Nations in Vienna

**Thursday, July 3**

Morris Rosen, Assistant Director for Nuclear Safety  
International Atomic Energy Agency (IAEA)

Gordon MacDonald, Director  
David Victor  
International Institute for Applied Systems Analysis (IIASA), Laxenburg

**Friday, July 4**

Hugo Maria Schally, Deputy Director  
OSCE

Vera Budway  
Southeast European Cooperative Initiative (SECI)  
OSCE

**Monday, July 7**

Günther Fassl  
Austrian Fulbright Commission

Diana Valderrama Simpkins, First Secretary  
United States Delegation to the Organization for Security and Cooperation in Europe
Tuesday, July 8

Gerhard G. Velcovsky, Executive Secretary  
International Commission for the Protection of the Danube River

Janice Helwig  
U.S. Commission on Security and Cooperation in Europe

Ján Kubiš, Director  
Conflict Prevention Centre  
OSCE

Wednesday, July 9

Dr. Reinhard H. Rainer, The Legal Adviser  
OSCE

Francesco M. Bastagli, Director  
Division for Treaty Implementation and Policy Development  
United Nations International Drug Control Programme

Andrei S. Androsov, Director  
Department for General Affairs  
OSCE

Thursday, July 10

Wouter Sturms, Special Advisor to the Deputy Director General for Administration  
IAEA

Friday, July 11

Emil Savov Yalnazov, First Secretary  
Permanent Mission of Bulgaria to the UN, OSCE and International Organisations in Vienna

Tuesday, July 15 (Paris)

Bill L. Long, Director for Environment  
Organization for Economic Co-operation and Development (OECD)
Wednesday, July 16

Jan Adams, Economic Division, Environment Directorate
OECD

Thursday, July 17

Elizabeth A. Marmot, Head of the American Section
Franco-American Commission for Educational Exchange

David Small, Direction Juridique
OECD

Ebba Dohlman, Economics and Environment Division
Development Co-operation Directorate
OECD

Remi G. Paris, Administrateur, Economics and Environment Division Development Co-operation Directorate
OECD

Friday, July 18

Brendan Gillespie
Chris Chung
Non-Member Countries Branch
Environment Directorate
OECD

Joseph de Poncier
OECD

Monday, July 21

Sylvie Vacheret
Caroline Gorse-Combalat
United States Information Service (USIS)
Embassy of the United States
Brown bag lunch presentation to Non-Member Countries Branch, OECD

Thomas R. Forstenzer
Executive Office of the Director-General
United Nations Educational, Scientific and Cultural Organization (UNESCO)

Gustavo López Ospina, Director
Environment and Population Education and Information for Development
UNESCO

Wednesday, July 23

Sam Thompson, Deputy Director General
OECD Nuclear Energy Agency (NEA)

Evelyne Bertel, Nuclear Development Division
NEA

Donald R. Sherk, Principal Advisor
Multilateral Assistance Policies
Development Co-operation Directorate
OECD

Jean-Philippe Barde, Principal Administrator
Environment Directorate
OECD

Thursday, July 24

Prof. Dr. Janos J. Bogardi
Division of Water Sciences
UNESCO

Jean-Marie Bourdaire, Director
Long-Term Co-operation and Policy Analysis
OECD International Energy Agency (IEA)
Friday, July 25

Ken Wigley, Head
Economic Analysis Division
IEA

Dr. Michel Potier, Head of the Economics Division
Environment Directorate
OECD

C. Marshall Mills
Centre for Co-operation with the Economies in Transition
OECD

Monday, July 28 (Szentendre, Hungary)

Alexander Juras, Deputy Director
Grants, Outreach and Capacity Building
Regional Environmental Center for Central and Eastern Europe (REC)

Winston H. Bowman
Deputy Director, Programs
REC

Tuesday, July 29

Ambassador Dr. Helmuth Strasser, Director General
Danube Commission
Budapest

Andrew Bock, Fascell Fellow
Environment, Science and Technology Office
Embassy of the United States
Budapest

Wednesday, July 30

Magdolna Tóth Nagy, Project Officer
Programs Department
REC
János Zlinsky  
Senior Advisor to the Executive Director  
REC  

Monday, December 8, 1997 (Geneva)  

Jo Butler, Esq., Chief  
Public Affairs Unit  
External Relations  
UNCTAD  

Harald Egerer  
Associate Legal Officer  
Secretariat of the Basel Convention  

Dr. Iwona Rummel-Bulska  
Co-ordinator  
Secretariat of the Basel Convention  

Stephanie Hanford  
Center for International Environmental Law  

Tuesday, December 9 (Gland)  

Mark Halle  
Director of Global Policy and Partnerships  
IUCN/The World Conservation Union  

Charles Arden-Clarke  
Head, Trade & Investment Unit  
World Wide Fund for Nature (WWF)  

Aimée T. Gonzales  
Coordinator, Expert Panel on Trade and Sustainable Development  
WWF  

Alex de Sherbinin  
Population-Environment Fellow  
IUCN/The World Conservation Union  

Liz Hopkins  
IUCN/The World Conservation Union
Wednesday, December 10 (Geneva)

Deborah Vorhies, Coordinator
Financial Institutions Initiative
United Nations Environment Programme (UNEP)

Constantine O. Bartel, Programme Officer
Economics, Trade, and Environment
UNEP

Kaj Bärlund, Director
Environment and Human Settlements Division
United Nations Economic Commission for Europe (ECE)

Euja Lumme, Secretary
Committee on Environmental Policy
ECE

Thursday, December 11

William McPherson
Environment, Science and Technology Officer
Mission of the United States to the United Nations in Geneva

Edward R. Cummings
Counselor for Legal Affairs
U.S. Mission

Friday, December 12

René Vossenaar, Chief
Trade, Environment and Development Section
UNCTAD

Caroline Dommen
3D -- Experts in International Law and Policy

Ricardo Meléndez-Ortiz, Executive Director
International Centre for Trade and Sustainable Development (ICTSD)
Tuesday, December 16

Francesca Naylor
Project Officer (Environment)
United Nations High Commissioner for Refugees

Bertrand Charrier
Mike Hiniker
Green Cross International

Wiek Schrage
Economic Affairs Officer
Environment & Human Settlements Division
United Nations Economic Commission for Europe (ECE)

Wednesday, December 17

Geoffrey Hamilton
Regional Adviser
Trade Promotion, Trade Division
ECE

Andrew Griffith
Counsellor
Permanent Mission of Canada

Thursday, December 18

Scott Vaughan, Counsellor
Trade and Environment Division
World Trade Organization (WTO)

Ellen Wiegandt
Urs Luterbacher
Institut Universitaire de Hautes Etudes Internationales

Roger Frost, Press Officer
International Organization for Standardization (ISO)

Jean P. Freymond, Director
Centre for Applied Studies in International Negotiations (CASIN)
Ernst-Ulrich Petersmann, Legal Consultant and Professor of Law
Technical Cooperation Division
WTO

Friday, December 19

Christa Allot
Court of Conciliation and Arbitration
OSCE

Harris Gleckman
UNCTAD

Brano Bosnjakovic
Regional Adviser on Environment
ECE

June 22, 1998

Attachments: At War with the Environment, 84 VA. L. REV. 315 (1997)

Globalizing the Environment, in BEYOND SOVEREIGNTY (Maryann Cusimano ed.
1998)(in press)(to be republished in William and Mary Environmental Law and
Policy Review)

Professional information for Fulbright contacts in Europe
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