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ODIHR at 20: Promoting Human Rights and Democracy in a Complex International Environment

On 17 May 2011, retired Italian diplomat Luchino Cortese spoke to a Warsaw gathering to mark the 20th anniversary of the institution that began its activities with a handful of staff under his leadership in 1991 as the Office for Free Elections of the then 35-member Conference on Security and Co-operation in Europe. Ambassador Cortese expressed a combination of pride and awe as he quipped that he felt like the great-great-grandfather of what had become the Office for Democratic Institutions and Human Rights (ODIHR), the main institution devoted to the human dimension of the Organization for Security and Co-operation in Europe (OSCE). Ambassador Cortese and the other three former ODIHR Directors had gathered at the invitation of current Director Janez Lenarčič to mark not only the passing of ODIHR's first two decades, but also its move to permanent consolidated premises in an impressive replica of a 17th-century palace that had just been restored and made available for use by ODIHR through the generosity of its Polish Government hosts.

ODIHR moved to its new home in its 20th anniversary year with a broad mandate to monitor developments and assist the OSCE's 56 participating States in implementing commitments across the human dimension of security, including not only free elections and democracy but also respect for human rights, the promotion of tolerance and non-discrimination, and improvements in the situation of disadvantaged Roma populations. ODIHR carries out these tasks from its central Warsaw headquarters with a highly professional staff of over 150 experts and support personnel, with roughly 16 million euros in annual OSCE unified budget resources and additional funding provided on a voluntary basis for specific activities that fall within its mandate.

ODIHR offers targeted assistance across the OSCE region and efficiently organizes a host of meetings that provide for "peer review" of how human dimension commitments are being implemented. Open to civil society and international organizations as well as to OSCE participating and partner States, these include Europe's largest annual human rights conference and discussions of more specialized topics. By 2011, ODIHR had conducted election-related activities in 52 OSCE participating States as well as in Afghanistan, which is an OSCE Partner for Co-operation, and stood ready to consider requests to share OSCE experiences or otherwise provide appropri-

Note: The views expressed in this article are not necessarily those of the OSCE, ODIHR, or any other entity.

ate support when requested by such OSCE Mediterranean Partners for Co-operation as Tunisia, Egypt, and Morocco.

ODIHR is widely respected as a major “player” in the democracy promotion business, regularly engaging in dialogue and joint projects together with the United Nations (UN), the Council of Europe (CoE), and the European Union (EU), but also sharing experience more widely with such bodies as the Organization of American States (OAS), the Organisation of Islamic Cooperation (OIC), the African Union (AU), and the Commonwealth of Independent States (CIS). Despite its credibility, its range of activities, and its track record, however, ODIHR commands only a very modest share of the resources devoted to democracy and human rights promotion within the OSCE region (not to mention Afghanistan or the world beyond). The approximate budget and staffing figures cited above are but a tiny fraction of those available to such institutions as the United Nations Development Programme (UNDP), the US Agency for International Development (USAID), and the European Commission for related purposes.

A major challenge for ODIHR’s leadership is therefore to ensure that the expertise accumulated and the limited resources available to ODIHR are applied in the most effective way to contribute to the ultimate objectives of strengthening aspects of democratic governance and promoting greater respect for human rights. The nature, scale, and scope of ODIHR’s activities are determined in the first instance by the mandate and tasks given to the Office by the participating States; priorities articulated by each OSCE Chairmanship; and the willingness of OSCE States both to provide resources and to co-operate with ODIHR in practice. The portfolio of activities carried out by ODIHR at any given moment is also affected by the complex environment in which it operates. The remainder of this article will:

- identify three different sets of external factors that have affected the evolution of ODIHR’s structure and its efforts to implement its mandate since 1991;
- provide examples of the way ODIHR has evolved to meet new challenges and explore new opportunities created by changes in the external environments; and
- conclude with some reflections on the way in which ODIHR and its activities are likely to evolve further as the outside world continues to change in the coming decades.

A key conclusion is that, despite a core mandate which remains essentially unchanged since the early 1990s, ODIHR has continuously adjusted its approach in response to changes in the world beyond Warsaw and will need to continue to do so for the foreseeable future.

