

# The Organization for Security and Co-operation in Europe (OSCE)

# A pillar of the European security order

#### **SUMMARY**

The OSCE's origins go back to 1975, when the countries in the two opposing blocs in the Cold War signed the Helsinki Final Act, enshrining principles such as territorial integrity and respect for human rights. The act was followed by a series of follow-up meetings to monitor implementation, in a process known as the Conference on Security and Co-operation in Europe (CSCE). Following the adoption of the 1990 Paris Charter envisaging a new post-Cold War European order, in 1995 the CSCE was put on a more permanent, institutional basis and renamed the OSCE.

The OSCE, like the CSCE before it, is based on a vision of 'comprehensive security' that encompasses human rights and economic cooperation, as well as traditional 'hard' security. However, hopes that the OSCE could become the central pillar of a new post-Cold War order faded as divisions reemerged, between an enlarged EU and NATO on the one hand, and Russia on the other.

The OSCE lacks the legal powers and the resources needed to live up to its ambition of becoming a platform for pan-European/trans-Atlantic cooperation. With decisions taken by consensus, disagreements between participating states hamper decision-making and prevent the organisation from becoming more effective.

The OSCE plays a useful though limited role in several areas. The organisation has been powerless to resolve conflicts in the post-Soviet region, but its observers are the main source of detailed and reliable information on the situation in eastern Ukraine. OSCE agreements, such as the Vienna Document, help to promote military transparency, and election observation missions have advanced democratic reforms in several countries.



OSCE headquarters in Vienna.

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- The OSCE and the EU

This briefing complements an <u>earlier EPRS briefing</u> on the OSCE, from September 2018.

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# OSCE history, membership, structures

## Cold War origins of the OSCE

**1954**: the Soviet Union <u>proposed</u> a multilateral European security conference. The idea was rejected by the US and its western European allies, which saw it as an attempt to legitimise the post-war Soviet dominated order in eastern Europe.

**1973**: improved relations during the détente of the early 1970s opened the door to an agreement between the two opposing blocs, which decided to launch a process known as the Conference on Security and Co-operation in Europe (CSCE).

**1 August 1975**: representatives of 35 countries (NATO and Warsaw Pact members, as well as several neutral states such as Finland, Switzerland and Yugoslavia, signed the <u>Helsinki Final Act</u>, also known as the Helsinki Accords. These latter enshrine 10 principles (the Decalogue), including the inviolability of borders, refraining from the use of force, respect for human rights and fundamental freedoms, and cooperation among states.

**1977-1992**: After the adoption of the Helsinki Final Act, the process continued with several follow-up meetings, the last of which was held in Helsinki in 1992.

**1990**: signed by most parties to the Helsinki Final Act, the <u>Paris Charter</u> expressed optimism about 'a new era of Democracy, Peace and Unity' in Europe, based on the principles of the Helsinki Final Act, and an end to Cold War confrontation. By establishing a permanent secretariat and institutions, the charter transformed the CSCE from a diplomatic process into an international organisation.

**1994**: at the Budapest Summit, OSCE countries agreed to rename the CSCE and to strengthen its institutions. The <u>Budapest Document</u> adopted at the summit reinforced the role of the Chairman-in-Office, the Secretary General, the Secretariat, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights.

**January 1995**: reflecting this change, the CSCE was renamed the OSCE.

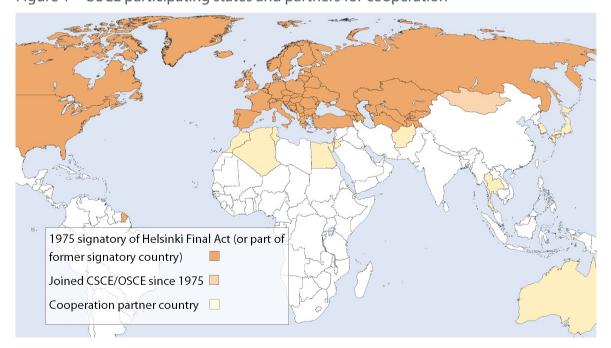


Figure 1 – OSCE participating states and partners for cooperation

Data source: EPRS.

### Membership

The OSCE <u>describes</u> itself as the world's largest regional security organisation, extending from Vancouver to Vladivostok. Uniquely, it brings together NATO countries in Europe and North America, and the former Soviet Union. The 57 OSCE countries (referred to as 'participating' rather than 'member' states) include the original 35 Helsinki signatories (in the case of the former Soviet Union, Yugoslavia and Czechoslovakia, the countries that used to comprise them), as well as two new countries, Albania and Mongolia.

