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## Civil Society in the OSCE: From Human Rights Advocacy to Peacebuilding

### *Introduction*

The OSCE's relations with civil society have been ambiguous: Historically, the Organization was at the forefront in including civil society in both the content and the procedures of its work. However, this happened forty years ago and concerned a particular political context and specific types of civil society engagement. It was very much about giving civil society actors a voice in the former Eastern Bloc in order to promote civic rights and liberties. Since then, the role of civil society organizations, and particularly non-governmental organizations (NGOs), in promoting international peacebuilding has continued to develop. This has produced the ambiguity that is at the heart of our concerns in this contribution: On the one hand, there is a long-established and almost routine way for the OSCE to co-operate with and include civil society in its operational procedures. On the other, civil society engagement seems narrow both in terms of the topics it covers and the functions it performs. We will assess this situation by looking at the evolution of civil society functions in international politics and comparing them with the roles played by civil society within the OSCE. We place a particular focus on activities undertaken during 2014, which was characterized by the eruption of the crisis in Ukraine and the OSCE's Swiss Chairmanship.

### *Civil Society*

Civil society has increasingly been perceived as an important actor in international relations. This assessment is based on the roles civil society is playing and the value it may add in particular situations. In order to explain this, we will present some definitions of civil society and describe its major roles.

Civil society is considered to be an area of society separate from both the state and party politics. It consists of actors making political demands on the state and other political entities, but who are not themselves running for political office. These actors act voluntarily and collectively around shared interests, purposes, and values.<sup>1</sup> Within civil society, NGOs are considered to be a particularly well organized and important group of actors. They are defined as "non-state, non-profit orientated groups who pursue purposes of

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<sup>1</sup> Cf. Martina Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials, and Challenges*, p. 4.

public interest”.<sup>2</sup> The World Bank prefers to refer to “Civil Society Organizations” (CSOs), which it defines as non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others based on ethical, cultural, political, scientific, religious, or philanthropic considerations.<sup>3</sup>

According to Wolfgang Merkel and Hans-Joachim Lauth, civil society in general and specific CSOs are typically attributed with the following functions:

- protection of the sphere beyond the state in which citizens, endowed with rights, are free to organize their lives without state interference;
- intermediation between state and citizens: Civil society must ensure a balance between central authority and social networks;
- participatory socialization: Civil society and associations are schools of democracy in which people learn how to execute their democratic rights;
- community-building and integration: Civil society is seen as catalyst for civil virtues and an antidote to pure individualism;
- communication as a core function in deliberative democracy.<sup>4</sup>

These traditional functions of civil society remain of crucial importance. They emanate from the role of civil society as an intermediary layer between the population and the state. As will be elaborated in the next section, these functions also provided the basis for the expectations placed on civil society at the time when the Conference on Security and Co-operation in Europe (CSCE) was established.

With the end of the Cold War, expectations of what civil society could contribute to international politics grew. The roles attributed to civil society became more global in scope and more specific in relation to peacebuilding. At the global level, the enhanced importance of NGOs has been attributed to the increased significance of human rights in the development of humanitarian norms. NGOs became the keepers of conscience of the emerging international moral community. Their participation in international relations was seen as a guarantee of the political legitimacy of international organizations.

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2 Hilmar Schmidt/Ingo Take, *Demokratischer und besser? Der Beitrag von Nichtregierungsorganisationen zur Demokratisierung internationaler Politik und zur Lösung globaler Probleme* [More Democratic and Better? The Contribution of NGOs to the Democratization of International Politics and the Solution of Global Problems], in: *Aus Politik und Zeitgeschichte* B 43/97, pp. 12-20, cited in: Fischer, cited above (Note 1), p. 3.

3 Cf. The World Bank, *Defining Civil Society*, at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~menuPK:244752~pagePK:220503~piPK:220476~theSitePK:228717,00.html>.