Three Changing Worlds: OSCE Itself, Non-OSCE Architecture, Events on the Ground

Many important factors affect ODIHR's capacity to implement its mandate and define the areas where the Office can have the greatest impact. Among those largely *internal* to ODIHR, which are *not* addressed directly in this article, are such factors as the diplomatic and management skills of its leadership, the quality and creativity of its staff, the efficiency of its resource utilization, and the ability to identify lessons learned from previous experience and to maintain continuity in areas of excellence despite inevitable personnel turnover. The focus here will be on the following three key categories of *outside* factors that have affected ODIHR's work and will continue to do so.

First, ODIHR constantly evolves in light of *changes within the OSCE* itself. When comparing 1991 and 2011, we see that ODIHR's parent body has changed not only in terms of its name (from CSCE to OSCE) and its membership (from 35 to 56), but also with regard to the nature of political dialogue that takes place at senior level, the types of task that are allocated to ODIHR by decision-making bodies, the number and size and role of its field operations, the role and priorities of the annual Chairmanships, and the nature of other executive structures within the Organization.

Second, ODIHR and its role are affected by *institutional developments outside the OSCE* at supra-national level. The past two decades have of course been marked by a dramatic evolution of the broader European, Eurasian, and Euro-Atlantic security and human rights architecture. The enlargement of the EU and the CoE to include ever more OSCE participating States and an ever greater focus on internal human rights and democracy issues are among the most visible developments that have direct implications for an institution such as ODIHR, which has a clear mandate that includes promoting greater democracy and respect for human rights in the very same states. The increasing scope and sophistication of the UN human rights treaty system, the reform of the UN human rights machinery with its re-styled Universal Periodic Review mechanism, and the role played by such bodies as the CIS and its Inter-Parliamentary Assembly are among the other processes with relevance to ODIHR's work.

Finally, *political and social developments, policies and practices within OSCE participating States and Partners for Co-operation, as well as the relationships between them*, are of continuing relevance to ODIHR, as its leadership determines how best to deploy the Office's quite limited resources. Dramatic developments such as the 11 September 2001 terrorist attacks on the United States, outbreaks of armed conflict such as the August 2008 war in Georgia, official and unofficial attitudes towards the OSCE in general and ODIHR in particular, and the actual implementation or non-implementation of OSCE human rights and democracy commitments, can all affect both the

actual need for ODIHR engagement and the willingness of states to solicit and accept ODIHR advice and support or their interest in doing so.

Changes across the OSCE region on a societal level, such as the dramatic expansion of Internet and social media use since 1991 and the changing technical needs of various key beneficiaries, are among related factors that affect ODIHR's capacity to implement its mandate. As the fulfilment of ODIHR's mandate requires engagement with a wide range of actors, ODIHR must constantly evaluate, and obtain feedback on, the most effective ways to work with judicial and parliamentary bodies, civil society organizations, and individual experts as well as with OSCE delegations in Vienna and central government ministries.

How ODIHR Interacts with the World(s) Outside

All of the above-mentioned factors have been constant features of the operating environment which ODIHR leaderships would have ignored at their peril over the past 20 years. Likewise, the dynamic developments in all three worlds – the OSCE itself, non-OSCE institutional architecture, and the relevant states – can also be expected to affect ODIHR in the future. ODIHR is of course not passive in its relations with the outside world(s), and its management engages in regular dialogue to explain and emphasize what ODIHR can accomplish within its mandate (not least to avoid unnecessary duplication of efforts). ODIHR officials also play an important role in dialogue with states, whether through formal OSCE political processes or directly as a custodian of the OSCE commitments in the human dimension. ODIHR officials speak frankly to representatives of participating States and of other institutional actors not only about the importance of implementing human dimension commitments, but also to discourage them from weakening the systems already in place for monitoring implementation and to encourage efforts to improve implementation where possible.

At the same time, while ODIHR's leadership can provide advice on OSCE institutional matters within its mandate, ODIHR is an executive structure within the OSCE and not a decision-making body. Similarly, while ODIHR officials can advise partners in the broader international community and in participating or partner States on matters where it has expertise, it ultimately has no mandate and certainly no ability to exert decisive influence on matters like changes in the institutional architecture of the UN, the EU, or the CIS – let alone the internal human rights or democracy policies of particular states. ODIHR's approach is therefore often at least partly reactive out of necessity: as developments occur in the outside world(s), the ODIHR leadership assesses and responds to the challenges and opportunities that such developments present.

