

THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE  
IN THE POST-COLD WAR ERA: AN ANALYSIS OF ITS COMPREHENSIVE  
APPROACH TO SECURITY

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## **ABSTRACT**

### **THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE IN THE POST-COLD WAR ERA: AN ANALYSIS OF ITS COMPREHENSIVE APPROACH TO SECURITY**

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The main objective of the dissertation is to analyze the Organization for Security and Co-operation in Europe's (OSCE) 'comprehensive approach to security' in its region in the new security environment of the post-Cold War era. This dissertation presents an in-depth analysis of the OSCE's practices over three dimensions of security, namely politico-military, economic-environmental and human dimensions, within the conceptual framework of 'comprehensive security'. Despite the ongoing debates on the relevancy of the OSCE as a security organization and the participating States' growing divergent views on security and role and institutional development of the Organization, this dissertation argues that the OSCE has kept its relevancy in the post-Cold War era by focusing on non-military aspects of security or non-traditional security issues. In the post-Cold War era, the OSCE has shifted its focus of attention in line with the growing significance of the non-military security issues. However, the OSCE's focus on non-military security issues in the post-Cold War era has not resulted in a balanced way in terms of the Organization's impact and visibility over its three dimensions of security. While the OSCE has registered some success in the fields of conflict prevention, Policing, human rights and democratization, the Organization's impact and visibility in the economic-environmental dimension have remained limited and secondary in comparison to the non-military security issues in the field of human dimension and in the non-military aspects of politico-military dimension.

**Keywords:** Conference on Security and Co-operation in Europe (CSCE), Organization for Security and Co-operation in Europe (OSCE), Comprehensive Security, Comprehensive Approach to Security, Comprehensive Security Approach



## Öz

### SOĞUK SAVAŞ SONRASI DÖNEMDE AVRUPA GÜVENLİK VE İŞBİRLİĞİ TEŞKİLATI: GÜVENLİĞE KAPSAMLI YAKLAŞIMININ BİR ANALİZİ

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Bu tezin temel amacı Soğuk Savaş sonrası dönemin yeni güvenlik ortamında Avrupa Güvenlik ve İşbirliği Teşkilatı'nın (AGİT) kendi coğrafyasında güvenliğe kapsamlı yaklaşımını analiz etmektir. Çalışma, 'kapsamlı güvenlik' kavramı çerçevesinde, AGİT'in siyasi-askeri, ekonomi-çevre ve insani olmak üzere güvenliğin üç boyutu üzerinden yürüttüğü faaliyetlerinin ayrıntılı bir analizini sunmaktadır. AGİT'in anlamlı bir güvenlik örgütü olup olmadığına dair süren tartışmalara ve katılımcı devletlerin güvenliğe ve AGİT'in rolü ve kurumsal gelişimine dair gittikçe farklılaşan görüşlerine rağmen, bu tez AGİT'in Soğuk Savaş sonrası dönemde güvenliğin askeri olmayan boyutlarına veya geleneksel olmayan güvenlik meselelerine odaklanmak suretiyle anlamlı bir örgüt olarak varlığını devam ettirdiğini iddia etmektedir. AGİT, Soğuk Savaş sonrası dönemde, odak noktasını önemi gittikçe artan askeri olmayan güvenlik meseleleri ile uyumlu bir şekilde kaydırmıştır. Buna karşın, AGİT'in askeri olmayan güvenlik konularına odaklanması, Örgütün güvenliğin üç boyutu üzerindeki etkisi ve görünürlüğü açısından dengeli bir gelişim göstermemiştir. AGİT askeri olmayan güvenlik konularında çatışmaların önlenmesi, Polis faaliyetleri ve insan hakları ve demokratikleşme gibi alanlarda başarılı sonuçlar kaydederken, Örgütün ekonomi-çevre boyutundaki etkinliği ve görünürlüğü, insani boyut ve siyasi askeri boyut kapsamındaki askeri nitelikte olmayan güvenlik konularına oranla oldukça sınırlı ve ikincil kalmıştır.