Furthermore, the OSCE has 11 'partners for cooperation', six from the Middle East and North Africa, four from Asia, and Australia; partner countries participate in OSCE political meetings, cooperate on issues of common concern and host OSCE projects.

#### **OSCE** structures

The OSCE has three main bodies. The first of these is the Warsaw-based **Office for Democratic Institutions and Human Rights**, headed by Matteo Mecacci, which sends observers to monitor elections in OSCE countries. A **Representative on Freedom of the Media** – currently Teresa Ribeiro from Portugal – monitors issues such as media regulation, journalist safety and internet freedom. **High Commissioner on National Minorities**, Kairat Abdrakhmanov, monitors short and long-term causes of ethnic tensions and conflict. In addition, there are currently 15 **field operations**, such as the Special Monitoring Mission to Ukraine; all of these operate in Western Balkan and former Soviet Union countries. Administrative support comes from the **Secretariat**, which has its headquarters in Vienna, and a network of field offices running OSCE projects. Since December 2020, the Secretariat is headed by Helga Schmid, formerly Secretary-General of the European External Action Service. These four senior OSCE officials are appointed by the foreign ministers of participating states in the Ministerial Council by consensus, for a three-year term, renewable once.

In the OSCE, all political decisions are taken by representatives of the participating states. OSCE heads of state or government only meet rarely – the last OSCE **summit** was held in Astana, in 2010 – and therefore it is the annual **Ministerial Council**, comprising foreign affairs ministers of the participating states, which acts as the equivalent of the EU's European Council in setting the organisation's longer-term priorities. The decision-making role of the Council of the EU is played by the ambassador-level OSCE **Permanent Council**, which meets once a week in Vienna, as well as the **Forum for** 

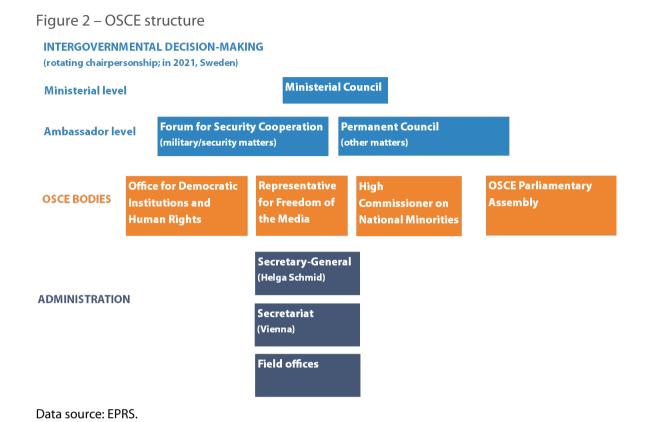
#### The OSCE chairpersonship

The OSCE Permanent Council has a rotating presidency ('chairpersonship'), which changes once a year. For 2021, the Permanent Council is chaired by Sweden, represented by Chairperson-in-Office Ann Linde, the Foreign Minister of Sweden. Sweden will also chair the 2021 Ministerial Council. To ensure continuity, each chairpersonship is assisted by the outgoing and incoming chairpersonships (in 2021, Albania and Poland) in the OSCE Troika – a similar arrangement to the EU Council's presidency trios.

**Security Cooperation**, which is responsible for security issues such as arms control and exchange of military information. Regardless of their size, participating states carry equal weight in OSCE decisions, all of which are taken by consensus. Despite the overwhelmingly intergovernmental nature of the organisation and the lack of any formal right of initiative for the **Secretariat**, in <u>practice</u> the latter can sometimes play a proactive role in initiating policy.

The OSCE's **Parliamentary Assembly** has 323 members, appointed or elected by national parliaments. The assembly has no decision-making powers over OSCE executive institutions, but it acts as a forum for inter-parliamentary dialogue and can adopt resolutions and recommendations. The Secretariat (which is separate from the main OSCE Secretariat) is based in Copenhagen, and there is an annual winter meeting in Vienna, while OSCE states take turns to host the autumn meetings and the annual sessions.

The OSCE has a **Court of Conciliation and Arbitration** in Geneva, intended to help participating states resolve disputes. However, it has never heard a case and has remained largely dormant; its current <u>activities</u> are limited to research and communication work on dispute settlement.