4 Cf. Wolfgang Merkel/Hans-Joachim Lauth, *Systemwechsel und Zivilgesellschaft. Welche Zivilgesellschaft braucht die Demokratie?* [System Change and Civil Society. Which Civil Society Does Democracy Need?], in: *Aus Politik und Zeitgeschichte* B 6-7/98, pp. 3-12, here: p. 7.

However, states also became interested in using the support offered by NGOs in terms of humanitarian aid and conflict resolution as a substitute for political action, particularly in conflicts which, in their eyes, lacked a sufficient political dimension.<sup>5</sup>

It was indeed the end of the Cold War that opened the door for NGOs to become more active in the realm of conflict and peace. Civil society came to be seen as having varying functions in the conflict cycle, though most literature concentrated on the role of civil society in what came to be known as “post-conflict peacebuilding”.<sup>6</sup> Concentrating on the role of civil society in the aftermath of conflicts put the dynamics of the relationship between state and society at centre-stage in peacebuilding. Seminal work on this issue was conducted by Jean Paul Lederach, who underlined the important roles of relationship-building, training, and proactive change in societies in achieving peace.<sup>7</sup> He argued that civil society plays a crucial role in the “middle-range” and “grassroot” approaches.<sup>8</sup> In Lederach’s view, training is a particularly crucial aspect of relationship-building, as it is not only concerned with increasing an individual’s capacity and skills, but also seeks to develop and build relationships across divides in a conflict context.<sup>9</sup> If efforts to create a vision of a commonly shared future and to develop a clear understanding of existing realities are sustained, this leads to “proactive change” in divided societies.<sup>10</sup>

Later comparative work on the contribution of civil society to peacebuilding extracted the following functions: protection from violence; engagement in seeking the recognition or implementation of rights for marginalized groups; monitoring the implementation of particular aspects of peace agreements; advocacy aiming to keep issues or countries on the international agenda; facilitation and service delivery.<sup>11</sup> NGOs have also become increasingly active in conflict prevention (including political early warning), facilitation, and mediation. They can help maintain or improve relationships and even foster action across conflict lines and ethnic divides through informal exchanges and joint projects. They can act as independent watchdogs, be creative in reframing perceptions, or talk to those to whom governments can-

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5 Cf. Mari Fitzduff, *Civil Society and Peacebuilding – the New Fifth Estate?* Issue Paper, Global Partnership for the Prevention of Armed Conflict, 2004, pp. 7-8; Matti Wuori, On the Formative Side of History: The Role of Non-Governmental Organisations, in: Mats Rolén/Helen Sjöberg/Uno Svedin: *International Governance on Environmental Issues*, Dordrecht 1997, pp. 159-172.

6 Cf. Vincent Chetail, Introduction: Post-Conflict Peacebuilding – Ambiguity and Identity, in: Vincent Chetail (ed.), *Post-Conflict Peacebuilding. A Lexicon*. Oxford, 2009, pp. 1-33.

7 Cf. Jean-Paul Lederach, *Building Peace. Sustainable Reconciliation in Divided Societies*, Washington, DC, 1997.

8 Cf. *ibid.*, pp 37-61.

9 Cf. *ibid.*, p. 109.

10 Cf. *ibid.*, p. 112.

11 Cf. Thania Paffenholz, What Civil Society Can Contribute to Peacebuilding, in: Thania Paffenholz (ed.), *Civil Society and Peacebuilding: A Critical Assessment*, Boulder 2010, pp. 381-404.

not. The advantage of NGOs in this field is their capacity to link various sources of information, particularly those based on local knowledge. They are also perceived to be independent. On the reverse side, their “warnings” do not necessarily trigger any action, as actors with implementation capacities, such as states or international organizations, do not necessarily feel compelled to act based on their information.<sup>12</sup>

Notwithstanding these achievements, external framework conditions remain crucial for enabling (or disabling) civil society roles in peacebuilding. These include the behaviour of the state, the general level of violence, the freedom and role of the media, the influence of external political actors, and the role of donor engagement.<sup>13</sup> Additional reservations about the ability of civil society to live up to its role expectations underlined the mechanistic model underlying such assumptions. Indeed, agreeing on the importance of civil society as a core aspect of functioning statehood did not automatically imply consensus about the role civil society actors should play and the functions that members of civil society should fulfil.<sup>14</sup>

