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Preface

The OSCE is a unique actor in the international arena thanks, in part, to its comprehensive and multidimensional concept of security. In the sense of this term, as used in the OSCE context, security is only guaranteed when human rights are regarded as integral to it on an equal footing with economic and environmental and politico-military issues. The inadequate implementation of human dimension commitments is therefore just as much a threat to security as failures of implementation in any other dimension. After the end of the Cold War, the OSCE's human dimension was extended beyond the protection of human rights and fundamental freedoms to include the promotion of democracy and the rule of law.

The OSCE human dimension commitments are set out in several key documents. The most comprehensive and fundamental of these is the Copenhagen Document of 1990, which also explicitly focuses on minority rights. A significant step forward was taken in the Moscow Document of 1991, in which the participating States declared that the "commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned".¹ The Heads of State or Government of the 56 OSCE participating States rooted this key norm more firmly in their 1992 Helsinki Summit Declaration and reiterated and reaffirmed it once again at the Astana Summit in 2010.

The Office for Democratic Institutions and Human Rights (ODIHR) is the principal institution devoted to the human dimension of the OSCE. It started work in 1991 as the small CSCE Office for Free Elections, with only a handful of staff, and was renamed ODIHR at the Prague Council Meeting in 1992, where the foreign ministers of the participating States also decided to give it additional functions. This year, ODIHR celebrated its 20th anniversary as one of the Organization's most successful institutions. To fulfil its mandate to assist OSCE participating States in implementing their human dimension commitments, ODIHR carries out work in five broad areas: elections, democratization, human rights, tolerance and non-discrimination, and Roma and Sinti issues. Today, from its Warsaw headquarters, ODIHR performs these tasks with a highly professional staff of over 150 experts and

¹ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe, Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 605-629, here: p. 606.

support personnel, as Douglas Wake, First Deputy Director of ODIHR, observes in his contribution to the OSCE Yearbook.²

Douglas Wake is not the only author to concern himself with ODIHR in this volume: ODIHR's 20th anniversary was a good reason for us to dedicate the special focus section of the 2011 OSCE Yearbook to its activities. More than 20 authors consider ODIHR's history, mission, and activities. First of all, long-serving ODIHR Director Christian Strohal gives a critical overview of the human-rights situation in the OSCE area after the Astana Summit. This is followed by an analysis of the Summit in terms of human rights by Jens-Hagen Eschenbächer and Bernhard Knoll. Elections are a vital aspect of democracy. In the Copenhagen Document, the participating States created a set of electoral standards and commitments that they have reaffirmed in numerous subsequent documents. Nonetheless, elections in some countries are still characterized by a failure to implement electoral standards and commitments – or even their outright violation. As a result, the participating States have agreed that election observation is the most important tool they have to identify shortcomings and to assist states in conducting free and fair elections. In his contribution, Geert-Hinrich Ahrens describes ODIHR's election monitoring activity and discusses the – not always smooth – cooperation between ODIHR and the OSCE Parliamentary Assembly in this area. While Grigorii V. Golosov describes the profound importance and impact of the key OSCE documents for democratic theory and practice, Adam Bodnar and Eva Katinka Schmidt ask whether judicial independence has been achieved in Eastern Europe, the South Caucasus, and Central Asia. Andrzej Mirga, the Senior Adviser on Roma and Sinti Issues at ODIHR, focuses on the situation of Roma and Sinti in the OSCE area. Nadezda Shvedova reviews the OSCE's contribution to gender equality, as do Andreea Vesa and Kristin van der Leest. Pavel Chacuk details ODIHR's activities in the area of human rights education, and Snježana Bokulić and Assia Ivantcheva analyse the interaction of ODIHR and civil society. Liane Adler evaluates the innovative concept of national human rights institutions, considered as key players in human rights promotion and protection, while Karin Esposito and Ruben-Erik Diaz-Plaja look at the implicit role of parliaments in the OSCE's commitments and practices relating to democracy. Finally, Jos Boonstra, Natalia Shapovalova, and Richard Youngs from FRIDE (Fundación para las Relaciones Internacionales y el Diálogo Exterior) give a detailed assessment of the OSCE's democracy support from a non-OSCE perspective.