## A political not a legal organisation

Despite some parallels between the EU and the OSCE, there is a fundamental difference: the OSCE and its bodies have no legal powers, nor do they have international legal personality. OSCE founding documents – the Helsinki Final Act and the Paris Charter – are statements of political intent and do not have the legally binding status of international treaties. OSCE bodies can issue recommendations to participating states, but have no means of coercing countries that do not respect OSCE values. For example, Russia's annexation of Crimea – which clearly violated the Helsinki principle of inviolable borders – met with no consequences at OSCE level, other than a Parliamentary Assembly resolution supporting Ukrainian territorial integrity. For such reasons, some observers – including former OSCE Secretary-General Marc de Brichambaut – prefer to describe the OSCE as a 'forum' rather than a fully fledged international organisation.

## **OSCE** activities

Although the OSCE describes itself as a security organisation, its remit – in contrast to those of NATO and the former Warsaw Pact – is not limited to 'hard' – i.e. military – security. Rather, it is inspired by the concept of 'comprehensive security', which acknowledges that security depends not only on the absence of conflict, but also – for example – on respect for human rights, rule of law, and economic cooperation. As such, it could be said that it resembles the idea of resilience, which the EU's 2016 Global Strategy identifies as a priority for partner countries and describes as 'a broader concept, encompassing all individuals and the whole of society. A resilient society featuring democracy, trust in institutions, and sustainable development lies at the heart of a resilient state'. The Helsinki Final Act groups OSCE activities into three 'baskets', each representing one dimension of comprehensive security: political and military, economic and environmental, and human.

## The political and military dimension

## The OSCE as the basis for a pan-European security alliance?

The end of the Cold War brought hopes – expressed by Mikhail Gorbachev's <u>vision</u> of a common European home – of bringing the two halves of the continent together. The CSCE/OSCE <u>looked</u> like a promising foundation for a new pan-European alliance, potentially subsuming NATO and the Warsaw Pact. However, Mikhail Gorbachev's <u>acquiescence</u> in 1990 to NATO membership for a united Germany ensured that the alliance, rather than a CSCE-based framework, would become the leading security player in Europe. By 2004, all of Russia's former Warsaw Pact allies and the three Baltic States had joined NATO, which has continued to expand since then into the Western Balkans.

Perhaps hoping to marginalise NATO and stop its eastwards enlargement, Russia continued to raise hopes of such an alliance into the 21st century. In 2008, then Russian President, Dmitry Medvedev, called for 'a legally binding treaty on European security'. However, just two months after Medvedev's speech, Moscow attacked Georgia, a vivid reminder of the irreconcilable differences between Russian and Western visions of the European security order. Russia argued that the war pointed to the need for a new security architecture, and in 2009, the OSCE launched a series of discussions named the 'Corfu process'. However, with the UK among others expressing a preference for building on existing structures rather than creating new ones, the only result of these talks was a vague declaration at the 2010 Astana summit on building an inclusive European security community.

## Arms control, confidence and security-building measures

Despite not evolving into a full-blown military alliance, the OSCE still plays an important role as a framework for agreements that aim to reduce the risk of military conflict. Three such agreements were negotiated under its auspices – the 1990 Conventional Forces in Europe (CFE) Treaty, the 1992 Open Skies (OS) Treaty, and the 1990 Vienna Document.

The CFE Treaty set limits for conventional weapons held by NATO and Warsaw Pact countries. The value of the treaty was greatly diminished by Russia's decision to suspend participation in 2007 and withdraw altogether in 2015; nevertheless, it continues to provide <u>transparency</u> about the weapons held by the remaining participants.

The OS Treaty supports military transparency by entitling participants to conduct reconnaissance flights over each other's territory at short notice. However, in November 2020 the US withdrew from the treaty, alleging that Russia had imposed unjustified restrictions on its flights. After the Biden administration confirmed that it was not planning to re-join, in June 2021 Russia also <u>withdrew</u>. Most of the remaining OSCE countries continue to participate. The two bodies that monitor compliance with the CFE and OS Treaties are housed in the organisation's Vienna headquarters.

Both Russia and the US remain parties to the Vienna Document, which requires OSCE countries to exchange information on size and structure of their armed forces, and to notify one another on significant military exercises. Here too the US <u>accuses</u> Russia of non-compliance, for example, by failing to disclose information on some troop locations and weapons.