OSCE Changes Bring New Challenges and New Opportunities

Developments within the OSCE itself have a major impact on ODIHR's role in several ways. Most obviously, since ODIHR is an executive structure, decisions by OSCE decision-making bodies such as the OSCE Permanent Council (PC), the OSCE Ministerial Council (MC), and Summits of OSCE Heads of State of Government can alter the mandate and assign new tasks to ODIHR that prefigure/determine the direction of its work. In practice, ODIHR's broad mandate to promote greater respect for commitments in the human dimension has remained largely intact since the early 1990s, but new tasks in areas such as tolerance and non-discrimination, trafficking, terrorism, and Roma inclusion have been added for reasons that are discussed to some extent below. More frequently, ODIHR is affected by decisions that relate to its budget and staffing levels – two issues that are addressed annually by the PC – as well as ODIHR's specific responsibilities to organize human dimension meetings and ODIHR's relationship with other OSCE executive structures.

For example, while the Helsinki 1992 Summit gave ODIHR a mandate to organize human dimension meetings, and the PC provided a specific template for the main annual meetings as early as 2002, ODIHR is dependent on annual PC decisions to determine the specific agenda, timing, and topics of the main two-week Human Dimension Implementation Meeting (HDIM) and the three-day Human Dimension Seminar (HDS) in Warsaw. The Chairmanship bears responsibility for determining (in close consultation with other participating States) the topics and timing of three Supplementary Human Dimension Meetings (SHDMs) in Vienna, and frequently also requests ODIHR's assistance in organizing or supporting other events that track with the priorities of the particular OSCE Chairmanship. ODIHR needs to maintain flexibility in responding to these priorities of the PC, MC, and Chairmanship. In 2010 and 2011, for example, ODIHR worked closely with the Chairmanships of Kazakhstan and Lithuania to focus attention on tolerance and non-discrimination issues (and with Lithuania, in 2011, on national human rights institutions). ODIHR's job in all these cases has been to organize such meetings efficiently but also to advise partners within the OSCE system about the extent to which proposed topics are those on which OSCE can truly add value by stimulating constructive discussions on issues of significant contemporary relevance as opposed to those where well-worn rhetoric is likely to be regurgitated by smaller and smaller pools of participants.

While ODIHR's main mandate – in contrast to the OSCE field operations discussed below – does not require annual renewal, decision-making bodies adopt action plans and other major texts that clearly enlarge, alter, or clarify ODIHR's mandate. The OSCE Ministerial Council was particularly active in this regard in 2003 and 2004, when it adopted broad action plans addressing the promotion of gender equality, combating trafficking in human

beings, and improving the situation of Roma and Sinti in the OSCE area. All of these plans built upon existing work done by ODIHR but also specified the ways in which ODIHR would be expected to address these priority topics in subsequent years. In the OSCE Gender Action Plan, for example, ODIHR is specifically tasked to focus on the promotion of women's participation in public and political life, the strengthening of national gender equality mechanisms, and the role of women in the security sector. All of these are now prominent activities in ODIHR's portfolio of work, including a major project launched in 2011 to increase women's participation in political parties as important "gatekeepers" for broader involvement in political life. ODIHR's work on trafficking focuses on the rights of victims in line with the relevant OSCE Action Plan. Its Roma integration efforts build on both the 2003 Action Plan and subsequent decisions focusing special attention on early education for Roma children as well as combating negative stereotypes in the media and public discourse.

Regarding its oldest and still most prominent programmatic activity, election observation, ODIHR has received guidance on a number of occasions from OSCE decision-making bodies. For example, a 2006 MC decision called for an expansion of the geographic focus of ODIHR election observation work and for greater efforts to diversify the pool of individuals who serve as election observers. ODIHR responded by introducing a more transparent and inclusive recruitment system for the "core teams" for observation activities, introduced training for observers from under-represented countries, and worked with donors to use extra-budgetary funds contributed through a new Diversification Fund to defray the costs of observers from those countries whose governments are least able to cover them.

In the area of tolerance and non-discrimination issues, where ODIHR was much less active during its first decade or so, ODIHR began to receive a number of very specific tasks in MC and PC decisions beginning in 2003. These decisions led directly to the creation of a new and robust Tolerance and Non-Discrimination Department in ODIHR, which makes extensive efforts to collect data about hate crimes, to raise awareness about various forms of intolerance and discrimination, and to share best practices in such areas as law enforcement and education to combat hate crimes.

