

18th HUMAN DIMENSION IMPLEMENTATION MEETING

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Side Event

“Strengthening the Human Dimension and the Helsinki +40 Process”

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Check against delivery!

Distinguished colleagues,

Ladies and Gentlemen,

I am very pleased to be here with you this evening for this discussion on how to strengthen the Human Dimension within the Helsinki +40 process. In 2015, 40 years will have passed since the Helsinki Final Act was signed into effect. Given the backdrop of Cold War tensions and lack of trust, it was an astonishing achievement. In the ten key principles, known as the Decalogue, the seventh represented a radical change from a security policy point of view.

By committing themselves to *respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief*, the concept of “human security” was for the first time introduced. It was the point of departure that not only marked the beginning of the OSCE’s Human Dimension, but also contributed to change Europe in ways few at Helsinki could have imagined seeing in their life-time. The signatories also agreed to make the Final Act and the Decalogue known to their citizens. And indeed, it was published from the Washington Post to Pravda. It became something of a manifesto for dissidents and human rights movements across the then CSCE-area. And these movements were to play a critical role 15 years later when the so many authoritarian regimes started to fall also for not having respected, let alone implemented, their human dimension commitments. These historical events demonstrated that without “human security” there can be no long-term regime stability either.

For anyone who witnessed the breath-taking speed with which the European continent was transformed almost overnight, the passing of three equally seminal documents to the Final Act in this period was no less astounding. I talk of course of the Copenhagen Document, the Treaty of Paris for a New Europe and the document from the Moscow Meeting.

The Copenhagen Document ensured:

Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and cooperation.

The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.

In addition to include far-reaching commitments on elections, national minorities and the rule of law, the particular challenges of Roma and Sinti were also acknowledged for the first time in the Copenhagen Document.

When the Heads of State met in Paris already later that year they not only officially declared the Cold War for over. They solemnly declared that *the first responsibility of any government is to promote and protect the human rights and fundamental freedoms of their citizens as their inalienable birth-rights*. They furthermore committed *to build, consolidate and strengthen democracy* as “the only game in town”. Last but not least, the Heads of State in Paris also agreed to set up the

“OSCE tool-box” to help them implement their commitments, including the Conflict Prevention Center in Vienna and ODIHR in Warsaw.

In Moscow the year after, the participating States (...) *categorically and irrevocably declared that the commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.*

This commitment has revolutionized international relations to a considerable extent. After Moscow it was no longer possible within the OSCE to reject criticism of one’s human rights situation by referring to the principle of non-interference in internal affairs. This commitment is at the core of what makes the OSCE special, and forms the basis for much of the dialogue that is happening at the Permanent Council and the work of the OSCE’s institutions. It established peer-review as the founding principle of the organization’s political instruments and mechanisms. Not to mention the *raison d’etre* for the HDIM that gathers us here in Warsaw on an annual basis.

When you look back at what the participating States managed to achieve consensus on in Copenhagen, Paris and Moscow in this period it is quite extraordinary. It is remarkable not only for representing global landmark agreements that would shape not only the OSCE and its human dimension. Those building blocks are still what make this organization unique today. But I also cannot help thinking about that these achievements were made in a time period just a little bit longer than it took to pass this year’s budget.

Ladies and gentlemen,

Allow me now to fast forward to this year, Helsinki plus 39.

In his inaugural speech in January this year, the Chairperson in Office underlined that the OSCE still matters, and why. For those still in doubt, the developments in Ukraine since then fully validated the CiO's words. The OSCE, and its executive structures, has indeed demonstrated that it matters and is able to rise to the occasion. Within days after receiving the request, ODIHR and HCNM had monitors on the ground throughout Ukraine to monitor the human rights situation. In our joint report, we concluded that gross violations of core human dimension commitments, human rights and fundamental freedoms had taken place. ODIHR fielded one of its largest ever election observations to the early presidential elections in May and will again for the upcoming early parliamentary elections. The Special Monitoring Mission was also early on the ground in ten locations, was the first on the scene after the Malaysian Airlines tragedy and is now adapting to monitor the cease fire helped facilitated by experienced OSCE hands. For the first time in years, mainstream media across the OSCE daily refer to the OSCE due to the key role it has had and continues to have in Ukraine. They do so with no longer having the need to first explain their audience who and what the OSCE is.

In a year when the OSCE executive structures so robustly and visibly have demonstrated their continued relevance, and how and why it still matters, there is of course one striking paradox. Never before has the budget for the OSCE and the agenda for HDIM been approved so late. As you will recall, the budget was only adopted in May, five months into the budget year, and HDIM only a couple of

weeks before it started yesterday. We all know from consecutive human dimension implementation reviews and reports over the years that the important and valuable commitments so voluntarily undertaken over the years lack an equally determined and robust implementation. This would seem to suggest that it is not the relevance and validity of our organization, executive structures or catalogue of commitments that are in crisis. Rather, it's the collective decision-making machinery.