## An active role in conflict management

As the only pan-European security organisation, the OSCE is well placed to play a key role in political efforts to resolve the many conflicts that have broken out in the countries of the former Soviet Union and Yugoslavia. For example, it participates in the 5+2 talks on the Transnistrian settlement process, the Geneva International Discussions on Georgia, the Minsk Group on Nagorno-Karabakh, and the Trilateral Contact Group on Donbas. Following the 1995 Dayton/Paris Peace Accords, the OSCE helped to draw up agreements between Bosnia and Herzegovina and other countries of the former Yugoslavia on arms control and military transparency.

Complementing this political role, at the 1992 Helsinki CSCE summit, participating states <u>agreed</u> on the possibility of sending peacekeepers to conflict zones. Although the OSCE never followed through on this, several of its <u>activities</u> – such as civilian and military monitoring missions – fit the UN <u>definition</u> of peace operations. The most obvious example is the <u>Special Monitoring Mission</u> to Ukraine, an unarmed civilian mission whose main task is to monitor the situation on the ground in the Donbas conflict area, but there are others: the <u>Observer Mission</u> to two border checkpoints, also in Donbas, the <u>Kosovo Verification Mission</u> (1998-1999), which monitored the ceasefire and withdrawal of Serbian forces, and the <u>Border Monitoring Mission</u> (1999-2004) on the Russia-Georgia border.

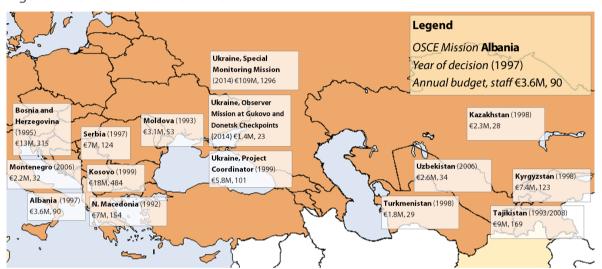


Figure 3 – Current OSCE field missions

Data source: EPRS, based on OSCE data.

Despite this involvement, the OSCE has not succeeded in resolving several conflicts of the post-Soviet region. Talks on <u>Moldova</u> and Georgia are at a standstill, while in Nagorno-Karabakh, the Russia-brokered peace deal of November 2020 <u>sidelined</u> the OSCE's Minsk Group, which also plays no part in peacekeeping operations. The organisation's perceived failure to play a significant role in these conflicts has caused some <u>observers</u> to dismiss it as irrelevant.

#### The Ukraine crisis

The Ukraine crisis, <u>described</u> as both a curse and an opportunity for the organisation, shows that the latter still has an important <u>role</u> to play. On the one hand, the fighting in Donbas has once again demonstrated the OSCE's powerlessness to uphold its founding principles. On the other, it has highlighted the need for a regional organisation that includes both sides. The OSCE plays a limited but vital role as mediator in the Trilateral Contact Group, which, apart from the OSCE itself, comprises Ukraine and Russia. Although this takes second place to parallel 'Normandy format' negotiations (Russia, Ukraine, France and Germany) in seeking a political solution, it serves as an essential communication <u>channel</u> for discussing practical issues such as humanitarian access, water supplies and civilian travel between government- and separatist-controlled areas.

The OSCE's main involvement in Ukraine is through its Special Monitoring Mission, which demonstrated the organisation's capacity to respond quickly and <u>effectively</u> to the unfolding crisis, deploying monitors to Ukraine within 24 hours of the Permanent Council mandate. The mission has become the organisation's largest field operation, with <u>700 staff</u> in Ukraine, mostly in the east of the country. Although Russia has <u>accused</u> OSCE monitors of pro-Ukrainian bias, their presence is generally tolerated both by Ukrainian government forces and by separatist forces.

With other international observers excluded from the conflict zone, OSCE monitors are the only reliable source of information on the Donbas security situation. They were the <u>first</u> to reach the MH17 crash site after separatists shot down the plane. Despite numerous <u>restrictions</u> on their work, mostly from separatists, daily <u>reports</u> provide a detailed picture of ceasefire implementation. Thanks to such activity, the OSCE remains a <u>prominent</u> player in Ukraine.