Another area where ODIHR is affected by decisions taken elsewhere in the OSCE is the fate of field operations – the network of missions, offices, centres, presences, and project co-ordinators that began to develop during the wars in the Western Balkans in the early 1990s and continue to exist in more than 15 locations in Eastern and South-eastern Europe as well as the Caucasus and Central Asia. ODIHR has to be consulted during the establishment or management of such field operations¹ and over the past two decades has

1 CF. Budapest Document 1994, Budapest, 6 December 1994, Chapter VIII, paragraph 11, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague 1997, pp. 145-189, here: p. 176.

developed important co-operative links with virtually all of them. The challenge for ODIHR in working with field operations has been to develop collaboration and synergies while avoiding overlap where mandates coincide and maintaining clarity about distinctions among mandates.

As a general rule, ODIHR responds to requests from field operations as a priority, including for expert visits, the training of field operation personnel, and the provision of direct support to host countries. ODIHR and field operations often collaborate when supporting reform of host-country electoral systems, for example, while stressing at the same time that it is ODIHR and not the field operation that has a mandate from participating States to observe or assess the elections themselves. ODIHR also needs to be sensitive to the sharply differing capacities and mandates of field operations, responding in some cases to the fact that field operations are too small to address certain issues in which ODIHR has expertise (such as various aspects of promoting the rule of law or democratic governance), while in other cases any ODIHR involvement in the same sectors would be largely superfluous.

In areas where there are relatively large OSCE field operations, such as South-eastern Europe, ODIHR has responded to the need for a regional approach to certain issues (such as war crimes justice) that are difficult for individual field operations to address because of their single-country mandates. ODIHR has also responded readily to the interest of field operations in training for their staff, both by organizing a thrice-yearly orientation course for new staff on human dimension issues and by providing targeted training in specialized areas (such as combating hate crimes).

ODIHR faces special challenges in working where field operations do not exist, either because they have never been mandated (as in Western and Central Europe and North America) or where they have been closed.² ODIHR has found practical ways to overcome the (mainly logistical) challenges of working where OSCE has never had field operations, in large part due to its extensive election observation experience in such countries. Examples going beyond election work include the activities that ODIHR implements throughout the OSCE region – in the “West” as well as the “East” – to collect data on hate crimes and share tools to help combat various forms of discrimination, including anti-Semitism and intolerance against Muslims.

The closure of field operations or changes in their mandates can raise more serious issues of a political nature because the lack of consensus on extension of a mandate has historically reflected concern about OSCE activities on the part of either the host country or some other participating State(s). At the same time, the closure of such field operations may also highlight and even heighten the need for specific inputs that ODIHR can provide. Two examples would be the ability of ODIHR to engage in the monitoring of trials that followed the 19 December 2010 elections in Belarus (agreed with the

2 Since 1999, a lack of consensus on mandate renewals has led to the closure of OSCE field operations in Latvia, Estonia, the Russian Federation (Chechnya), Georgia, and Belarus.

host authorities even as the resident field operation was forced to depart) and a range of human rights monitoring, parliamentary strengthening and women's political participation work that ODIHR has been able to undertake in Georgia after the mandate of the OSCE Mission to Georgia expired at the end of 2008.

While ODIHR was quite modest in scale when it was headed by Ambassador Cortese in the early 1990s, it was a pioneering body within the then CSCE. It thus had a near-monopoly of the fledgling Organization's action on all human rights and democratization issues, although it was soon joined by the OSCE High Commissioner on National Minorities (HCNM) and several years later by the OSCE Representative on Freedom of the Media (RFOM), each of whom received a clear mandate and thus the OSCE "lead" on defined issues within the human dimension of security.

Over the first two decades of ODIHR's existence, participating States collectively created several other structures within the OSCE in areas of relevance to ODIHR's mandate, such as the Strategic Police Matters Unit (SPMU), the Action against Terrorism Unit (ATU), the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), and the Gender Unit of the Secretariat headed by a gender adviser to the Secretary General. In addition, the OSCE Chairperson-in-Office has appointed personal representatives on such issues as combating anti-Semitism, combating racism, xenophobia, and discrimination against Christians, combating intolerance and discrimination against Muslims, and promoting gender equality. An important result of all this OSCE internal institution-building over the past 20 years has been the creation of opportunities for new synergies between ODIHR and partner bodies or individuals, but another has been to intensify the need for information-sharing and division of labour.

