



OSCE Office for Democratic Institutions and Human Rights

'THE HUMAN DIMENSION IN THE SYSTEM OF EUROPEAN SECURITY'

Address by

Ambassador Janez Lenarčič

Director of the Office for Democratic Institutions and Human Rights

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Excellencies,
Ladies and Gentlemen,

I am glad to be here with you at this ‘super-Tuesday’ of the Human Dimension. Let me stress right away that we welcome this dialogue on a new European security architecture. I am encouraged by the broad consensus that exists about the importance of human rights and democracy standards remaining an essential element of what we in the OSCE are proud to call our comprehensive concept of security.

We all agree that respect for human rights is a prerequisite for security. Only societies where human rights are respected and promoted have the courage to look back critically at all aspects of their past and to look forward to build trustful relations within communities and with their neighbours. It has been said many times before, but let me stress it again: incomplete implementation of human dimension commitments weakens states; it erodes internal and endangers external stability. It must therefore be in everyone’s interest to strengthen compliance. No-one formulated it better than Kofi Annan, in *‘In Larger Freedom’*: “*not only are development, security and human rights all imperative; they also reinforce each other*”.

If we attempt to frame a new deal on European security, it is therefore our duty to re-state our commitments on human rights and democracy. This will be my first point today. My second point will be that I would like to encourage you to think about, and offer ideas on, how ODIHR could serve you more effectively.

I will not attempt to present you with an exhaustive overview of the state of implementation of human dimension commitments. The ODIHR submitted an appraisal of implementation gaps to the Ministerial Council three years ago. The findings of *‘Common Responsibility: Commitments and Implementation’* are still relevant for our collective work: it concluded that States, as a matter of urgency, should address the challenges in the areas of

- Democratic elections;
- Freedom of assembly and association;
- Human rights and countering terrorism;
- Human rights defenders and national human rights institutions;
- Aggressive nationalism, racism, chauvinism;
- xenophobia and anti-Semitism
- Involuntary migration, and
- Threats to the independence of the media.

There is another report that is well suited to guide our work today: the 2005 Report of the Panel of Eminent Persons.¹ Let me go back in time and take a

¹ The composition of the Panel took into account the diversity of the OSCE community, including from participating States hosting field presences (MC.DEC/16/04). The members of the Panel were Nikolay Afanasievsky/Vladimir Shustov (Russian Federation), Hans van den Broek (Netherlands), Wilhelm Hoeynck (Germany), Kuanysh Sultanov

look at what the Panel named as the key ingredients that define the OSCE's approach to security and that have made it what it called a "*useful service provider*":

1. its comprehensive mandate and commitments,
2. the political dialogue it stimulates,
3. the flexible institutions it has created, and
4. the broad range of instruments it has developed.

Four years after the publication of the Panel's report, let us see which lessons we can draw for the Corfu process from this list of ingredients, as they pertain to the human dimension.

First, mandate and commitments. I think I speak for most of us when I say that the OSCE has, in its human dimension, developed commitments that are the normative baseline around which we have built values and a sense of ownership in our region. They stand firm; enshrined in the OSCE's *acquis* are some of the best-developed human rights and democracy standards in the world. Which is to say: the Human Dimension commitments do not need any fixing. If anything, we would need additional commitments in selected spheres, such as on transparency, accountability and public confidence in the area of elections, on the separation of powers and the independence of the judiciary in the field of rule of law, and in addressing hate crimes.

What is, at times, lacking is the political will to implement. The intention to implement in good faith is the basis for the OSCE's understanding of accountability of individual States - to their citizens and to other OSCE States, laid down in the Moscow Document of 1991.

Which directly leads me to the second ingredient that the report of the Panel of Eminent Persons espouses: political dialogue to address security challenges. And let me say right at the beginning that political dialogue is critical to the concept of peer-review which is, in itself, one of the key elements of the OSCE's implementation regime. It is the Permanent Council that participating States have put in charge, back in Budapest 1994, to act in response to cases of non-compliance.

It has, in short, become the common responsibility of participating States to raise concerns in the Permanent Council as they arise: a rollback of democracy, the harassment of human rights defenders, the erosion of the rule of law and equal justice, secret detention centers or 'black sites', deadly attacks against journalists, violence against Roma and Sinti, to name a few. Our contemporary template of universal political morality - human rights, freedom, democracy, non-discrimination - all enshrined in our Copenhagen Document - demands no less of us.

Third, flexible institutions. We have got them. In '*Common Responsibility*', the ODIHR presented a straight-forward case where it thought its own

(Kazakhstan), Knut Vollebaek (Norway), Richard S Williamson (United States) and Mimir Zuzul (Croatia).

assistance tools required strengthening, and where its effectiveness could be enhanced. Particular efforts have gone into improving the delivery of our election observation methodology and making the follow-up work more effective in this field (*on which I will report in two days, to the Permanent Council*). In fact, we are in the process of systematically integrating elections follow-up aspects in our democracy assistance work. As part of OSCE's increasing focus on manifestations of intolerance and discrimination, ODIHR has developed novel tools that enable States to assess the situation and improve their response.

