

Maria Chepurina

Migration Crisis in the OSCE Area: Action Lines from the OSCE Parliamentary Assembly

The Arab Spring, the collapse of the Gaddafi regime in Libya, and the outbreak of the Syrian Civil War have resulted in the OSCE area becoming a highly desirable destination, and also a transit region, for hundreds of thousands of people fleeing war, misery, and persecution. This migration places the OSCE participating States under intense pressure, and, over the past two years, they have experienced the sharpest rise in the number of migrants arriving since the early 2000s – mostly from the Middle East, Afghanistan, and Africa. These increasing flows directly affect regional stability and security, becoming a challenge that necessitates a comprehensive and multilateral response.

Since the current situation requires a co-ordinated response, the OSCE, whose cross-dimensional approach to security enables it to address issues ranging from the securitization of migration flows to protecting the rights of refugees, occupies a unique niche in the division of labour among international actors working on the migration crisis. As the Annual Declaration of the OSCE Parliamentary Assembly (OSCE PA) highlights, the current migration crisis “can only be dealt with collectively and with solidarity”.¹

At the same time, it is crucial to note that the OSCE area is just one part of the migratory corridor. The flows affecting it represent only a small fraction of the overall numbers of globally displaced people, which are at their highest level ever according to the United Nations. In 2015, one in every 122 human beings was either a refugee or otherwise displaced. Of the 20.2 million refugees worldwide,² 86 per cent resided in developing countries.³ South-South migration is more significant than the South-North flow visible in the OSCE area, and, in particular, the flows of refugees are significantly larger in the case of the former.⁴

The aim of this contribution is twofold. The first part focuses on explaining how the parliamentary dimension of the OSCE, its Parliamentary

Note: The views contained in this contribution are the author's own.

1 Resolution on the Security Challenges of Migration, in: OSCE PA, *Tbilisi Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Fifth Annual Session, Tbilisi, 1 to 5 July 2016*, pp. 52-53, here: p. 52, available at: <http://www.oscepa.org/meetings/annual-sessions/2016-tbilisi-annual-session>.

2 Cf. UNHCR, *Tim Gaynor, 2015 is likely to break records for forced displacement – study, 18 December 2015*, at: <http://www.unhcr.org/5672c2576.html>. For further details see: UNHCR, *Mid-Year Trends 2015*, December 2015, available at: *ibid*.

3 Cf. *Myths, Facts and Answers about Refugees and Migrants*, prepared by UNRIC, IOM, UNHCR, UNDP and OHCHR, 4 November 2015, at: <https://weblog.iom.int/myths-facts-and-answers-about-refugees-and-migrants>.

4 Cf. *ibid*.

Assembly, has been working with regard to the current refugee crisis. The migration crisis in the OSCE area has been one of key areas of focus in the work of the Assembly over the past three years, with action lines ranging from setting up an ad hoc committee on migration to holding general debates during the plenary sessions leading to the adoption of Resolutions with a practical focus. The second part of the article puts forward several recommendations to the OSCE participating States, OSCE executive structures, and parliamentarians as to how to further strengthen the OSCE and the OSCE Parliamentary Assembly's engagement in resolving the current refugee crisis.

The OSCE Parliamentary Assembly's Mandate and Expertise

The main objective of the parliamentary dimension of the OSCE is to build trust through dialogue. Originally established by the CSCE's 1990 Paris Summit, the OSCE PA brings together over 320 parliamentarians from across the 57-nation OSCE region. The primary task of the Assembly is to strengthen the democratic legitimacy of the Organization and support and promote OSCE principles and facilitate dialogue between representatives of the one billion plus people of the OSCE area.⁵

As embodied in the OSCE PA Rules of Procedure and further highlighted in the paper "Our common vision for the OSCE Parliamentary Assembly: Supporting OSCE principles and facilitating parliamentary dialogue" that was prepared for the 25th anniversary of the Assembly in Spring 2016, the Assembly's key responsibilities directly pertaining to the refugee crisis include:⁶

- serving as a forum for parliamentary dialogue, raising and debating solutions to the most pertinent issues in the OSCE area, as well as subjects addressed during the Ministerial Council and Summit meetings;
- contributing to strengthening international co-operation and supporting the implementation of commitments made by the participating States as contained in the Helsinki Final Act and subsequent documents;
- developing and promoting dialogue-based mechanisms for the prevention and resolution of conflicts;
- supporting the strengthening of democratic institutions and the implementation of commitments in the OSCE participating States;

5 For additional details, see: Andreas Nothelle. The OSCE Parliamentary Assembly – Driving Reform, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 347-373; Michael Fuchs/Angelika Pendzich-von Winter, The OSCE Parliamentary Assembly, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 355-364.