A new and exciting development within the OSCE in the recent past has been the creation and the subsequent evolution of the Human Dimension Committee, a subsidiary body under the OSCE Permanent Council in Vienna which meets regularly to discuss issues that largely fall within ODIHR's mandate. Particularly since the beginning of 2011, this body has become not only a forum for dialogue among participating States on such mundane issues as the timing and agenda of upcoming meetings (which dominated its early work), but also as a forum for institutions such as ODIHR to showcase their work and for states to provide feedback on how they are implementing their OSCE commitments – particularly as they relate to earlier recommendations received from ODIHR and other OSCE structures. One implication for ODIHR has been a higher level of visibility and transparency for its work in relation to the delegations that ultimately decide on matters such as ODIHR's budget and staffing table. ODIHR has welcomed this development as a tremendous opportunity to demonstrate its professionalism and even-

handedness as well as its strong interest in working with participating States to facilitate implementation of past recommendations.

Finally, ODIHR interacts regularly with the OSCE Parliamentary Assembly (PA), an OSCE body created roughly at the same time as ODIHR with members who often take a particular interest in human dimension issues. ODIHR's work has benefited greatly from initiatives first taken within the PA on issues such as human trafficking and combating intolerance, and co-operates with the PA within the framework of MC Decision No. 19/06, which describes election observation as a common endeavour involving ODIHR, the OSCE PA, and other parliamentary institutions.³ The OSCE PA's strong interest in a range of human rights issues has also complemented ODIHR's practical work, as in the case of a Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions that the PA adopted in 2007.

Outside Institutional Developments: Dialogue and Partnerships

The evolution of the European security system and the development of other institutions focusing on human rights and democracy, at both regional and global level, have had profound implications for both the focus of ODIHR's work and the partnerships through which ODIHR's objectives can be pursued. ODIHR entered the human rights field as a newcomer in 1991 with a mandate and geographic scope that were quite distinct from any other body existing at that time. This is still the case in many respects, but the past twenty years have been marked by an explosion of global and regional activity on human rights issues, which is relevant to ODIHR and has an impact on its work.

The post-Cold War establishment of ODIHR was in fact paralleled by major institutional changes within the United Nations system for protecting human rights, the enlargement and transformation of two major institutions which had previously operated only in the Western part of Europe, and the establishment of bodies such as the CIS. All of these developments created new or enhanced opportunities for partnerships with ODIHR, but also the need for careful co-ordination to avoid overlap or duplication in some cases.

It may be hard for many to recall that ODIHR was established when the UN human rights system was composed largely of its Commission on Human Rights, a number of ad hoc rapporteurs appointed on the basis of decisions of the Commission, and a set of rather moribund review bodies created under various multilateral human rights treaties. There was no High Commissioner

3 Cf. Decision No. 19/06, Strengthening the Effectiveness of the OSCE, MC.DEC/19/06 of 5 December 2006, in: Organization for Security and Co-operation in Europe, *Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006*, Brussels, 5 December 2006, pp. 58-62, here: p. 61, section 14.

for Human Rights and no Universal Periodic Review (UPR) mechanism. Nor did the UNDP have field offices throughout Europe and Eurasia with “human development” and “democratic governance” as key elements of their work plans.

To cite the implications for ODIHR of just a few UN human rights developments over the past two decades, the replacement of the old Commission on Human Rights by the newer and more dynamic UN Human Rights Council and the development of the UPR mechanism have provided new sources of information and analysis of value to ODIHR (for example in preparing for election observation missions). The creation of UN rapporteurs on such issues as human rights defenders and freedom of assembly and association have provided new partners for ODIHR on work within its core mandate.

Similarly, the involvement of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on tolerance, human rights education, and Roma early education issues has provided ODIHR with a valuable partner and a means of ensuring that ODIHR’s work may become better known outside the OSCE region at the very time when ODIHR can bring more benefits from its global experience to the attention of OSCE States. On electoral issues, UN involvement in the OSCE region is most often focused on technical assistance, which complements rather than competes with ODIHR election observation. The UN Electoral Assistance Division (UNEAD) joined with ODIHR and a group now numbering almost 40 international inter-governmental and non-governmental organizations to endorse the 2005 Declaration of Principles and Code of Conduct for International Election Observation, a document consistent with ODIHR election observation methodology, for which the UN General Assembly expressed appreciation in 2009.⁴ Specific forms of UN-ODIHR co-operation outside the OSCE area are possible, especially where the state in question is an OSCE Partner for Co-operation, as in the case of Afghanistan where ODIHR has on four occasions provided limited election support in co-operation with larger-scale UN (and EU) activities.