**Anahtar Kelimeler:** Avrupa Güvenlik ve İşbirliđi Konferansı (AGİK), Avrupa Güvenlik ve İşbirliđi Teşkilatı (AGİT), Kapsamlı Güvenlik, Güvenliğe Kapsamlı Yaklaşım, Kapsamlı Güvenlik Yaklaşımı

*To my dearest family....*

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## **LIST OF ABBREVIATIONS**

|        |   |
|--------|---|
| ASEAN  | Association of Southeast Asian Nations              |
| ASRC   | Annual Security Review Conference                   |
| ATU    | Action against Terrorism Unit                       |
| BSEC   | Organization of the Black Sea Economic Co-operation |
| BSMC   | Border Security and Management Concept              |
| CASE   | Civic Action for Security and Environment           |
| CFE    | Conventional Armed Forces in Europe                 |
| CiO    | Chairman-in-Office                                  |
| CIS    | Commonwealth of Independent States                  |
| CPC    | Conflict Prevention Centre                          |
| CSBMs  | Confidence- and Security Building Measures          |
| CSCE   | Conference on Security and Co-operation in Europe   |
| CSTO   | Collective Security Treaty Organization             |
| ECRI   | European Commission against Racism and Intolerance  |
| EED    | Economic and Environmental Dimension                |
| ENVSEC | Environment and Security                            |
| EUMC   | European Monitoring Centre on Racism and Xenophobia |
| FATF   | Financial Action Task Force                         |
| FIUs   | Financial Intelligence Units                        |
| FSC    | Forum for Security Co-operation                     |

|         |  |
|---------|--|
| GATT    | General Agreement on Tariffs and Trade                                   |
| GUAM    | Organization for Democracy and Economic Development                      |
| HCNM    | High Commissioner on National Minorities                                 |
| IEA     | International Energy Agency  |
| ILO     | International Labour Organization  |
| IMF     | International Monetary Fund  |
| IOM     | International Organization for Migration                                 |
| JCG     | Joint Consultative Group   |
| KFOR    | Kosovo Force   |
| KVM     | Kosovo Verification Mission  |
| LTM     | Long-Term Missions   |
| MANDPAS | Man-Potable Air Defense Systems  |
| MoU     | Memorandum of Understanding  |
| NATO    | North Atlantic Treaty Organization                                       |
| NGO     | Non-governmental Organization  |
| OCEEA   | Office of the Co-ordinator of OSCE Economic and Environmental Activities |
| ODIHR   | Office for Democratic Institutions and Human Rights                      |
| OECD    | Organization for Economic Co-operation and Development                   |
| OSCC    | Open Skies Consultative Commission                                       |
| OSCE    | Organization for Security and Co-operation in Europe                     |
| PA      | Parliamentary Assembly   |
| PC      | Permanent Council  |

|           |  |
|-----------|--|
| POLIS     | Policing OnLine Information System                                   |
| REACT     | Rapid Expert Assistance and Co-operation Teams                       |
| REC       | Regional Environment Centre for Central and Eastern Europe           |
| RFM       | Representative on Freedom of the Media                               |
| SALW      | Small Arms and Light Weapons   |
| SECI      | Southeast European Co-operative Initiative                           |
| SMEs      | Small- and Medium-Sized Enterprises                                  |
| SPMU      | Strategic Police Matters Unit  |
| SSR       | Security Sector Governance   |
| TND       | Tolerance and Non-discrimination                                     |
| UN ECOSOC | United Nations Economic and Social Council                           |
| UN        | United Nations   |
| UNCERD    | United Nations Committee on the Elimination of Racial Discrimination |
| UNCTC     | United Nations Security Counter-Terrorism Committee                  |
| UNDP      | United Nations Development Programme                                 |
| UNECE     | United Nations Economic Commission for Europe                        |
| UNEP      | United Nations Environment Programme                                 |
| UNHCHR    | United Nations Office of the High Commissioner for Human Rights      |
| UNICEF    | United Nations International Children's Emergency Fund               |
| UNODC     | United Nations Office on Drugs and Crime                             |
| USA       | United States of America   |
| USSR      | Union of Soviet Socialist Republics                                  |

|     |                             |
|-----|-----------------------------|
| WCO | World Customs Organization  |
| WMD | Weapons of Mass Destruction |