#### The economic and environmental dimension

The second, and <u>least developed</u>, of the Helsinki Final Act's three baskets includes wide-ranging provisions on trade, transport infrastructure, energy, scientific research and environmental protection. Although East-West cooperation has developed in all of these areas, this has largely happened outside the CSCE/OSCE framework and as a result of developments that were not anticipated by signatories of the Act – for example, the sweeping political and economic changes that followed the end of the Cold War, the accession of many former communist states to the European Union, and of most countries in the region (including Russia) to the World Trade Organization.

Every year, the OSCE holds an annual Economic and Environmental Forum, at which stakeholders exchange ideas on promoting good governance and a positive business climate, with topics including connectivity and anti-corruption measures. Another yearly event is the intergovernmental Implementation Meeting, which evaluates implementation of economic and environmental commitments by the OSCE participating states and identifies priorities for future work.

In 2020, there were also webinars on responding to the economic fallout of the pandemic, a project to help Armenian women launch social enterprises, an EU-funded awareness-raising project in Kyrgyzstan on efforts to manage radioactive waste at former uranium mines, and an art competition for young people in the Dniester River basin to encourage interest in nature conservation. While all these are potentially useful initiatives, with a total budget of just  $\underbrace{\in 3.9 \text{ million}}_{\bullet 1000}$  for economic and environmental activities, the OSCE does not have the resources to have more than a local impact.

In partnership with other international organisations, the OSCE <u>supports</u> implementation of multilateral environmental agreements. For example, it has created a network of Aarhus centres in 15 countries, helping ordinary citizens to participate in environmental decisions and access information, in line with the <u>Aarhus Convention</u> of the United Nations Economic Commission for Europe (UNECE). The OSCE also <u>cooperates</u> with UNECE on two other conventions, the <u>Water Convention</u> and the <u>Espoo Convention</u> on Environmental Impact Assessment, for example, by facilitating intergovernmental dialogue and running projects.

#### The human dimension

## The Helsinki Final Act and human rights in Soviet bloc countries

The Soviet Union saw the Helsinki Final Act as a victory, securing <u>international recognition</u> of the post-war order that it had imposed on eastern Europe. For their part, western European countries insisted on the inclusion of a third, human rights basket, enshrining respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion and belief. Soviet leaders signed the act with no intention of honouring those commitments; in the <u>words</u> of Russian Foreign Minister, Andrey Gromyko, they planned to remain 'masters in their own house'. Indeed, over the next decade, exile, lengthy jail sentences and compulsory internment in <u>psychiatric hospitals</u> were among the punishments handed down to dissidents.

Nevertheless, Helsinki had far-reaching <u>implications</u> for human rights. The yawning gap between what Moscow had signed up to and the reality of continuing political repression galvanised the Soviet dissident movement into founding the Moscow Helsinki Watch Group. In the Soviet Union and other eastern European countries, Helsinki groups were at the <u>forefront</u> of human rights activism. Moreover, the regular intergovernmental follow-up meetings envisaged by the act – such

as the 1977-1978 <u>Belgrade meeting</u> – were opportunities for western countries to press their Soviet bloc counterparts on human rights violations. According to some <u>observers</u>, the act set in train the processes that ultimately ended communist rule.

## The OSCE and human rights today

Sweeping political changes in the 1980s and 1990s did not end human rights abuses in the OSCE area. Some countries (such as <u>Turkmenistan</u>) are now under even more repressive rule than during the Soviet period, others (such as <u>Russia</u>) are returning to increasingly authoritarian rule after a period of relative liberalism. Among those that have chosen a pro-western course, democracy is still fragile in Ukraine and Georgia, while the Capitol riots of January 2021 in Washington showed that even mature democracies may be at risk. For the NGO <u>Freedom House</u>, all these developments are part of a longer-term decline in global democracy that began in the mid-2000s.

Despite consensus-based decision-making, the OSCE has some options for responding to flagrant human rights violations in participating states. The 1991 <u>Moscow Document</u> affirms that, notwithstanding the Helsinki principle of non-intervention in internal affairs, human rights issues 'are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned'.

The OSCE's ultimate sanction for gross violation of human rights and other commitments is to suspend a country's participation in the organisation through the 'consensus minus one' procedure for gross violations of its commitments. To date, this provision has been used only once: from 1992 to 2000 against Yugoslavia.

Established by the above-mentioned Moscow Document, the <u>Moscow Mechanism</u> allows groups of states to act even in the absence of consensus. Under the mechanism, one or more states can raise questions about the human rights situation in another participating state, and send a mission of independent experts to investigate. Altogether, the mechanism has been used nine times, most recently in September 2020, by 17 western countries against Belarus. Chechnya, Turkmenistan and the former Yugoslavia are among the subjects of previous investigations.