### *Civil Society in the CSCE/OSCE*

The tasks originally attributed to civil society within the CSCE were strongly influenced by the context of the Cold War: The CSCE was a product of a phase of “détente” between East and West. The ten principles listed in the “decalogue” of the Helsinki Final Act represented a compromise between Western and Eastern interests at the time. Principle VII states: “The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States”.<sup>15</sup> On the other side, principles III and IV underline the importance of the inviolability of frontiers and of the territorial integrity of states.<sup>16</sup>

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12 Cf. Catherine Barnes, Weaving the Web: Civil Society Roles in Working with Conflict and Building Peace, in: Paul von Tongeren, et al. (eds), *People Building Peace II: Successful Stories of Civil Society*, London 2005, pp. 7-24; Fischer, cited above (Note 1), pp. 5-7; Fitzduff, cited above (Note 5), pp. 10-14.

13 Cf. Thania Paffenholz/Christoph Spurr/Roberto Belloni/Sabine Kurtenbach/Camilla Orjuela, Enabling and Disabling Factors for Civil Society Peacebuilding, in: Paffenholz (ed.), cited above (Note 11), pp. 405-424.

14 Cf. Béatrice Pouligny, Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building “New” Societies, in: *Security Dialogue* 4/2005, pp. 495-510, pp. 496-497.

15 Cf. Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 147; also available at: <http://www.osce.org/mc/39501>.

16 Cf. *ibid.*, pp. 144-145.

Principle VII belongs to what came to be known as the “human dimension” of the CSCE, and was included in the “third basket” of the Helsinki Final Act. It provided a substantial, though indirect basis for the work of human rights-based civil society organizations in the Eastern Bloc. These roots of civil society engagement within the CSCE/OSCE, which at that time was still more of a process of ongoing conferences, remains relevant to understand the later focus of the work of the Organization with NGOs. After the end of the Cold War, the Helsinki Document 1992 called for increased openness in CSCE activities and the expansion of the role of NGOs. The participating States agreed to facilitate informal discussions between representatives of participating States and NGOs both during and between CSCE meetings.<sup>17</sup>

However, while the interaction between participating States and NGOs improved and the relative importance of the latter increased, the themes and processes of collaboration remained strongly anchored in the Cold War traditions of the CSCE: While civil society was seen as a valuable partner to states on issues linked to the traditional understanding of the Organization’s human dimension, it was not meant to play an independent political role in the attempts of the participating States to deal with issues of peace and conflict on their territories. The international changes that took place after the end of the Cold War and which provided the NGOs with many new opportunities in general, and in the realm of peacebuilding in particular, barely trickled down into the CSCE/OSCE. This can be illustrated with a closer look at the year 2014 under the Swiss Chairmanship.

#### *The Role of Civil Society during the 2014 Swiss OSCE Chairmanship*

Under the leitmotif “Creating a Security Community for the Benefit of Everyone”, the Swiss Chairmanship of the OSCE wanted, among other things, to “enhance the involvement of civil society” in the work of the Organization as well as enhance its visibility and make its voice heard in discussions concerning specific issues and topics – both internationally and at the national level.<sup>18</sup> The overall aim was the creation of a continuous dialogue between civil society actors from all OSCE regions with OSCE institutions, which was intended to provide the starting point for a new “OSCE tradition” that would continue to develop in the years to come.

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17 Cf. *CSCE Helsinki Document 1992: The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (ed.), cited above (Note 15), pp. 701-777, here Chapter IV, para. 15, pp. 732-733.

18 Cf. Swiss Confederation, Federal Department of Foreign Affairs, *Creating a Security Community for the Benefit of Everyone. Priorities of the 2014 Swiss Chairmanship of the Organization for Security and Co-operation in Europe (OSCE)*, at: [https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/internationale-organisationen/Factsheet-OSZE-2014-Schwerpunkte\\_EN.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/internationale-organisationen/Factsheet-OSZE-2014-Schwerpunkte_EN.pdf).