## **CHAPTER 1**

### **INTRODUCTION**

The initial phases of the Organization for Security and Co-operation in Europe (OSCE) dates back to the Conference on for Security and Co-operation in Europe (OSCE) dates back to the Conference on Security and Co-operation in Europe (CSCE) in the early 1970s. The CSCE started as a conference process, so-called 'Helsinki Process', during the détente period of the Cold War era. In 1975, 'Helsinki Final Act' was signed by the participating States of the CSCE. The CSCE served as a diplomatic platform for security and co-operation. The CSCE also provided an important multilateral forum for dialogue and negotiation between Eastern and Western blocs during the Cold War period in order to bridge the different understandings and perceptions of the participating States. The CSCE outlined a comprehensive security framework, including three baskets: questions related to European security; economy, environment, science and culture; and human rights issues.

With the end of the Cold War era, the CSCE started to transform itself from a conference process to a regional security organization. The CSCE participating States agreed on establishing permanent institutions, structures, mechanisms and operational capabilities. In 1992, the CSCE started to deploy its first long-term field operations to the hosting participating States after the erupting conflicts in the Balkans, Eastern Europe and the Caucasus. At the 1994 CSCE Budapest Summit, the participating States decided that the CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE), as a pan European security body in assisting the participating States in the process of post-communist transition to democracy and market economy as well as supporting them against existing and newly emerging security threats and challenges in the post-Cold War era.

The OSCE "works to ensure peace, democracy and stability" in its region. The OSCE is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation.

The OSCE is a pan European security body with 57 participating States from a wide range of regions such as Europe, North America and Asia as well as partner states for co-operation from Mediterranean and Asia. Today, the OSCE provides a “forum for high level political dialogue on a wide range of security issues and a platform for practical work to improve the lives of individuals and communities”. The OSCE serves as an instrument to “bridge differences of states and build trust through co-operation with its specialized institutions, expert units and network of field operations”. The OSCE aims to foster security and stability through co-operation in the Euro-Atlantic and Eurasian regions by addressing a wide variety of common security issues in all three dimensions of security, namely politico-military, economic-environmental and human dimensions.<sup>1</sup>

The OSCE is a regional arrangement under Chapter VIII of the United Nations (UN) Charter. The OSCE does not have any legal personality or legal status within the framework of international law. The Organization is lack of a founding treaty under the international law. All participating States are equal in status. Decisions are taken by consensus in the OSCE. OSCE decisions and commitments have only politically, not legally binding, character.

The OSCE is a norm-setting organization. The OSCE has developed a broad range of norms, principles and commitments in all three dimensions of security. The OSCE has twofold functions: Firstly, the OSCE helps the participating States to fully implement the commitments developed by the Organization. Secondly, the OSCE monitors the implementation of the commitments by the participating States. The OSCE has also established a comprehensive institutional structure and permanent institutions and mechanisms in supporting its participating States’ efforts towards addressing the problems, challenges and threats of new security environment in the post-Cold war era.

The OSCE views security as comprehensive and works to address the three dimensions of security – the politico-military, the economic and environmental, and the human – as an integrated whole. OSCE’s comprehensive approach to security intertwines the politico-

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<sup>1</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

military aspects of security with economic-environmental and human dimension matters. According to this multidimensional understanding of security, various dimensions of security are complementary, interconnected and interdependent.

As required of its comprehensive approach to security, the OSCE tries to become active in both hard or military and soft security issues, including a broad range of security-related concerns such as arms control, confidence and security-building measures, conflict prevention and resolution, border security, terrorism, economic and environmental issues, human rights and fundamental freedoms, protection of minorities, democratization, gender equality, media freedom and tolerance and non-discrimination issues.

The core mission of the OSCE is to foster security through cooperation. The OSCE is sometimes called as a 'pan European security body' or as a 'pan European security organization'. The OSCE aims to enhance security and stability by promoting openness, transparency and cooperation among the participating States and preparing a ground for implementing common norms, principles and commitments. The OSCE serves as a valuable tool and an important international framework in consolidating the security and stability of the Euro-Atlantic and Eurasian regions around the common norms, principles and commitments.

