Statement by Ambassador Janez Lenarčič,
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at the

Ambassadorial Workshop within the Framework of the
Conflict Cycle (V to V Dialogue):

'Early Response to Crises and Emerging Conflicts'

Vienna, 20 September 2011

<u>Check against delivery!</u>

Excellencies,

Ladies and Gentlemen,

I wish to commend the Chairmanship's efforts that have brought the dialogue on the conflict cycle to this advanced stage. We are following with great interest the many concept papers written and workshops held on this topic and I am happy to contribute today.

All of these efforts – and especially today's workshop on 'early responses' – attest to a genuine will to find a way to improve the functioning of our organization and to make it more relevant – and, indeed, responsive - in today's world.

Let me perhaps reflect a little bit on where we see the location of the human dimension in possible early responses the organization can mount.

I have structured these reflections into **three parts** – premises, propositions, problems.

* I *

First, premises, or common starting points. I can enumerate two on which we all seem to agree within the OSCE:

- Human rights protection and security are, in our organization, notionally *overlapping*. This means that our collective security interests can only be advanced in a comprehensive manner if "soft" security – democracy, human rights, accountability of government and the rule of law – is established.

- If this comprehensive notion is accepted within our organization, then challenges to human rights need to be understood as presenting intrinsic challenges to security, national and regional.

* II *

Having presented you with these two premises that are – in my view - difficult to contest, let us build a few conclusions around them that may be applicable to 'early responses'.

Early Response Has to Be Multi-Dimensional

My first proposition would be:

An early response to a crisis, by this organization, cannot be merely 'political', or 'diplomatic'. The response must be multi-faceted and it must, next to a political track, include a human rights track.

I saw last year that in one instance, 'security issues' were pursued within the OSCE as it shifted into early response mode *without* due regard to contemplating a human rights monitoring track.

I can understand – abstractly – why this is the case. When shots get fired, we tend to shift into 'crisis management' mode. On the way, we sometimes experience what I would term **'cognitive tunneling'**: given the threat to stability, the urgency of mounting a response, and political imperatives, we may be compelled to focus on the short-term situation, and lose sight of the larger crisis narrative; a narrative that may speak of the complex inter-linkages and causalities how a particular crisis has built up, and the role of long-standing human rights grievances in this development.

An organizational response would then, if you follow my proposition, only be comprehensive, if it also tackles core human rights problems that caused a crisis in the first place, or at least were part of its built-up.

So in short: When a situation erupts, our innovative multi-dimensional approach to security challenges sometimes **quickly shrinks** into a uni-dimensional, traditional politico-military track.

While the OSCE was in 'crisis management' mode last year in Kyrgyzstan, ODIHR was not asked to pursue a monitoring role that could have served both as a crisis response to the April events in 2010 and as an early warning tool for what was to follow in June 2010. In fact, decisions taken at that time did not foresee any role for ODIHR.

Just as a footnote, let me perhaps mention a good practice: at that very time – spring 2010 - the United Nations High Commissioner for Human Rights invested significant resources to increase its staff in Bishkek and open a field office in Osh with a distinct mandate for human rights monitoring. In short, UN – our umbrella organization – was able to respond early also in what we call 'human dimension'.

Perhaps we can debate later the types of responses that would indeed do justice to our efforts to build long-lasting stability in volatile environments.

Human Rights Monitoring as Part of Crisis Management

My second proposition – that builds upon the first - is:

Since I started my engagement with this organization, years ago, I remember that the phrase 'human rights monitoring' always caused defensive reactions.

In my view, **human rights monitoring should be framed as an early warning tool**, an early response tool, and a confidence building measure.

Monitoring has been conceived for multiple purposes, but in this organization, once it switches into 'crisis management', I do not see it being properly integrated with the other tools.

Human rights monitoring can accomplish a plethora of purposes: objectively assess and deliver solid facts to those who wish to take a comprehensive look on the situation and the reasons that may have led to it; as well as constructively recommend follow-up actions, and contribute to the delivery of justice and confidence building in the long run.

So overall, human rights monitoring is not at odds with any of the other mechanisms the organization has at its disposal. **It complements them**. It can also add an objective element to the peer review, which is an important, and probably the most visible, tool this organization has.

Our region continues to see acute human rights crisis situations. ODIHR has responded differently to those crises in the past, depending, among other things, on available resources and the broader political environment. Responses have ranged from human rights monitoring and reporting, to trial monitoring, also with a view to encouraging long-term judicial reform.

I am fully convinced that it would be beneficial for the image and the overall role of the OSCE if it were more inclined to automatically consider the use of resources that are there – institutions, missions on the ground – to genuinely apply a comprehensive approach to security, in all phases of the conflict cycle, early response included, rather than to blank out this dimension, for one or the other reason.

A comprehensive approach would require "thinking and acting jointly." A task force that draws on the in-house capabilities of all OSCE structures and field presences should both leave the freedom of each structure to do what their mandate requires but also do this in close coordination and constant exchange of information among focal points from CPC, ODIHR, RFoM, HCNM, SPMU, and ATU, to name the most important ones.

Lastly, I would encourage you all to consider inviting ODIHR to the table when the OSCE is getting involved in early responses, in peace negotiations and other fora. If conflicts have started as a result of sustained human rights violations, ODIHR can offer its expertise in dealing with those.

Expert Assessment as the Basis for an Effective Response

My third proposition concerns the need for an early response to be based on expert analysis and recommendations.

As some of you will remember, I have last year suggested to enhance the system of peer review with an outside – objective – element, namely the commissioning of an impartial report of an OSCE institution/executive structure. I continue to see benefit in revisiting this idea and ponder its effects as an early response tool.

As I laid out in the course of the Corfu process, I believe that commissioning reports of competent OSCE bodies would provide the basis for a more informed discussion and would thereby – possibly – pave the way to a more informed response of the organization.

I continue to believe that such an upgrade would enhance the existing peer-review and render it largely immune to accusations of bias and prejudice. At the same time it would strengthen the Permanent Council as the center of political dialogue, as well as maximize the use of OSCE institutions/executive structures.

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Having spoken about my premises and propositions, allow me to conclude with one aspect which this workshop will have to tackle as well. It is a problem

that is in need of fixing if this organization wants to be both responsive and 'early'.

This problem is the reluctance, on the part of most, if not all, participating States, to be subjected to the OSCE's 'early response'.

The consensus rule dictates that any type of response - whether early or late – must be welcomed, accepted or at a minimum tolerated by the state or states concerned. Unfortunately, most often, it just has not been. We have on numerous occasions and in different contexts heard that without the co-operation of the sovereign state or states concerned there can be no result, outcome or progress. We have however also heard suggestions that a crisis response mechanism **should not have to rely on consensus**, since this is likely to mean that the OSCE's response will be rather late than early. If not absent at all.

It is not my role to agree or disagree with these suggestions. But we need to discuss them or figure out other ways how the OSCE can overcome this reluctance, or engage a particular state more constructively.

More concretely: How can the OSCE's involvement be made more palatable to the state(s) concerned? How can we overcome what may be perceived as the 'stigma' of OSCE involvement?

The final question, overall, remains whether we – the participating States and the organization's institutions – are courageous and serious enough to make proper and effective use of all tools, institutions and mechanisms we have at our disposal, since they were established and built upon **for a reason**. If we are not, we risk that our unique machinery will rust, leaving us with the role of a hapless bystander who watches from a distance how other organizations step up to the task.

Thank you.