In order to strengthen this ongoing civil society dialogue at the international level, Switzerland built upon the existing civil society tradition of OSCE Parallel Civil Society Conferences taking place on the eve of OSCE Ministerial Council meetings. This tradition was initiated by several civil society representatives at the Astana Summit in 2010 and led to the creation of an OSCE-wide NGO-network called the Civic Solidarity Platform.<sup>19</sup>

In addition to supporting the annual OSCE Parallel Civil Society Conference, Switzerland wanted to further enhance civil society engagement in the various regions of the OSCE. To this end, it organized four regional workshops for representatives of civil society in the Western Balkans (Belgrade), Central Asia (Dushanbe), the South Caucasus (Tbilisi), and for all other OSCE participating States (Vienna) throughout 2014. A key topic of all four regional workshops was the issue of prevention of torture – a priority topic for the Swiss Chairmanship in the human dimension. This topic also coincided with the “Kiev Declaration”<sup>20</sup> adopted by the participants of the OSCE Parallel Civil Society Conference in Kyiv in 2013, which stated that the OSCE “should make combating torture a priority”.<sup>21</sup> The other topics of the regional workshops were chosen by civil society representatives from the regions and included topics such as “tolerance and non-discrimination” – chosen by civil society representatives in all four regions – “judicial independence”, and “protection of privacy and personal data”. Each workshop resulted in a set of civil society recommendations, which were included – together with other topics – in the civil society recommendations made to the OSCE Ministerial Council in Basel<sup>22</sup> and were accompanied by the Basel Declaration, which stated that “rising intolerance, discrimination, and hate crimes pose a major risk for security and require a coordinated response from the OSCE”.<sup>23</sup> Both outcome documents of the OSCE Parallel Civil Society Conference – the civil society recommendations to the OSCE Ministerial Council and the Basel Declaration – were then adopted and officially handed

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19 In September 2015, the Civic Solidarity Platform counted 72 member organizations from 28 countries. More information is available at: <http://www.civicsolidarity.org/page/about-us>.

20 At each OSCE Parallel Civil Society Conference, civil society representatives choose a priority human-dimension topic and formulate their observations as well as recommendations in a declaration. Each declaration is named after the location of the conference where it was adopted: the 2013 “Kiev Declaration”, the 2014 “Basel Declaration”, etc.

21 Most of the declarations of OSCE Parallel Civil Society Conferences are available at: <http://civicsolidarity.org/page/osce-parallel-civil-society-conferences-outcome-documents>.

22 Cf. Civic Solidarity, *Civil Society Recommendations to the Participants of the OSCE Ministerial Council Meeting in Basel, 4-5 December 2014*, at: [http://www.civicsolidarity.org/sites/default/files/civil\\_society\\_recommendations\\_to\\_the\\_mcm\\_in\\_basel\\_december\\_2014\\_final.pdf](http://www.civicsolidarity.org/sites/default/files/civil_society_recommendations_to_the_mcm_in_basel_december_2014_final.pdf).

23 Civic Solidarity, *Basel Declaration. Rising Intolerance, Discrimination, and Hate Crimes Pose a Major Risk for Security and Require a Coordinated Response from the OSCE. Adopted by the participants of the OSCE Parallel Civil Society Conference Basel, 2-3 December 2014*, at: [http://www.civicsolidarity.org/sites/default/files/basel\\_declaration.pdf](http://www.civicsolidarity.org/sites/default/files/basel_declaration.pdf).

over to the Swiss OSCE Chairperson-in-Office (CiO), the Swiss president and foreign minister, Didier Burkhalter, as well as to a representative of the incoming Serbian OSCE Chairmanship at the OSCE Parallel Civil Society Conference in Basel on 3 December 2014.