When we look at the reverse side of the subject, after the twin enlargements of the European Union (EU) and North Atlantic Treaty Organization (NATO) in 2004, the role and relevancy of the OSCE in European security started to be increasingly questioned and challenged. Russian Federation and a series of CIS member States have put forward their increasing criticisms and dissatisfactions with the current functioning of the OSCE. They have serious objections to "the unbalanced approach of the OSCE in terms of geography, mainly devoting attention to problems of the participating States located in the east of Vienna, and substance, too much attention to human dimension issues such as democracy,



human rights and election monitoring at the expense of politico-military and economic and environmental issues”.<sup>2</sup>

In addition to the participating States’ divergent perceptions towards the role and function of the OSCE and apart from a set of specific criticisms made by some participating States towards the Organization, the OSCE is being increasingly challenged by a series of weaknesses and shortcomings in institutional and operational terms. Since the late 1990s, a number of words such as ‘crisis’, ‘reform’, ‘decline’, ‘crossroads’, ‘relevancy’ and ‘adaptation’ have been used to describe the existing situation of the OSCE.<sup>3</sup> Within this framework, this dissertation will formulate the objective, the main research question and the main argument in the following sections of the introduction part.

### **1.1. Scope and Objective**

The main objective of the dissertation is to analyze the Organization for Security and Co-operation in Europe’s (OSCE) ‘comprehensive approach to security’ in its region in the new security environment of the post-Cold War era. By examining the OSCE’s comprehensive approach through its three dimensions of security, namely politico-military, economic-environmental and human dimensions, this dissertation presents an in-depth analysis of the OSCE’s practices over three dimensions of security within the conceptual framework of ‘comprehensive security’. Analyzing the OSCE’s performance or effectiveness over its three dimensions, the dissertation aims to portray and discuss the overall record or impact made by the OSCE on security and stability within its region. The dissertation also aims to analyze the weaknesses and shortcomings of the OSCE in institutional and operational terms, which in turn undermines the OSCE’s potential as a security organization. In doing this, the dissertation will particularly focus on the reform debates and recommendations with regard to the role and tasks of the OSCE.

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<sup>2</sup> Arie Bloed, ‘Debates on the ‘reform’ of the OSCE speeded up with the Report of the Panel of Eminent Persons’, *Helsinki Monitor*, no.3, 2005, pp.243-244 and Arie Bloed, ‘CIS Presidents attack the functioning of the OSCE’, *Helsinki Monitor*, No.3, 2004, p.220.

<sup>3</sup> David J. Galbreath, *The Organization for Security and Co-operation in Europe*, London and New York: Routledge, 2007, p.128.

The dissertation puts a special emphasis on chapters regarding the three dimensions of security. Each dimension chapter is designed on a three-stage basis. The first stage portrays how the OSCE associates a specific activity field with security in terms of threat perceptions of the Organization within the framework of each dimension. The second stage illustrates how the OSCE defines these dimensions in terms of its commitments, institutions, and instruments. In the third stage, the normative framework and operational activities developed by the OSCE in order to address security risks, threats and challenges in each specific issue are explained.

This dissertation aims to contribute to the existing literature by providing a comprehensive analysis of the OSCE's practice in three dimensions of security through primary resources and field study within the framework of the 'concept of comprehensive security'. The dissertation can be considered as one of the most comprehensive analysis of the OSCE's multidimensional approach to security over its three dimensions.

## **1.2. Research Question**

Despite all the relevancy and effectiveness discussions and criticisms, the OSCE is still active today and it functions. After the end of the Cold War era, although its relevancy and even its existence have been questioned and the interests of the participating States in the Organization have gradually reduced, the OSCE has not dissolved or marginalized as a security organization. Today the OSCE serves as a diplomatic platform for dialogue and co-operation on security, encompassing 57 participating States from three continents. Within this framework, the dissertation formulated its main research question as the following: 'How has the OSCE continued its own existence or survived as a regional security organization in the new security environment of the Post-Cold War era, despite its initial design as a conference process during the Cold War period in order to provide a platform for dialogue between the two blocs, to outline the main guiding principles for intra-state conduct, and to build up confidence and trust in the field of military security?