Although this mechanism allows OSCE participating states to respond to one another's human rights problems, investigators' conclusions are non-binding and largely ignored by their recipients. For example, neither the Russian federal government nor Chechnya have followed the recommendations set out in the December 2018 report; there has been no national investigation of alleged Chechen government torture of LGBTI persons, discriminatory legislation against sexual minorities remains in place, and Chechnya continues to flout Russian and international law.

#### **Election observation**

Election observation missions in participating states are the main <u>activity</u> of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). Alongside short-term observers – including parliamentarians, OSCE staff and external experts – who monitor the conduct of elections on the day of the vote, long-term observers spend several weeks in the country in order to get a general picture of the context, for example, in terms of media freedom and election legislation. Their conclusions are set out in a report identifying shortcomings and setting out recommendations for improvements. As well as sending its own observers, the ODIHR also supports the work of domestic election monitors, for example, by providing <u>training</u> and guidance. Despite restrictions due to the pandemic, this work continued throughout 2020, which saw missions to 16 countries.

On such missions, ODIHR observers are joined by parliamentarians from the assemblies of the OSCE, NATO and the Council of Europe, as well as the European Parliament (however, the four assemblies do not participate in all missions; for example, the <u>European Parliament</u> has not sent observers to Russia since 1999, nor did it monitor Georgian and Armenian elections in 2020 and 2021 due to coronavirus-related travel restrictions). ODIHR observers and parliamentarians from the four assemblies work separately from each other, but try to align their conclusions. However,

occasionally they are <u>unable to agree</u>, for example on <u>Azerbaijan's</u> 2013 presidential election, which ODIHR experts described as deeply flawed, in contrast to a much more positive assessment from the European Parliament and from the Parliamentary Assembly of the Council of Europe.

The ODIHR only observes elections if invited to do so by the country concerned, and it decides whether to send monitors based on a preliminary needs assessment mission. Observers mainly focus on countries 'emerging from a non-democratic past' in the Western Balkans and former Soviet Union. In most of these countries, their reports are the main – sometimes the only – authoritative and detailed source of information on the conduct of elections. For example, in Russia's 2018 presidential election, the ODIHR provided by far the largest contingent (481 out of 1513 international observers, in addition to 117 from the OSCE's Parliamentary Assembly); the only other significant groups were those invited by the Russian Parliament, as well as those sent by the Commonwealth of Independent States (CIS), which comprises mostly Kremlin-friendly, authoritarian regimes, and are therefore less likely to be impartial.

There are also missions – usually on a more limited scale – to mature democracies. In 2020, ODIHR and OSCE parliamentary assembly observers monitored the November 2020 <u>US elections</u>, where among other things they assessed the general legislative framework, the effects of the pandemic, cybersecurity issues, as well as the use of election technology and postal voting.

ODIHR <u>recommendations</u> have led to substantial improvements in many countries, for example, in the Western Balkans, where <u>over half</u> have been implemented. Georgia's new election code, <u>adopted</u> in 2020, included a gender quota to increase the number of women candidates and access to free airtime for smaller parties, as urged by ODIHR observers. Such recommendations carry weight not only in Western-aligned democracies like Georgia, but also in Russia, which, according to one <u>estimate</u>, has fully or partly implemented nearly half of the ODIHR's 139 recommendations since 2004. For example, it has reduced the number of signatures needed to nominate presidential candidates, re-introduced the possibility for independent candidates to stand in parliamentary elections, and improved access to free airtime. The ODIHR's support for electoral reforms does not end with elections: it also reviews amendments to the legislative framework and provides technical assistance for electoral authorities.

However, these reforms also show that, while authoritarian and semi-authoritarian regimes are willing to consider reforms for the sake of making elections appear more credible, they baulk at changes that would fundamentally shift the balance of power. For example, while observers commended <u>Uzbekistan</u> and Russia for improvements to electoral legislation, they also noted the lack of genuine competition, due, for example, to biased media coverage, or (in Uzbekistan) the exclusion of political parties other than the five currently approved pro-government ones.

## Other monitoring activities

ODIHR <u>trial monitors</u> examine compliance with fair trial standards. In 2017, monitors <u>assessed</u> the Ukrainian judicial system as a whole; a 2014 mission to <u>Georgia</u> was narrower in scope, focusing on trials of persons who had held high political office in the previous government.