6 For additional details, please refer to OSCE PA President Ilkka Kanerva's vision paper, Spring 2016, at: <http://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/reports-19/3362-osce-pa-vision-document/file>.

- promoting awareness of the OSCE and its tools among parliamentarians and the public; and
- contributing to the development of OSCE institutional structures and co-operation between OSCE institutions.

There are several key means used to implement these objectives. Foremost among them is the Declaration, which is debated and adopted each year at the Assembly's Annual Session. The Annual Declaration, composed of Resolutions put forward by parliamentarians, reflects the collective voice of the Assembly and serves as its key message for the OSCE Ministerial Council and the participating States.

The Assembly meetings also serve as a platform for the exchange of best practices among parliamentarians. The two additional statutory meetings that take place each year alongside the Annual Session, i.e. the Autumn and Winter Meetings of the Assembly, maintain a certain flexibility of agenda that enables discussions and the exchange of best practices on the most topical issues.

Since the consensus rule, which characterizes the work of the governmental side of the OSCE, does not apply to the OSCE PA's decision-making procedures, the latter benefits from greater flexibility and adaptability of its structures in dealing with emerging and emergency issues. OSCE parliamentarians, and particularly the Assembly leadership, promote the decisions adopted by the OSCE via active interaction with the media, raising the visibility of the OSCE's work, principles, and objectives. In recent years, the Assembly has also focused more on the work of parliamentarians "on the ground". This has taken the form of high-level visits, fact-finding missions, and field visits to witness the situation on the ground first hand and raise public awareness of it.

Finally, the Assembly, whose committee structure reflects the three baskets of the Helsinki Final Act, has also developed a set of useful mechanisms such as ad hoc committees and special representatives that enable targeted parliamentary engagement with specific issues as they emerge.

The OSCE PA: Political Engagement for Concrete Results

Voting for Action

Over the past three years, the issue of migration has been high on the OSCE PA's agenda, and it has adopted concrete proposals for action as part of its Annual Declarations. Following a debate in the plenary session on the humanitarian crisis in Syria, the 2013 Annual Declaration included a Resolution on the Situation in the Middle East and its Effect on the OSCE Area. The resolution highlights the Assembly's deep concern with "the humanitarian

crisis of the refugees fleeing the war and its possible destabilising effects on the area”, urging the OSCE participating States to “comply with their commitments to humanitarian matters in order to offer the greatest possible assistance to Syrian refugees”.⁷

In 2014, two migration-related Resolutions were adopted, the Resolution on the Situation of Refugees in the OSCE Area and the Resolution on Comprehensive Immigration Reform. Underlining that “international actors like the OSCE and the European Union cannot ignore the humanitarian consequences of the Mediterranean crises”,⁸ these Resolutions call on the European Union to revise its Dublin system, to ensure a more equitable division of responsibilities, and to decrease the strain on countries of first entry, as well as to explore new legal channels for safe access to the EU. They also call on the OSCE participating States to strengthen their commitment and further develop tools to fight human trafficking, protect the most vulnerable refugee groups, and combat gender-based violence. Furthermore, they encourage the OSCE to take advantage of its multi-dimensional approach to security and field presences, pursuing policies to support institution-building and border management.⁹

In 2015, the PA adopted the Resolution Calling for Urgent Solutions to the Tragedy of Deaths in the Mediterranean, which highlights the “full right of all people fleeing from persecution and armed conflict to apply for asylum in an OSCE country, as enshrined in the Geneva Convention and other international covenants”,¹⁰ and calls for reform of the Dublin system.

The 2016 Annual Session was equally characterized by a strong focus on migration issues, reflecting both humanitarian concerns and the increased security debate around the issue. The Resolution on the Rights of Refugees stresses the need to reconcile the imperatives of humanitarian protection and state security rather than seeing these as irreconcilable opposites, and calls for the harmonization of refugee admission norms among the OSCE participating States, which should be developed “in co-operation with the European Agency for the Management of Operational Cooperation at the External Bor-

7 Resolution on the Situation in the Middle East and Its Effects on the OSCE Area, in: OSCE PA, *Istanbul Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Second Annual Session, Istanbul, 29 June to 3 July 2013*, pp. 41-42, available at: <https://www.oscepa.org/meetings/annual-sessions/2013-istanbul-annual-session>.