In addition to this main research question, the following additional questions served as guidelines throughout the writing process which had a role in creating the framework of the dissertation:

- Could the OSCE, originally as a Cold War initiative, adapt itself to the newly emerging security environment in the Post-Cold War era? In other words, could the OSCE transform itself in institutional and operational terms in order to respond better to the new security threats, risks and challenges, which are heavily in non-military character, in the post-Cold War era?
- What is the relevance of the OSCE in today's European security environment? What is the role of the OSCE in the new security environment of the post-Cold War era?
- Could the OSCE provide a comprehensive security for the participating States? What impact has the OSCE made in its three dimensions in the post-Cold War era within the framework of its comprehensive security approach? Of these three dimensions, which dimension has the OSCE been effective or not effective? Does the OSCE carry out its activities via its three dimensions in a balanced way?

### **1.3. Argument of the Dissertation**

The OSCE, initially CSCE, was the product of the Cold War conditions. Inter-state relations and the military aspects of security or traditional military security issues, including arms control and confidence and security building measures were the main themes of the Helsinki Process during the Cold War era. International security was the main focus of dialogue and co-operation among the CSCE participating States. The CSCE served as an agent for the promotion of international security through building up confidence and trust and providing a dialogue platform between the two blocs during the Cold War period. Economic-environmental and human rights-related issues included in the Helsinki Final Act were primarily seen as supplementary components of the 'Questions related to Security in Europe', so-called 'the first basket of the Helsinki Final Act' until the end of the Cold War period. However, with the end of the Cold War, the military aspects of security started to diminish in importance relatively and non-traditional security issues or non-military aspects of security have gained importance as a result of the newly emerging non-traditional

security threats and challenges. That is, threat resources have been diversified, including political, economic, environmental and societal domains as well as military ones. Within this framework, non-military security issues, including the economic-environmental and human dimension-related subjects, have become central pillars of the OSCE's comprehensive security approach. In this regard, the OSCE has developed its comprehensive security approach in a structured form, including the three dimensions of security.

Despite the ongoing debates on the relevancy of the OSCE as a security organization and the participating States' growing divergent views on security and the role and institutional development of the Organization, this dissertation argues that the OSCE has kept its relevancy in the post-Cold War era by focusing on non-military aspects of security or non-traditional security issues. In the post-Cold War era, the OSCE has shifted its focus of attention in line with the increasing significance of non-military security issues by using soft instruments such as preventive diplomacy, co-operation, dialogue, negotiation and compromise. The OSCE could transform itself in institutional terms and operate in line with the growing significance of the non-traditional security issues in the post-Cold War era. The OSCE's specialized permanent institutions are mainly active in non-military aspects of security, including conflict prevention, democratization, human rights, elections, the rule of law, tolerance and non-discrimination and media freedom. Similarly, the OSCE field missions perform a wide range of tasks according to their mandate mostly in the non-military fields such as post-conflict rehabilitation and post-conflict peace-building activities aimed at creating and strengthening democratic institutions and democratic societies and ensuring respect for human rights and fundamental freedoms, including the rights of people belonging to national minorities. The OSCE has been mostly engaged in non-military aspects of security building efforts in the post-conflict societies. However, the OSCE's focus on non-military security issues in the post-Cold War era has not resulted in a balanced way in terms of the Organization's record over its three dimensions of security. While the OSCE has registered some success in the fields of conflict prevention, Policing, human rights and democratization, the Organization's impact and visibility in the economic and environmental dimension have remained limited and secondary in comparison to the issues in the field of human dimension and non-military aspects of the politico-military dimension.

This dissertation comes to the conclusion that the OSCE's relevancy substantially depends on carrying out and improving its activities on non-military aspects of security.

#### **1.4. Methodology**

A large part of the dissertation was complemented by a research work carried out in Turkey, Austria, Germany, the Netherlands and Poland. In this study, various resources were used to constitute the main argument of the dissertation. Primary resources cover a broad range of official CSCE/OSCE-related documents, including: CSCE Helsinki Final Act, CSCE/OSCE Summit Documents and Declarations, Ministerial Council and Permanent Council Decisions, the Concluding Documents of the CSCE Follow-up Meetings, OSCE's Security Concept Documents, OSCE's Strategy Documents, OSCE-based Charters, Action Plans, Strategic Frameworks, Annual Reports, Handbooks, Factsheets, Activity Reports, OSCE-based web resources and Confidence and Security Building Measures Documents as well as Treaty Regimes documents.