Fourth, instruments - and more specifically instruments designed to operate in the human dimension. Here, I see a real need for improvement. Let me take the cue from *'Common Responsibility'* which already discussed the need to review the Vienna and Moscow mechanisms (p. 78) and let me dwell on this issue for a bit.

Political dialogue and peer review have, from the start, been designed to foster a culture of critical self-reflection in the Permanent Council. Yet, as we all know, within the OSCE, participating States remain free to flout their promises, without much consequence. Time and again, we have seen that even where critical self-reflection takes place in the PC this does not necessarily lead to meaningful remedies back home.

How do we then foster a process through which all participating States become indeed *"responsible to each other for their implementation of their OSCE commitments"* (OSCE Strategy to Address Threats to Security and Stability in the 21st Century (§18), Maastricht 2003)? This is the key question at hand today as we discuss the implications of the human dimension in the future of European security. And this is also the area in which an enhanced regime of peer review system could play the role it was designed for - strengthening implementation.

There are mechanisms that were put in place in the past - Vienna mechanism, Moscow mechanism and others. Looking at their use to this day, they have, due to limitations, not effectively contributed to the objective for which they were designed. What I could imagine is that this organisation would benefit from a strengthened mechanism that on the one hand provides the requesting States with sufficient information to engage in peer review; and at the same time provides the receiving State with informed recommendations and an offer of assistance on how to go about improving compliance with commitments.

In this context, we could think about a mechanism that tasks OSCE institutions to gather impartial and objective information on an alleged violation. I would like to recall at this point that ODIHR already possesses a clearing-house function for the exchange of information and good practices within the human dimension, in pursuit of which, as you all know, we frequently send observation missions, expert teams and other formations to individual countries to publicly report on the implementation of

- election-related commitments,

- the implementation of the OSCE's Roma and Sinti Action Plan,
- the implementation of fair trial standards,
- and report more generally about the state of human rights and fundamental freedoms following conflicts, and about hate crimes.

Sometimes, as you all know, the ODIHR is referred to as a 'human rights watchdog'. I am not sure if I like the canine metaphor. What I do know is that I do not wish our institution to be associated with a dog that barks, while the caravan moves on. So I offer this as a means to think about how to put our Institution, the ODIHR, to your service more effectively.

As I have already said a month ago at the opening of the HDIM, the ODIHR can only be as useful as other States in the OSCE world are in peer-reviewing the state of implementation of their commitments. The ODIHR is prepared to contribute its part - impartial and objective expertise and assessment to facilitate dialogue.

Holding 'processes' can be very useful, and I consider the 'Corfu Process' to be among the promising ones. But labelling a development in international relations a 'process' may also serve to perpetuate the illusion of real progress and may make it convenient to avoid the big decisions. I have made the case here today that I believe the time is ripe to think about upgrading the toolbox available to participating States so that they become truly accountable to each other. This - the Corfu Process - is the right forum to build an understanding around the importance of the human dimension in the wider security architecture and consider the option of strengthening peer review.

I remember well that during the Slovenian OSCE Chairmanship the Panel of Eminent Persons recommended that the OSCE should give top priority to '*enhancing political dialogue*', followed by a list of 10 further priorities. Enhancing the OSCE mechanisms available in the human dimension would be an effective political tool in the hands of those who have vowed to engage in constructive dialogue. It will be up to participating States to act upon your common responsibility to render the political dialogue more effective than it presently is and make, in this way, your contribution to the Corfu process.

It must remain the unshakeable conviction of participating States as well as of the OSCE's bodies that implementation is possible, desired by all and that the OSCE as an organization can make valuable contributions to move closer to the ultimate goal of "*a free and democratic society in all participating States*". This formulation from the Lisbon Summit Declaration (§9, 1996) remains the firm basis for the work undertaken by the ODIHR. But it must also mean that States, individually and collectively, do not shut their eyes to serious and consistent non-compliance with commitments.

Let me conclude by repeating what has already been stated four years ago by the Panel of Eminent Persons, but which remains of over-arching significance as we review how the ingredients of the OSCE have developed:

“the most important step towards a stronger and more relevant OSCE is a firm recommitment to the standards and political commitments its leaders have signed up to since 1975.” The OSCE must live up to the aspirations of an earlier generation, which continue to encourage so many in the region today. The participating States have a particular responsibility to lead the way and demonstrate that, despite the difficulties, effective collective action in the human dimension is possible.

Thank you.