Aside from the special focus section, contributions to the OSCE Yearbook 2011 by prominent international academic specialists, long-serving members of OSCE staff, and experienced diplomats give a comprehensive and intensive insight into the work of the world's largest regional security organization. We are particularly grateful to Marc Perrin de Brichambaut for

2 Cf. Douglas Wake, ODIHR at 20: Promoting Human Rights and Democracy in a Complex International Environment, in the volume at hand, pp. 227-240, here: p. 227.

his detailed look back at his time in office and his occasionally ambivalent experiences as Secretary General of the OSCE from 2005 to 2011. Pál Dunay undertakes an assessment of Kazakhstan's 2010 OSCE Chairmanship, which he finds to be "unique" in several respects. Ian Cliff's contribution is a critical assessment of the Corfu Process. In the section on the OSCE participating States, Ian Kelly describes the engagement of the USA in the OSCE process, Elena Kropatcheva discusses domestic developments in Belarus following the 2010 presidential election, and Payam Foroughi has written a highly critical contribution on human rights in Tajikistan and the role of the OSCE in their implementation.

In the following section on responsibilities, instruments, mechanisms, and procedures for conflict prevention and dispute settlement, Claudio Formisano and Georgia Tasiopoulou present the work of the OSCE Mission in Kosovo. Claus Neukirch reports on progress in the efforts to resolve the conflict in Transdniestria. Carel Hofstra considers police reform in Armenia, and Hans-Joachim Schmidt from the Peace Research Institute Frankfurt poses the anxious question of whether war could return to Nagorno-Karabakh, particularly in view of recent military developments in Armenia and Azerbaijan. Finally, Arne C. Seifert provides an insight into the complex political systems and processes of Central Asia.

Pierre von Arx provides a contribution on the politico-military dimension of the OSCE in a detailed discussion of efforts to modernize the Vienna Document on confidence- and security-building measures. Finally, two contributions deal with the OSCE's external relations: Rita Marascalchi and Oleksandr Pavlyuk discuss the potential consequences of the Arab Spring for co-operation between the OSCE and its Mediterranean Partners for Co-operation, while Timur Dadabaev analyses Japan's Central Asia policy.

For this year's foreword, we have to thank the 2011 Chairperson-in-Office of the OSCE, Lithuania's Minister for Foreign Affairs, Audronius Ažubalis. And it is with sadness that I note the passing of Max van der Stoep. Wolfgang Zellner has written an obituary of the universally well-regarded long-standing OSCE High Commissioner on National Minorities.

As always, the publishers and editorial staff would like to thank the many authors whose engagement and extensive knowledge make the OSCE Yearbook possible in the first place.

A successful first for the editorial team in Hamburg this year has been the close co-operation we have enjoyed with an OSCE institution: ODIHR experts not only wrote the bulk of contributions to the special focus section but were involved in the planning, organization, and editing of the contributions. Particular thanks are due to Bernhard Knoll, Special Adviser to the Director of ODIHR, and Jens-Hagen Eschenbächer, ODIHR Spokesperson.

The promotion of democracy and human rights has become the OSCE's most substantial field of action. From a practical point of view, there are many examples of successful work by OSCE and ODIHR within the human

dimension. At the same time, however, deep-rooted problems with relation to the human dimension have recently surfaced. First, the implementation of relevant human dimension commitments has often left a lot to be desired. This applies to almost every participating State, to some extent. Second, of the OSCE's key human-dimension activities, election monitoring and assistance (together with standard setting and efforts to promote implementation) are the most prominent. This is precisely what the OSCE – and ODIHR in particular – have been strongly criticized for in recent years by Russia and other CIS states, which have explicitly called for activities in the human dimension to be scaled back, above all in the area of election monitoring. Yet Western states place a great deal of emphasis on these very activities. This precipitated a crisis, leading one group of experts to pronounce, in 2008, that “although not explicitly revoked, the OSCE's normative *acquis*, particularly in the human dimension is increasingly being challenged by a number of participating States. States are no longer able to agree on the meaning of key norms such as democracy and human rights.”³ This “normative division” has been identified as “a severe problem in terms of the coherence of the OSCE and the ability of its participating States to co-operate”.⁴ To resolve these disagreements and overcome this division, the participating States must engage in an open-ended and serious discussion to reach a new consensus in the OSCE's human dimension. This should also lead to negotiations on the OSCE's future human-dimension agenda.⁵

Identifying the OSCE's priorities in the human dimension for the coming years is thus vital to overcoming the new dividing lines within the OSCE area and strengthening the OSCE as a whole. What, then, should the OSCE's future human-dimension agenda be?