ODIHR monitors also look at the extent to which OSCE countries uphold <u>freedom of peaceful assembly</u>. Like election monitors, trial and assembly monitors base their conclusions not only on their observation of individual events (trials and demonstrations) but also on an analysis of the legislative framework.

Monitoring can bring about improvements by identifying shortcomings and putting forward recommendations. However, much depends on cooperation with the host country. All OSCE participating states have committed (in the Paris Charter, for example) to upholding freedom of assembly and the right to a fair trial; furthermore, at the 1990 Copenhagen summit, they also agreed to accept trial monitors from other CSCE/OSCE countries. However, systematic violations of such rights continue, and the countries visited by trial and freedom of assembly monitors are not usually the most problematic ones. For example, despite its declared goal of geographical balance, the most

recent (2017-2018) assembly monitoring cycle <u>covered</u> Belgium, Canada, Germany, Italy, Lithuania and Norway – all countries of lesser concern with regard to peaceful assembly rights.

## General human rights work

Alongside the OSCE Representative on Freedom of the Media, and the High Commissioner on National Minorities, the ODIHR supports governments and civil society in addressing a wide range of human rights issues. Some of its activities during 2020 are listed in Table 1.

Table 1 – Examples of ODIHR support for human rights in 2020

Country	Activity
Slovenia	Legal review of amendments to anti-corruption legislation
Belarus	Study visit to Germany and the Netherlands for Belarussian judges
Ukraine, Central Asia	Training for NGOs on making documents more accessible for disabled people
Mongolia	Debate with civil society on a draft law on human rights defenders
Bosnia and Herzegovina	Seminars bringing together members of different religious and ethnic communities
All OSCE	Gender audit website helping political parties to identify gaps in their approach to gender equality
All OSCE	Leadership Academy for young Roma and Sinti people
All OSCE	Guidelines on countering Islamophobia and anti-Semitism
All OCSE	Expert discussions on the human rights impact of digital counter-terrorism measures

Source: ODIHR Annual Report, 2020.

# The OSCE – A necessary organisation despite its weaknesses

## Limited resources, diplomatic deadlock and stalled reform efforts

The OSCE has ambitious goals in all three of its political/military, economic/environmental and human rights dimensions, but only limited means of achieving them. Decisions, mostly taken by consensus, are not binding on participating states. In 2020, the OSCE had <u>3 591</u> staff, managing a budget of €138 million (plus €41 million in extra-budgetary funds consisting of voluntary extra contributions by participating states) – a small amount, considering the vast thematic and geographical scope of its operations, and one that has declined steadily since 2000, when it peaked at €209 million.

All too often, disagreements between participating states stymie OSCE decision-making. For example, in 2020 delegates only reached <u>agreement</u> on extending the mandate of the Special Monitoring Mission to Ukraine after tense last-minute negotiations; in the second half of the year, they left the organisation's four top posts (secretary-general, special representative on freedom of the media, high commissioner on national minorities and ODIHR director) vacant for five months, before finally <u>breaking</u> the deadlock in December.

As a cooperation platform and regional security organisation, the OSCE is less active than the EU, NATO and their Russia-led counterparts, the EaEU and the CSTO. Reflecting optimism about the OSCE's role in the wake of the Paris Charter, no fewer than five CSCE/OSCE <u>summits</u> were held in the 1990s, but over 10 years passed before the next one in 2010 (held in Astana), and none have taken place since. The reluctance of some foreign ministers to attend annual <u>Ministerial Councils</u> perhaps also indicates participating states' apathy towards the organisation's work.

Such problems reflect the OSCE's underlying weakness: the fact that participating states do not have the same values. Not all its participating states subscribe to the lofty principles enshrined in the Helsinki Final Act or the Paris Charter's optimistic vision of a new European order based on democracy and respect for human rights. Already in 2007, Russian President, Vladimir Putin, denounced attempts to transform the OSCE into what he referred to as 'a vulgar instrument designed to promote the foreign policy interests of one or a group of countries', and since then, European divides have only grown wider.

#### Reform efforts aim to revitalise the OSCE

In the wake of the Ukraine crisis, in 2014 the OSCE launched a joint project called the <u>Panel of Eminent Personalities on European Security</u>. This panel of 15 high-level experts was set up to propose ways to reform the organisation and make Europe more secure, with a stronger role for the OSCE.