By personally receiving these two documents, the OSCE CiO sought to underline the importance of dialogue with civil society and tried to “lead by example” as he did throughout the whole Swiss Chairmanship with regard to civil society. Besides making sure that civil society representatives were actively involved in all OSCE conferences and other events (e.g. by inviting them to participate as panellists), he also consistently sought direct dialogue with civil society representatives during his various country visits (e.g. to Azerbaijan, the United States, Tajikistan, Kyrgyzstan, and Kosovo). It was therefore no coincidence that, in June 2014, the Swiss Chairmanship, in co-operation with the incoming Serbian Chairmanship as well as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), decided to dedicate its Chairmanship Conference to the topic of human rights defenders. Indeed, in many participating States, the space in which civil society has been able to operate has been shrinking again, and the crucial role of civil society actors in helping implement OSCE human dimension commitments on the ground had tended to be ignored. It was also at this event that the comprehensive OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders were launched.<sup>24</sup>

Besides the regular dialogue with civil society at the international level, as described above, the Swiss Chairmanship also pursued co-operation with civil society at the national level. To promote this, Swiss non-governmental organizations founded the Swiss NGO Working Group OSCE<sup>25</sup> in the autumn of 2013 – shortly before Switzerland assumed the OSCE Chairmanship. The aim of the Working Group has been to support human rights activities under the Swiss Chairmanship, while critically examining the Swiss Chairmanship from the perspective of civil society.

The Working Group has been establishing links between Swiss NGOs and OSCE processes, and connecting Swiss civil society representatives with NGOs from other OSCE participating States by, for example, attending the regional civil society workshops and encouraging Swiss NGOs to participate more frequently in OSCE conferences such as the Human Dimension Implementation Meeting (HDIM) in Warsaw, the Supplementary Human Dimension Meetings (SHDM), and the Human Dimension Seminars (HDS) in Vienna. It also organized on-site visits and encounters with Swiss and, in particular, Basel-based NGOs for participants attending the OSCE Parallel Civil Society Conference in December 2014. These on-site visits allowed NGOs

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24 Cf. OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Guidelines on the Protection of Human Rights Defenders*, Warsaw 2014, at: <http://www.osce.org/odihr/119633>.

25 Cf. Information Platform humanrights.ch, *Swiss NGO working group on the OSCE*, at: <http://www.humanrights.ch/en/standards/europe/osce/ngo-working-group>.

working in other countries to see the working environment of their Swiss colleagues. The encounters also served as an opportunity to exchange experience and describe challenges regarding topics such as refugees, political participation, human trafficking, gender equality, and business and human rights.

The Swiss NGO Working Group held regular meetings with the Swiss Chairmanship Task Force, including two meetings with CiO Burkhalter in 2014, at which issues relating to the OSCE human dimension commitments, including human rights crises, Swiss foreign policy, and civil society engagement within the OSCE framework were discussed.

In addition, the Swiss Chairmanship decided to take up the idea of self-evaluation<sup>26</sup> – a tool long advocated by civil society representatives from the OSCE regions. Switzerland thus became the first participating State to voluntarily submit itself to an assessment of its performance in implementing OSCE human dimension commitments. This was undertaken by the Swiss Centre of Expertise in Human Rights (SCHR) – an independent national body. The topics chosen for the self-evaluation included election monitoring, intolerance, freedom of expression, freedom of assembly, trafficking in human beings, and gender equality. Besides the observations and recommendations for improvement elaborated by the SCHR, the Swiss self-evaluation also encompassed written reactions by the Swiss NGO Working Group and commentaries by the relevant Swiss federal authorities. These three components of the self-evaluation demonstrate that the self-evaluation was successfully used as an opportunity for discussions between NGOs and governmental authorities. It is hoped that this newly introduced practice can be made a regular feature of OSCE Chairmanships, as it would encourage countries chairing the Organization to “lead by example” and make sure that – before preaching to other participating states – they are doing all they can to improve the implementation of OSCE human dimension commitments in their own country. Serbia and Germany both agreed to conduct similar self-assessments in 2015 and 2016, respectively.