Of course it goes without saying that there were no UN-mandated war crimes tribunals when ODIHR started its work. However, the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and especially the move towards winding down its work in recent years, has been another area for ODIHR’s involvement with a UN institution. In conjunction with the ICTY’s “completion strategy”, ODIHR has carried out a large-scale project together with OSCE field operations to transfer knowledge from the ICTY to local actors in South-eastern Europe.

4 *United Nations General Assembly Resolution 64/155 on “Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization”, A/RES/64/155, 8 March 2010, operative paragraph 8.*

The CoE's enlargement to include most OSCE participating States as formal members and others as observers or members of its Commission for Democracy through Law (the "Venice Commission") has had many implications for ODIHR. During this period, the CoE transformed itself from a largely Western club to a body that now includes most OSCE States outside North America and Central Asia. At the same time, it also strengthened its human rights role both through existing institutions such as the European Court of Human Rights (ECtHR) and via new ones such as the Venice Commission and the European Commission against Racism and Intolerance (ECRI).

The parallel development of the Venice Commission over the first two decades of ODIHR's existence has required ODIHR to avoid duplication or sending mixed signals to participating States on matters relating to the conformity of electoral and other legislation with OSCE commitments and other international standards. The advantage of ODIHR and the Venice Commission working together has been to send out common messages on behalf of two respected international bodies, so that ODIHR's signature election observation recommendations are reinforced through objective and professional analysis of draft or adopted legislation.

The need for close co-ordination of ODIHR and other OSCE work on tolerance and non-discrimination issues, combating trafficking in human beings, and human rights while combating terrorism with the CoE have provided three legs of the formalized OSCE dialogue with the CoE at political level. (A fourth is national minority issues, which do not fall directly within the mandate of ODIHR because they are handled principally within the OSCE by the HCNM.) Another element of the relationship between ODIHR and the CoE comes via the parliamentary track, as members of the Parliamentary Assembly of the Council of Europe (PACE) regularly participate in international election monitoring efforts as short-term observers in partnership with ODIHR, the OSCE PA, and other parliamentary partners.

During ODIHR's first 20 years, the EU evolved from encompassing a minority of the CSCE's 35 participating States to comprising nearly half of its 56 States. EU enlargement, the EU's increasing emphasis on fundamental rights in member states as well as human rights and democracy promotion in non-member states and the evolution of European Commission funding instruments have all directly and indirectly affected ODIHR's work. This is partly because the enlargement process has included the fulfilment of OSCE human dimension commitments as key criteria and has therefore provided a powerful incentive for many participating States to seek ODIHR co-operation and advice during the process of accession.

The EU – the European Commission as well as its individual member states – has also been a generous contributor of extra-budgetary resources to ODIHR for purposes related to the meeting of accession criteria and, more generally, to the promotion of stability and adherence to international human

rights and democracy standards. Specific EU actors have mandates directly relevant to ODIHR's, including the Fundamental Rights Agency, with which ODIHR maintains co-operation on tolerance, Roma, and broader human rights issues. The EU has actually followed ODIHR into a number of areas where the latter blazed the trail, notably large-scale international election observation. To avoid overlap, the EU and ODIHR have a general understanding that the former does not observe elections in the OSCE area – just as ODIHR does not observe in other areas. As with the OSCE PA and PACE, however, European Parliament members do take part in international election observation in the OSCE area in partnership with ODIHR.

Dynamic Developments Define Priorities for Engagement

A final set of important factors affecting both the demand for ODIHR's work and its capacity to engage effectively are political developments in and among participating and partner States, the way in which individual states are fulfilling their human dimension commitments in practice, and relevant trends across the OSCE region. The actual state of human dimension implementation affects both the objective need for services, such as human rights monitoring or legislative support, and the willingness of certain states to accept ODIHR's assistance or support.