The panel's two reports, issued in <u>June</u> and <u>November</u> 2015, contained a number of recommendations, pertaining both to the organisation itself and the general European security situation. However, the Russian representative decided not to endorse the second report, entitled 'Back to Diplomacy'. Most of the panel's recommendations – on strengthening the role of the secretary general; giving the organisation a legal personality; enhancing conflict prevention capacity; creating a Ukraine contact group combining the four countries participating in <u>Normandy format</u> talks and the six <u>Budapest Memorandum</u> signatories; and granting OSCE bodies access to Crimea – were not followed up. Calls to reactivate or revise the Conventional Armed Forces in Europe Treaty, the Vienna Document and the Open Skies Treaty have gone unheeded, with these three pillars of the OSCE security architecture looking more fragile than ever.

The latest reform initiative came in December 2020 from the OSCE Parliamentary Assembly, which presented its <u>OSCE Call for Action: Reaffirming a Common Purpose</u> at the Ministerial Council. The call envisages an online roundtable to discuss reforms aimed at making the OSCE more effective and capable of attracting more political attention to itself. However, progress will depend on the <u>political will</u> of participating states, which so far has been lacking.

## The OSCE still has a vital role to play

The OSCE's weakness stems from the fact that it brings together countries with disparate values and interests. However, this same fact also explains why the organisation is still <u>relevant</u>, being one of the few remaining channels of communication between opposing camps. Growing tensions, especially since Russia's 2014 illegal annexation of Crimea, have revived the OSCE's role as a forum for pan-European security cooperation.

Consensus-based decision-making gives even the smaller participating states a veto, and frequently paralyses OSCE decision-making. However, it also prevents the larger member states from dominating the organisation's agenda, thus preserving it as a credible interlocutor for all sides. This credibility has enabled the OSCE to play a limited but useful role, particularly in promoting military transparency, monitoring conflicts, observing elections and supporting democratic reforms in Europe and the former Soviet Union. It is difficult to imagine that this role could be taken over by any other international or European organisation.

## The OSCE and the EU

As proponents of rules-based multilateralism, the OSCE and the EU share similar values, and all 27 EU Member States also participate in the OSCE. The EU's 2016 Global Strategy <u>describes</u> the OSCE, 'a Europe-wide organisation stretching into Central Asia with a transatlantic link', as 'a pillar of European security'. Again, addressing the OSCE's Ministerial Council in December 2020, EU High Representative, Josep Borrell, <u>emphasised</u> that it 'remains *the* key forum and instrument to address security challenges in the region'.

Close cooperation between the two organisations goes back to the 1975 Helsinki Final Act, signed by Italian Prime Minister, Aldo Moro, in his capacity as President of the Council of the European Communities, and the 1990 Paris Charter, signed by European Commission President, Jacques

Delors. OSCE and EU leaders and officials communicate at multiple levels. For example, the EU's High Representative maintains contacts with the OSCE presidency; furthermore, in their capacity as representative of the European Commission, they participate in Ministerial Council meetings, in line with OSCE <u>rules of procedure</u>. There are also regular meetings between the OSCE secretary-general and the EU high representative, and the fact that the current Secretary-General, Helga Schmid, <u>moved</u> to the post from the EEAS can only facilitate such dialogue.

The EU and OSCE work together in fields such as police and judicial reform, countering human trafficking, border management, and media development. In 2020, the EU donated €8.6 million of extra-budgetary funding for projects implemented by the OSCE.

In 2020, EU Member States contributed €69 million to the OSCE's budget and €11 million to its extrabudgetary funds; combined with the EU's contribution, this amounts to about half of the organisation's 2020 funding. In addition, the EU and its Member States provided about two-thirds of the funding and personnel for the Special Monitoring Mission to Ukraine (which is not covered by the OSCE's main budget). Furthermore, images from the EU's Satellite Centre help monitors observe areas that they cannot access physically.

The European Parliament participates in EU-OSCE cooperation, for example by sending <u>observers</u> to the OSCE Parliamentary Assembly. As already mentioned, Members of the European Parliament <u>participate</u> in some ODIHR-led election observation missions. Parliament's resolutions emphasise the pivotal role of the OSCE as a mediator and upholder of human rights in eastern Europe, for example in <u>Belarus</u> and <u>Nagorno Karabakh</u>.

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