### *Analysis and Conclusions*

The 2014 Swiss Chairmanship provided a “state of the art” performance in regard to the development of relationships with civil society both inside Switzerland and across all the other OSCE participating States. At the same time, it showed the limits of civil society engagement within the OSCE. This was mainly reflected in what did not occur.

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26 Cf. Swiss Confederation/OSCE Switzerland 2014, *Self-Evaluation Swiss OSCE Chairmanship*, at: [https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/osze/20150803-Self-Evaluation-OSCE-Chairmanship\\_DE.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/osze/20150803-Self-Evaluation-OSCE-Chairmanship_DE.pdf).

The year 2014 was dominated by the crisis in Ukraine. Several NGOs within and outside Ukraine became involved in projects seeking to deal with aspects of the conflict. But none of these activities formally took place within the established NGO channels of communication inside the OSCE. Both the OSCE and its traditional NGO partners successfully refrained from becoming entangled in peacebuilding discourses and activities at the level of civil society. The Basel Declaration issued by the Civic Solidarity Platform, as mentioned above, did not touch upon peacebuilding issues.

Furthermore, where the OSCE did engage in the Ukraine crisis, such as when the Troika (composed of the three successive Chairmanships of Switzerland, Serbia, and Germany) set up the Panel of Eminent Persons (PEP)<sup>27</sup> to reflect on the crisis and its implications for European security, it did not include a strong civil society representation, but rather tended to represent official thinking.<sup>28</sup> This is not to criticize the personal qualities of the actors involved. But both the approaches taken by the PEP and the integration of the process in society would have been different if civil society had been included more effectively in the process. The OSCE might also have thought about involving representatives of civil society in its special monitoring and fact-finding mission (SMM) in the eastern part of Ukraine.

This is not to say that the OSCE would have achieved more, but the political process would have been different. As argued above, including civil society in peacebuilding opens up new options in the realms of trust-building, the monitoring of violence, and even conflict prevention and early-warning. Notwithstanding these specific functions, incorporating civil society in peacebuilding changes the quality of the process: It helps peacebuilding to gain a deeper hold within society, thereby enhancing its legitimacy, which once more impacts on the implementation and the sustainability of peacebuilding efforts.

How can this rather surprising observation regarding the limited extent of civil society involvement in Ukraine be explained? One answer could be based on our earlier remarks regarding the framework conditions that enable NGOs to develop their activities in this field: the level of violence, the role of regional actors, and the engagement of donors. All three factors seem to have worked against stronger civil society engagement in the Ukrainian crisis. Outright warfare was taking place, and civil society organizations had “to fulfil the tasks left untended by the government, extinguishing the fire and easing the most pressing humanitarian needs, and monitoring the human rights situation in and around the areas of conflict”, instead of playing “a

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27 Cf. Organization for Security and Co-operation in Europe, *Panel of Eminent Persons on European Security as a Common Project*, at: <http://www.osce.org/cio/133976>.

28 For instance, there was no outreach to the “Civic Solidarity Platform” – the international NGO network most active in the OSCE framework, and especially in the human dimension. However, individual members of the PEP did reach out to civil society in a personal capacity. For example, Swiss PEP member Barbara Haering met with members of the Swiss NGO Working Group on two occasions in 2015.

crucial part in the political reform process”.<sup>29</sup> A further problem was the absence of donor engagement. As a result, the space for civil society actors to engage meaningfully was very limited.

On a more general note, since its inception, the OSCE has encouraged civil society engagement only within clear limits and set rules. This is due to the fact that the Organization continues to operate in a political environment that is very mixed in terms of both political stability and political sensitivity. Accordingly, civil society actors in both West and East have to cope with highly divergent settings and operational conditions. The common denominator for all activities undertaken in this regard remains human rights issues of all kinds, ranging from fundamental human rights linked to physical integrity (such as the abolition of torture), via individual civic rights, to individual and collective rights related to minority issues. Existing NGO platforms such as the Civic Solidarity Platform have undertaken impressive work to continuously and gradually develop these activities. The Swiss OSCE Chairmanship has followed what it considers to be best practices in this area. This approach is not far removed from the traditional view that civil society actors are protecting citizens on an individual basis and are performing as an intermediate layer between the state and its citizens.<sup>30</sup> These roles should not be downplayed. They are civil society’s core functions.