Dramatic changes in a country's human rights situation may increase or decrease the relevance of ODIHR's work in one sector or another. For example, a dramatic worsening of the human rights situation, with increasing violence or pressure on those advocating human rights, would increase the objective need for ODIHR but may regrettably also have negative effects on the willingness of a particular state to accept the support that it needs. Conversely, however, changes in political power and/or positive human rights and democracy developments can provide new opportunities to address long-term or systemic problems and may also be accompanied by an increased willingness of authorities to request ODIHR's assistance. Developments in participating States such as Kyrgyzstan, Moldova, and Georgia have at various times intensified interest in receiving relevant support from ODIHR. There is at least the prospect that the 2011 Arab Spring will have similar effects regarding some of the OSCE Mediterranean Partners for Co-operation. Already in the course of 2011, ODIHR engaged in serious dialogue with authorities of several OSCE Mediterranean Partners to outline possible forms of future co-operation. ODIHR also organized events in co-operation with the Lithuanian Chairmanship to familiarize civil society activists from Mediterranean Partners with OSCE experience in the fields of election observation, human rights monitoring, political participation, gender equality, and the rule of law.

Dramatic events in the world have a real impact on the work that ODIHR does. For example, the 9/11 attacks in the United States and other acts of terrorism in the early part of the 21st century, as well as the concern that human rights might be compromised during anti-terrorism campaigns, provided the impetus for ODIHR to step up its work on protection of human rights while countering terrorism. These events also led indirectly to such ODIHR activities as a new focus on intolerance and discrimination, including against Muslims, as well as involvement in Afghanistan as a new Partner for Co-operation that ultimately requested four separate Election Support Teams.

The war in Georgia in August 2008 was another dramatic development that led to new ODIHR action, as the Finnish OSCE Chairmanship requested ODIHR to deploy a Human Rights Assessment Team, which produced a comprehensive report on human rights in the war-affected areas. Somewhat similarly, ODIHR responded to both the April 2010 revolution and the June 2010 ethnic conflict in Kyrgyzstan by stepping up human rights support to the OSCE Centre in Bishkek and subsequently deploying three major election/referendum observation missions over a period of less than 18 months. In yet another case in which ODIHR responded to dramatic events on the ground, the 19 December 2010 elections in Belarus were a stimulus for ODIHR to engage in the trial monitoring exercise mentioned earlier in this article.

Important trends affecting the implementation of human dimension commitments across the OSCE region or in a considerable number of participating States are among the additional external factors that ODIHR must consider when designing activities within its mandate. Examples include technology-driven trends such as use of e-voting and other new voting technologies, broader e-democracy developments linked to the recent explosion in the use of social media, and the use of the internet to spread hate speech with the concomitant need to explore possible connections to hate crime.

On the darker side of this equation, ODIHR has had to react in recent years by developing new tools for monitoring and seeking to address such problems as increasing restrictions on civil society/freedom of assembly and association; manifestations of anti-Semitism, intolerance, and acts against Muslims, Christians, and other groups; and the rise of extremism and stereotyping of Roma in the context of freer European migration.

Finally, the relationships among participating States and their attitudes to the OSCE as a whole and to the state of the world economy can affect the conditions in which ODIHR works. For example, the ability of OSCE decision-making bodies to reach agreements on new commitments in the human dimension and on budgets for ODIHR – particularly increases in those budgets – have seemed to fluctuate along with the economy as well as the state of relations among key OSCE participating States over the past two decades. ODIHR's task as an executive structure has been to "go with the flow" of such changes – to take on new tasks eagerly and deploy resources

when they are generously offered, and to “buckle down” when tensions are high and budgets are flat or worse.

Conclusion

In the above survey, the author has attempted to demonstrate that a multitude of external factors have far-reaching implications for the way in which ODIHR’s management deploys the available resources to best fulfil its human rights and democracy promotion mandate. The author’s tentative conclusion is that the monitoring/reporting, advisory, assistance, and advocacy roles played by ODIHR in its first two decades will all continue to be relevant for the foreseeable future. But the OSCE will continue to change, the broader European security and international human rights architecture will continue to evolve, and there will be new developments on the ground in the OSCE region every day. ODIHR will need to change as well.

Indeed, as it has done from Ambassador Cortese’s tenure to that of Ambassador Lenarčič, ODIHR’s leadership will need to fine-tune continuously the ways in which it seeks to add value in order to best promote implementation of human dimension commitments. This will require constant attention to the mix of policy-level and programmatic approaches that are applied to any given situation or thematic issue, as well as to the balance of efforts applied to long-standing priorities such as election observation, legal reviews, and human dimension implementation meetings, in relation to new or emerging priorities such as engagement with officials and civil society to promote greater tolerance or respect for human rights while countering terrorism. Just as the ODIHR of 2011 struck Ambassador Cortese as a great-great-grandchild that he barely knew, the shape of ODIHR’s transformation over the next two decades will be a product of developments that it would be foolhardy to predict.