Secondary resources are also widely available, including books, articles and reports with respect to the OSCE. Secondary sources such as books and articles published in academic journals in Turkish and mostly English were used as background readings in formulating the setting of the dissertation. The dissertation has substantially benefited from some particular journals such as 'Helsinki Monitor', 'Helsinki Monitor: Security and Human Rights', and 'Security and Human Rights'. Additionally, numerous primary resources such as OSCE-related books and reports were collected in the OSCE Secretariat and OSCE permanent institutions.

During the writing process of the dissertation, numerous interviews were conducted in Turkey, Austria, Germany, the Netherlands and Poland. The interview group includes OSCE officials and international officers from the OSCE's structures, units, and permanent institutions, including OSCE Office of the Representative on Freedom of the Media; OSCE High Commissioner on National Minorities; OSCE Office for Democratic Institutions and Human Rights, including Democratization, Human Rights and Tolerance and Non-Discrimination Departments; and several OSCE units and structures included in the OSCE

Secretariat such as OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings; the Office of OSCE Economic and Environmental Activities; OSCE Strategic Police Matters Unit, OSCE Action Against Terrorism Unit, OSCE Conflict Prevention Centre, and OSCE Forum for Security Co-operation Support Unit.

The interview group also includes a broad range of academics, experts and bureaucrats engaged in OSCE issues from research centers, academic institutions and think tanks from the OSCE participating States. Additionally, a number of interviews were conducted with diplomats at the Deputy Directorate General for the OSCE, Arms Control and Disarmament, Ministry of Foreign Affairs of the Republic of Turkey and the Permanent Delegation of Turkey to the OSCE in Vienna.

Consequently, the main data needed for answering the research question and testing the argument of the dissertation have been acquired by reviewing primary and secondary resources and making interviews.

### **1.5. Structure of the Chapters**

The introduction part outlines the scope and objective of the dissertation, main research question of the dissertation, main argument of the dissertation, and methodology as well as structure of the chapters.

The second chapter aims at establishing a conceptual framework for the dissertation. The dissertation takes the concept of comprehensive security as a basis in analyzing the practice of the OSCE. In this regard, the chapter firstly explains the traditional military and state-centric understanding of security in the Cold War period. Secondly, the chapter focuses on the new security understanding emerged in the post-Cold War period, including new referent objects and new security issues for security analysis. Finally, the second chapter gives the definition of the 'concept of comprehensive security' and the OSCE's comprehensive security approach.

The third chapter is about the historical evolution of the OSCE from a conference process to a regional security organization. This chapter is organized to present the historical evolution of the OSCE from a series of conference process to a regional security arrangement and how the OSCE's comprehensive approach to security has been developed in historical background in the light of the milestone documents of the Organization. This chapter includes CSCE Helsinki Final Act, CSCE Follow-up Conferences, and finally CSCE/OSCE Summit Meetings from 1990 to 2010.

The fourth chapter focuses on the OSCE's three dimensions which constitute the central pillars of the Organization's comprehensive security approach. Focusing on how the OSCE functions, this chapter is basically devoted to portray OSCE's decision-making bodies, structures, instruments, institutions and mechanisms which are developed and used by the OSCE in order to put its comprehensive understanding of security into the practice. This chapter includes main characteristics of the OSCE as a regional security organization; OSCE's three dimensions of security and basic functions of the Organization; the OSCE's approaches to security; organizational structure of the OSCE; OSCE Field Operations; and finally OSCE's Partnership Mechanism for Co-operation.

The fifth, sixth and seventh chapters are designed to illustrate each security dimension of the OSCE as integral components of its comprehensive approach to security in a detailed analysis. The fifth chapter mainly focuses on the OSCE's politico-military dimension. This chapter firstly explains the politico-military dimension of the OSCE in terms of threat perceptions, commitments and structures. Secondly, the fifth chapter presents the activities in the field of politico-military dimension. The OSCE's activities in the politico-military dimension cover both military and non-military aspects of security. Therefore, the dissertation categorizes the politico-military dimension under the two different parts, namely military aspects and non-military aspects of politico-military dimension. The main activity fields of the OSCE with respect to the military aspects of security include arms control and disarmament and Confidence and Security Building Measures. The activity fields of the OSCE with regard to the non-military aspects of security include combating terrorism, conflict prevention and resolution, border security and management, military reform and co-operation and Policing.