So how best to strengthen the implementation of commitments and the effectiveness and efficiency of the instruments and mechanisms the OSCE has at its disposal?

Ladies and Gentlemen,

Just as the OSCE's valuable catalogue of commitments remains equally valid today, so is also the case with a number of previous recommendations on how to improve the effectiveness of their implementation. Few know this better than our distinguished moderator today, Ambassador Strohal. The report you presented in 2006 (*Common Responsibility: Commitments and Implementation*), as then ODIHR Director, is still very much relevant to our discussion. It also deserves a much wider readership.

The first priority (based on Moscow 1991) should be to intensify and systematise the use of peer review as the most fundamental, if not only, political instrument. Some progress has already been made in this area. I would in particular like to highlight the establishment of the Human Dimension Committee in 2006 as perhaps the most significant development over the past decade. This very important peer review mechanism between the framework of both the Permanent Council and

the human dimension events should further be strengthened and utilized. Together with the active involvement and engagement of the OSCE's expert institutions, this could lead to a more effective peer review also at the Permanent Council, including commitments related to follow-up. Considerations could also be given to look at the lessons learnt from the UN and its Universal Periodic Review (UPR) for a more systematic review.

A strengthened role for the CiO in informing the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, or equally serious violations of these, should also be considered. This could possibly be linked with my next point.

Given that the Vienna and Moscow Mechanisms were developed before the establishment of the institutions, and hardly ever used since then, perhaps time has come to develop a new mechanism where OSCE executive structures would be given the lead in objective, impartial and professional reviews taking place on the ground. With the Human Rights Monitoring Mission to Ukraine this spring, the institutions yet again demonstrated that they do have such capacity.

Ladies and Gentlemen,

As already mentioned, this year saw a record late approval for the HDIM package. Clearly, something has to be changed. I think all can agree on that. The question is how to improve HDIM without losing any value in the process?

Again I believe an existing document, the Perception Paper by the 2012 Irish Chairmanship, is remains a robust and balanced point of departure for further discussion. Some of the key considerations of this paper are:

- **Standing Agenda.** This would obviate the need for annual decisions, and save everybody a lot of time and efforts.
- **Time.** Moving it to late May would mean that the discussions and recommendations stemming from HDIM more effectively could inform the drafting of Ministerial Council Decision, and thereby follow-up. It would also not conflict in time with the UNGA.
- **Focused Moderation.** Discussions should focus on the issues and challenges raised by the panellist. Prepared statements should be circulated in writing rather than read out.
- **Civil Society Forum.** NGO representatives and experts could meet prior to HDIM with a view to develop more consolidated recommendations to the pS, in the spirit of Astana. Such a forum should of course not infringe on HDIM being an arena for direct contact between NGOs and pS.

As the largest human rights conference in Europe, strengthening HDIM and other Human Dimension Event should in itself contribute to enhancing the visibility and activities within the Dimension. But, allow me to add and shortly mention also another two:

More efforts should definitely be devoted to improve the OSCE's website. When the signatories at Helsinki committed to inform their citizens about what had been achieved, there was no internet. Now that we do have such tools, we should look into how to make the most of it. Currently the OSCE web-site is neither effective as

a tool to attract and educate the interest of the broader community, nor as a reference tools for all the valuable resources the OSCE possesses. You have to know both what you are looking for and where it is to quickly find it. Next year should represent a good opportunity to also revisit that part of the Helsinki Final Act. Perhaps the participating States could yet again consider making sure their respective citizens are adequately informed about the OSCE?

In ODIHR, we are also looking into possibilities to develop a user-friendly application for tablets and other mobile devices. Say, you are wondering what commitments the participating States have undertaken in the area of combating torture. By typing in “torture”, the app should provide you with a chronological list of relevant commitments, with hyperlinks to related terms, such as “ill-treatment”, and the documents they are from.

Ladies and gentlemen,

Since I would like to leave maximum time for our discussion, allow to briefly conclude with a few reflections and a final recommendation.

The OSCE is known as an organization with only carrots and no sticks. Increasingly often, the “Tyranny of Blocking Minorities” seems to prevail whereby one or two participating States block the rest, whether due to substantive objections or linkage to other priorities. Just as OSCE commitments are politically binding, so does their implementation rests on political will. Also ensuring proper resourcing of the executive structures tasked to assist the participating States ultimately depends on generating more of that collective political will that produced such landmark agreements as the 1990 Copenhagen Document.

Next year not only will see the 40th Anniversary of the Helsinki Final Act but also the 25th for the Copenhagen Document and the Treaty of Paris. I believe 2015 would be an excellent opportunity to also study and celebrate these two great achievements. And by doing so, perhaps some of that spirit that inspired and produced these historical accomplishments could be reinvigorated, thereby reinvigorating also the OSCE?

With this I would like to thank you for your attention and look forward to our discussion!