8 Resolution on Comprehensive Immigration Reform, in: OSCE PA, *Baku Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Third Annual Session, Baku, 28 June to 2 July 2014*, pp. 41-44, here: p. 41, available at: <http://www.oscepa.org/meetings/annual-sessions/2014-baku-annual-session>.

9 Cf. *ibid.* and Resolution on the Situation of Refugees in the OSCE Area, in: *Baku Declaration and Resolutions*, cited above (Note 7), pp. 45-48.

10 Resolution on Calling for Urgent Solutions to the Tragedy of Deaths in the Mediterranean, in: OSCE PA, *Helsinki Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-Fourth Annual Session, Helsinki, 5 to 9 July 2015*, pp. 49-51, here: p. 50, available at: <https://www.oscepa.org/meetings/annual-sessions/2015-helsinki-annual-session>.

ders of the Member States of the European Union (Frontex) and the European Asylum Support Office (EASO)".¹¹ The Resolution on the Security Challenges of Migration focuses on finding solutions to security concerns "stemming from the limited control" of migration flows, and calls on the OSCE to "address security in the context of migration as an integral part of an enhanced OSCE role in addressing migration".¹²

Beyond these Resolutions, the Assembly also devoted sessions at its Winter Meetings in February 2015 and February 2016, at the Helsinki Annual Session in July 2015 and the Tbilisi Annual Session in July 2016, at the Ulaanbaatar Autumn Meeting in September 2015 and the Skopje Autumn Meeting in October 2016 to discussing possible solutions to the refugee and migrant crisis. Exchanging views with top international experts, including IOM Director General William L. Swing, European Commissioner for Humanitarian Aid and Crisis Resolution Christos Stylianides, UNHCR representatives, and NGOs, the Assembly raised the visibility of the issue among its members, spurring inter-parliamentary dialogue and the exchange of views, and encouraging them to work to find and implement a viable solution both within the OSCE forum and nationally.

The scope of the Assembly's work on migration has increased over the years. The Assembly's specificity has been in adopting a broader approach to migration-related issues, going beyond the economic and environmental dimension. For the Assembly, this has always been a major humanitarian concern as well. Thus, both the General Committee on Democracy, Human Rights and Humanitarian Questions and the General Committee on Political Affairs and Security have gradually become more active and vocal on the topic. Key issues include protection of the human rights of the incoming populations, their integration into host societies, and a more humane approach to migration, alongside security aspects of migration flows. As noted in the OSCE PA Humanitarian Committee Report, "while recognizing that there are security aspects to migration flows, there is a critical need to prevent the over-securitization of discourse and policy-making related to migration, particularly following the Paris tragedy. [...] The risk of securitizing migration is that it can lead to the legitimization of extraordinary responses. Although a need for better screening procedures is evident, those fleeing war and seeking asylum in Europe should not be demonized".¹³

11 Resolution on the Rights of Refugees, in: *Tbilisi Declaration*, cited above (Note 1), pp. 50-51, here: p. 51.

12 Resolution on the Security Challenges of Migration, cited above (Note 1), pp. 52 and 53.

13 OSCE PA, *Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement. Thematic report prepared by the Bureau of the OSCE PA General Committee on Democracy, Human Rights and Humanitarian Questions*, February 2016, p. 10, available at: <https://www.oscepa.org/documents/all-documents/winter-meetings/2016-vienna-1/reports-1>.

Parliamentary Outreach: Working in the Field

The second notable vector of the Assembly's activities focuses on acquiring first-hand information on the situation along the migrant routes in the OSCE area, notably the Central Mediterranean and the Balkan routes, and on the conditions and challenges facing migrants awaiting decisions on their legal status in refugee camps in the OSCE area.

Searching for best practices and concrete lines of action both for parliamentary diplomacy and for the OSCE in general, the Assembly has worked extensively in the field in 2015 and 2016 – in Şanlıurfa in Turkey, Lampedusa and Mineo in Italy, Preševo and Miratovac in Serbia, and Calais in France, to mention but a few. This work on the ground and human contacts have enabled the parliamentarians to carry out fact-finding missions, getting a first-hand feel of the situation and a better understanding of what needs to be adjusted in national, European, and international migration policies.