The sixth chapter is interested in the economic and environmental dimension of the OSCE. This chapter is organized to analyze the economic and environmental dimension of the OSCE and to portray the OSCE's perceptions towards economic and environmental issues as well as their link to security. The sixth chapter, firstly, tries to outline the economic and environmental dimension of the OSCE in terms of content, basic normative documents, structures and instruments on economic and environmental dimension. After that, it focuses on the economic and environmental activities of the OSCE in detailed. A number of important topics such as energy security, organized crime, corruption, good governance, migration and transport are included in the economic and environmental dimension of the OSCE.

The seventh chapter focuses on the human dimension of the OSCE. Democracy and human rights are the main foundations of the OSCE's human dimension. This chapter firstly defines the human dimension of the OSCE, indicating what the term 'human dimension' means. Secondly, the seventh chapter is divided into the two parts under the umbrella of the OSCE's human dimension, namely democracy and human rights. In this regard, this chapter explains and analyzes the OSCE's democracy-related activities, including democratization, the rule of law, elections and media freedom and development; and portrays and discusses the OSCE's human rights-oriented activities, covering human rights and fundamental freedoms, protection of minorities, Roma and Sinti Issues, gender equality, trafficking in human beings and tolerance and non-discrimination issues.

Finally, the concluding chapter summarizes the main findings of the dissertation, including the positive impacts of the OSCE on security and stability in its region as well as the weaknesses and shortcomings of the Organization in institutional and operational terms from a critical perspective within the framework of reform debates revolved around the Organization.



## CHAPTER 2

### CONCEPTUAL FRAMEWORK: COMPREHENSIVE SECURITY

The second chapter aims at establishing a conceptual framework for the dissertation. The dissertation takes the basis the 'concept of comprehensive security' in analyzing the OSCE practice. In this regard, the chapter will firstly look into the traditional understanding of security in the Cold War period. Secondly, the chapter will focus on the new security understanding emerged in the post-Cold War period, including new referent objects and new security issues for security analysis. Thirdly, the chapter will portray 'A New Framework for Security Analysis' set forth by Buzan, Wæver and Wilde.

Finally, the chapter will discuss the concept of comprehensive security and the OSCE's comprehensive approach to security.

#### 2.1. Traditional Understanding of Security in the Cold War Period

'Security' is a contested concept in the discipline of International Relations. Any consensus has not been reached with respect to its meaning. Different approaches define security with different meanings. Most of International Relations scholars define the concept of security as "the alleviation of threats to cherished values".<sup>4</sup> For Buzan, "security is taken to be about the pursuit of freedom from threat". Within the framework of the international system, security refers "the ability of states and societies to maintain their independent identity and their functional integrity against forces of change which they see as hostile". Survival is the bottom line of security. However, security involves "a substantial range of concerns about the conditions of existence".<sup>5</sup>

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<sup>4</sup> Paul D. Williams, 'Security Studies An Introduction', in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, pp.1-2

<sup>5</sup> Barry Buzan, 'New Patterns of Global Security in the Twenty-First Century', *International Affairs*, Vol. 67 No. 3, 1991, pp.432-433 and Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.37.

Security as a concept is closely linked with the two important elements. The first one is about the 'referent object of security'. The second one is about the question of "what counts as a security issue for that particular referent".<sup>6</sup> Firstly, security analysis requires a clear 'referent object'. Security analysis cannot be achieved "without an answer to the question of the security of what".<sup>7</sup> "Asking whose security we are talking about is an important and unavoidable step" in security analysis. In other words, a referent object is an indispensable component of security analysis. A referent object of security refers "something to be secured".<sup>8</sup> According to Buzan, "security is primarily about the fate of human collectivities, and only secondarily about the personal security of individual human beings. In the contemporary international system, the standard unit of security is the sovereign territorial state. The ideal type is the nation-state". In the absence of any central authority, "the structure of the international system is anarchic. Therefore, units constitute the main focus of security concerns. "Since states are the dominant units, 'national security' is the central issue".<sup>9</sup>

The second important element related to the concept of security is about the question of what is a security issue. It is highly significant to "ask what counts as a security issue for that particular referent object". In this regard, Williams states that "sources of insecurity are identified" and threat agendas are constructed by particular groups, a state or states and organizations. However, threat perceptions differ and these threat agendas are not equally important for all the actors who identify a security issue for a specific referent object. In

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<sup>6</sup> Paul D. Williams, 'Security Studies An Introduction', in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, pp.8-9.