However, recalling, first of all, that the CSCE was at the forefront in providing civil society with a voice in international relations, and, second, that there cannot be any doubt about the vitality and the engagement of a multiplicity of NGOs within today’s OSCE, the impression remains that these civil society actors are “punching below their weight”. This relates particularly to the function that NGOs and other civil society groups could be playing in regard to conflict prevention, mediation/facilitation, and peacebuilding.

The potential the OSCE has in these areas was underlined in the report of the OSCE Network of Think Tanks and Academic Institutions to the PEP, which stressed the importance of the OSCE as a norm-based organization and the roles it could play in early warning, conflict prevention, and mediation – particularly thanks to the Organization’s field presence.<sup>31</sup> The PEP itself underlined the importance of conflict prevention for the OSCE in its interim

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29 Jürgen Kräftner/Cécile Druey, *Critical Reflection Following the KOFF roundtable on 30 June 2014, Ukraine 2014 – Civil Society Creating Space between Past and Future: informal follow up discussion*, Koff Centre for Peacebuilding, p. 1, at: [http://www.swisspeace.ch/fileadmin/user\\_upload/Media/Publications/Critical\\_Reflection\\_ab\\_2013/Critical\\_Reflection\\_Ukraine\\_June2014.pdf](http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Critical_Reflection_ab_2013/Critical_Reflection_Ukraine_June2014.pdf).

30 Cg. Merkel/Lauth, cited above (Note 4).

31 Cf. OSCE Network of Think Tanks and Academic Institutions, *Reviving Co-operative Security in Europe through the OSCE. Contribution of the OSCE Network of Think Tanks and Academic Institutions to the Panel of Eminent Persons*, edited by Teija Tiilikainen, sine loco 2015, pp. 17-18.

report.<sup>32</sup> There is abundant literature explaining the essential contribution that civil society can make to the accomplishment of such objectives.

Thus, any assessment of the achievements of civil society in the OSCE in the year under consideration should differentiate between two parts: In terms of the traditional human rights advocacy roles played by various civil society organizations, the 2014 Swiss Chairmanship year brought some groundbreaking innovations that should be maintained and further developed in the future. These include the self-evaluation of states, the extensive use of regional workshops, and the inclusion of new cross-dimensional topics, such as migration, in these workshops. Further improvement is needed, however, in terms of communication and interaction between the OSCE's human dimension or "third basket" and the traditional security issues treated within the "first basket". This also applies to the dialogue between civil society and OSCE institutions, which should be placed on a more level playing field by ensuring, for example, OSCE/ODIHR participation in civil society events and not only the participation of civil society representatives in OSCE and ODIHR events.

Regarding peacebuilding and conflict-related roles fulfilled by civil society actors, however, the OSCE is still sitting on a great deal of untapped potential. With its tradition of strengthening civil society and including it, at least to a certain extent, in its official processes, the OSCE seems to be in an ideal position to enhance the role of civil society in these more recent fields of NGO engagement as well. Regional workshops and field missions would be excellent frameworks for this. The same is true with regard to the numerous conflict-prone situations within the territory of participating States. Yet the tradition of OSCE civil society engagement puts clear limits on such endeavours – both thematically and structurally. The high regard placed on sovereignty within the Organization limits further NGO engagement. Perhaps the recent transgression of sovereignty and territorial integrity in the Eastern part of the OSCE will ultimately open up the door for an expansion of the political sphere accessible to civil society actors. This would be an irony of history.

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32 Cf. *Lessons Learned for the OSCE from its Engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, sine loco, June 2015, p. 9, at: <http://www.osce.org/networks/164561>.