Visits of this kind not only enable OSCE PA members committed to the issue to assess and observe the situation on the ground, but also raise international visibility, which can encourage better co-ordination, more solidarity, and burden-sharing in resolving the crisis. The PA has a unique position within the OSCE structures as a key contributor to awareness-raising both within parliaments and among populations.

This field work has also enabled the Assembly members to learn more and co-operate more closely with the OSCE field missions, notably in the Balkans, actively supporting the host countries on issues related to migration, both through capacity-building and technical assistance programmes.

Turning Point: Establishment of the OSCE PA Ad Hoc Committee on Migration

On 25 February 2016, the OSCE PA Standing Committee, which comprises the heads of national delegations and members of the Bureau and guides the work of the Assembly, unanimously adopted a decision to establish the OSCE PA Ad Hoc Committee on Migration. The Committee's mandate defines its role as follows:

- Serve as a focal point for the OSCE PA's work in the field of migration in all three dimensions of the OSCE: political and security questions; economic issues; and human rights and humanitarian questions;
- Develop policy recommendations aimed at enhancing OSCE work in the field of migration and at improving the treatment of, and prospects for, migrants in OSCE countries;

- Promote discussion within the Assembly on issues related to migration, and promote parliamentary exchanges of best practice in these fields;
- Work closely with the OSCE Secretariat and Institutions as well as with relevant outside actors on issues related to migration to promote the understanding among the members of the Assembly of the importance of the work done in this field.¹⁴

The Committee thus pursues three distinct lines of action. First, it makes field visits to monitor developments on the ground and develops recommendations to national parliaments, the OSCE participating States, and OSCE institutions on this basis. Second, it ensures that the refugee crisis in Europe is kept high on the agenda of the OSCE PA, promoting discussion and the inclusion of concrete recommendations in the Assembly's Declarations. Finally, it also works towards the Assembly's overall objective of improving co-ordination and co-operation within the Organization, by launching joint initiatives with its various institutions.

The Assembly has already established fruitful co-operation with the OSCE Informal Working Group Focusing on the Issue of Migration and Refugee Flows, ODIHR, and the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. These initiatives are all guided by the principle of joint action and the pooling of efforts, which can enable governments, their foreign-service branches, and legislatures to co-ordinate their efforts to tackle root causes.

A Parliamentary Vision of Ways Forward for the OSCE: A Multidimensional Response

Greater Intra-Organizational Coherence of Efforts

In the Tbilisi Declaration of July 2016, the OSCE PA welcomed the OSCE Secretary General's initiative to devote the Organization's Spring 2016 Security Days event to the issue of migration – specifically to the security implications of mass movements of people. This edition of the Security Days was designed to enable the Organization, in consultation with its international partners, national governments, and NGOs, to identify the best ways it could make a viable contribution and complement the work of its partner organizations on migration-related issues.

The OSCE possesses several key assets it should capitalize on: its extensive toolbox, the geographical scope of its area of action, which stretches

14 OSCE PA, *Ad Hoc Committee on Migration*, at: <https://www.oscepa.org/about-oscepa/parliamentary-committees-groups/other-committees-groups/226-ad-hoc-committee-on-migration>.

from Eurasia to North America, and its large field missions and inclusive mandate.

However, apart from a clear need for continuous external co-operation, the OSCE, with its Secretariat, independent institutions, and field presences spread over 20 countries needs further development and broader co-ordination to put in place a joint OSCE-wide plan of action to help mitigate the situation and avoid overlap in the activities of its institutions. As things stand, the OSCE's decentralized nature can be the cause of occasional information losses and a lack of sharing best practices.

The Report "Migration crisis in the OSCE area: towards greater OSCE engagement", which the Assembly adopted in February 2016, also highlights several priority areas for action, progress on some of which can already be seen six months later:

Developing an Organization-wide response, with clearly identified roles and responsibilities of each OSCE body, would ensure better coherence, co-ordination and impact. Offices throughout the OSCE family should be encouraged to come up with specific project proposals on this issue. A clearer division of portfolios on migration-related issues within the three dimensions of OSCE activities is also needed.¹⁵

It should nevertheless be kept in mind that the OSCE field operations, whose mandates were conceived in different historical circumstances and against different country-specific backgrounds, are unevenly equipped to address migration-related issues. Additional attention could also be paid to possible synergies and joint projects to be led by neighbouring field missions, as successfully tested in 2015 by the OSCE Mission to Serbia and the OSCE Mission to Skopje during their joint monitoring of refugee-related developments at the border between the two countries.