First, “traditional” human-dimension issues must, of course, remain a priority. Systematic violations of human rights, including minority rights, can in themselves produce a broad range of potential threats and conflicts. First of all, therefore, existing human rights norms must be observed and implemented, with the OSCE – and ODIHR in particular – assisting participating States in complying with their human-dimension commitments.

Second, democracy and the rule of law are key principles within the OSCE's concept of security, and must therefore also remain priorities. Weak governance and failing democratic institutions can result in serious security threats, while strong democratic institutions and the rule of law are vital for preventing threats from arising. This was observed in the OSCE Strategy to

3 Wolfgang Zellner, in consultation with Pál Dunay, Victor-Yves Ghebali, P. Terrence Hopmann, Sinikukka Saari, Andrei Zagorski, and experts at the Centre for OSCE Research, Hamburg, *Identifying the Cutting Edge: The Future Impact of the OSCE*, CORE Working Paper No. 17, Hamburg 2008, pp. 4, 8.

4 Wolfgang Zellner, in consultation with Alyson Bailes, Victor-Yves Ghebali, Terrence Hopmann, Andrei Zagorski, and experts at the Centre for OSCE Research, Hamburg, *Managing Change in Europe: Evaluating the OSCE and Its Future Role: Competencies, Capabilities, Missions*, CORE Working Paper No. 13, Hamburg 2006, p. 26.

5 Cf. Zellner, *Identifying the Cutting Edge*, cited above (Note 3), p. 18.

Address Threats to Security and Stability in the Twenty-first Century.⁶ Unfortunately, the process of democratic transition has been stopped or even reversed in a number of countries. Although the OSCE's democracy-related commitments have never been openly challenged, diverging developments in the area of democracy are gradually undermining the unity of the OSCE. If there is no serious discussion aiming at a common understanding of central elements that any democratic system of governance must provide, irrespective of its specific forms and traditions, divergences are likely to develop into even deeper dividing lines.⁷ ODIHR came to a similar conclusion in its 2006 report "Common Responsibility": "While the OSCE community has unequivocally committed itself to representative and pluralist democracy, it has not specified in detail which components must be in place to allow for genuine democratic government. It is in these areas where the OSCE community could benefit from finding a common language that acknowledges both the diversity of traditions and systems across the region and the need to be sufficiently clear on central aspects for effective implementation of the general commitments."⁸

Third, the 21st Century has also seen the intensification of new challenges such as terrorism; organized crime, including trafficking in human beings; and discrimination and intolerance. Most of these are cross-dimensional and thus at least touch upon the human dimension. In recent years, globalization, large-scale mobility, increased migration driven by political or economic change, and new means of communication have connected different societies and cultures. Conflicts between cultures and religions can occur within states as well as between states or regions. Intolerance and discrimination are also root causes of extremism and terrorism. Here it is also worth stressing that human-dimension commitments must be observed at all times, including in counter-terrorism activities.

Tolerance and non-discrimination are genuine cross-dimensional issues. Moreover, they concern both situations within societies and states and interstate relations; they also have transnational aspects. Hence they require national discourse, regional co-operation, and intercultural dialogue. This will probably necessitate intensified co-operation and co-ordination between the three Personal Representatives of the Chairperson-in-Office on questions of tolerance and non-discrimination and OSCE institutions such as the High Commissioner on National Minorities and ODIHR.

6 Cf. OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, in: *Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003*, Maastricht, 2 December 2003, pp. 1-10, here: p. 1.

7 Cf. Zellner, *Identifying the Cutting Edge*, cited above (Note 3), pp. 12, 22-23.

8 OSCE ODIHR, *Common Responsibility. Commitments and Implementation. Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw, 10 November 2006, p. 29, available online at: <http://www.osce.org/odihr/22681>.

Finding a proper balance between the OSCE's three dimensions should not detract from the human dimension. The achievements of the Copenhagen and Moscow Documents, in particular, must not be abandoned or watered down. The OSCE is a values-based organization that stands for democracy, the rule of law, and respect for human rights as the basis for common and co-operative security. Ultimately, upholding shared values strengthens common security.