Parliamentary Exchange of Best Practices

Solving the current migration and refugee crisis in the OSCE area is primarily a political matter. To adjust to the current situation, new policies and laws need to be put in place, above all to ensure that the migrants and refugees who arrive are given the opportunity to become an asset rather than a liability for the system.

This makes the role of the OSCE Parliamentary Assembly, which brings together parliamentarians from all 57 participating States, of primary importance. Using its political visibility and outreach abilities, the OSCE PA should continue to promote a message of solidarity, tolerance, and balanced action when it comes to state policies dealing with the refugee crisis. It also needs to

¹⁵ OSCE PA, cited above (Note 12), p. 5.

continue raising awareness of the issue, notably through its annual Resolutions, general debates, and fact-finding field visits.

As the Assembly's report notes: "OSCE parliamentarians should acknowledge their responsibility to lead by example in combating stereotypes against migrants and refugees, promoting anti-discrimination legislation and by communicating rationally and factually on migration".¹⁶

In order to promote the sharing of best practices, members of the OSCE PA could showcase examples of migrant and refugee integration from their own constituencies, highlighting key challenges and opportunities faced during the process and sharing best practices. Exchanges of this nature and targeted information campaigns could help to boost understanding among the population of the participating States of the benefits brought by migrants.

Recommendations to the OSCE Participating States

Over the past two years, the migration and refugee crisis has led to increased tensions and divisions among OSCE participating States, notably in the Balkans, as well as between EU and non-EU countries, and Western and Eastern European states within the EU. Large-scale refugee flows are a new experience for some of the participating States, which require additional technical support and capacity-building to cope with the situation.

The OSCE PA has made two distinct suggestions to the OSCE participating States: first, to consider the establishment of a high-level OSCE coordinating body on migration, supported by a network of focal points throughout OSCE institutions and structures; second, to create a thematic field mission, enabling a more focused and coherent response to the migration challenges currently facing the region.

The thematic field mission could be based in one of the EU countries most affected by the crisis, with a remit to operate throughout the OSCE area. Its mandate could focus on "strengthening communication channels between governments and national agencies of neighbouring states and countries of origin, transit and destination, to ensure better communication, co-ordination and de-escalation of tensions", while also tasking it to "provide training on migration management and migrant integration, facilitate exchange of best practices for officials dealing with refugee-related issues and monitor the conditions of refugees in the OSCE participating States".¹⁷

The key challenge for this proposal would be, of course, to ensure a "buy-in" from all participating States, as well as adequate and sustainable funding, possibly through extra-budgetary contributions.

Adoption of a Ministerial Council decision addressing the issue of migration will also be an important step forward. The Parliamentary Assembly

16 Ibid., p. 7.

17 Ibid., p. 6.

regretted that the 2015 OSCE Ministerial Council did not proceed with the draft decision on the OSCE's Response to the Ongoing Migration and Refugee Crisis, and is currently carefully following the work on the subject for the upcoming 2016 Ministerial Council. It should be borne in mind that the last Ministerial Council Decision on the issue of migration was adopted more than seven years ago, in December 2009.¹⁸

Finally, with developments in the Mediterranean directly affecting the OSCE area, work with OSCE Mediterranean Partners for Co-operation needs to be enhanced both on migration-related issues and beyond. The interrelated challenges can most efficiently be tackled jointly, which highlights the need to move the existing partnership to a new level. In the field of migration-related co-operation, some of the first steps forward could include extending an invitation to the Partner States to identify within their structures a focal point on migration, which will participate in the OSCE network of migration focal points. Invitations could also be extended to OSCE Mediterranean Partners to participate in existing migration-related capacity-building training events, such as those conducted by ODIHR.

It is time to stop waiting and start acting.

18 Cf. Decision No. 5/09, Migration Management, MC.DEC/5/09 of 2 December 2009, in: Organization for Security and Co-operation in Europe, *Seventeenth Meeting of the Ministerial Council, 1 and 2 December 2009*, Athens, 2 December 2009, pp. 24-26, available at: <http://www.osce.org/mc/67621>.