<sup>7</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.42.

<sup>8</sup> Paul D. Williams, 'Security Studies An Introduction', in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, p.7.

<sup>9</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.37.

other words, a consensus cannot be easily facilitated “as to which of the security threats should receive priority”.<sup>10</sup>

The idea of security defined as a ‘state’ or ‘national security’ in largely militarized terms’ dominated the field of security for much of the Cold War era.<sup>11</sup> Because the structure of the international system is anarchic in the absence of any central authority, states had the main responsibility for their own security.<sup>12</sup> Statesmen and academics mainly focused on the military capabilities of the states to address existential threats, posing serious risks and challenges to their security and stability.<sup>13</sup> In this respect, military power which was defined in terms of military capabilities was seen as the best instrument to achieve security in the international system. As a result, “security was defined as the absence of threat or the capability to deter threat”.<sup>14</sup>

“The highly militarized and highly polarized ideological confrontation between the superpowers” dominated the international security agenda during the Cold War era. In this period, due to the intensive rivalry and confrontation between the two blocs and the danger of nuclear war, political-military issues were dominant in the international security agenda.<sup>15</sup>

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<sup>10</sup> Paul D. Williams, ‘Security Studies An Introduction’, in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, pp.8-9.

<sup>11</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.300.

<sup>12</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.1-2.

<sup>13</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.300.

<sup>14</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.1-2.

<sup>15</sup> Barry Buzan, ‘New Patterns of Global Security in the Twenty-First Century’, *International Affairs*, Vol. 67 No. 3, 1991, p.433.

For much of the Cold War period, military dimension of security was dominant in security studies. “The main themes of the Cold War period security studies were bipolarity, the balance of power, power politics, nuclear deterrence and armament race and disarmament,<sup>16</sup> the use of force, interstate war,<sup>17</sup> military confrontation, superpower rivalry, and the fear of nuclear war. In other words, in the Cold War period, the conceptualization of security was closely linked to the some typical characteristics of the Cold War period. Therefore, traditional military and state-centric approaches dominated the security agenda for much of the Cold War period.<sup>18</sup> National security was considered primarily in military terms.<sup>19</sup> The main focus of security studies within the framework of state-centric and military conception of security were “the study of threat and war and the control of military force”.<sup>20</sup> During the Cold War period, state was accepted as the main referent object of security and military domain was adopted as the privileged security dimension.<sup>21</sup> Although economic and environmental issues started to come into the agenda during the 1970s, the discussions on security revolved around primarily military factors until the end of the 1980s.<sup>22</sup>

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<sup>16</sup> Frédéric Mérand, Bastien Irondelle, and Martial Foucault, ‘Theorizing the change in the European Security Environment’, in Frédéric Mérand, Martial Foucault, and Bastien Irondelle (eds), *European security since the fall of the Berlin Wall*, Toronto: University of Toronto Press, 2011, pp.14-15.

<sup>17</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, p.231.

<sup>18</sup> Ibid., pp.158-159.

<sup>19</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.222.

<sup>20</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, p.162.

<sup>21</sup> Ibid., p.166.

<sup>22</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.27.

‘Security dilemma’ is one of the most important key concepts introduced by the traditional security thinking dominated the Cold-War period. Security dilemma is defined:

as a situation in which the means by which a state tries to increase its security decrease the security of others. The existence of a security dilemma means that when states arm themselves even for their self-defense they weaken the security of neighbors by shifting the military balance in their favor. Neighbors will therefore feel compelled to increase their military capabilities to restore equilibrium.

In this environment, states pursued a strategy based on developing and increasing their military capabilities to achieve their own security. This policy was always resulted in a security dilemma.<sup>23</sup>

Consequently, the dominant approaches of the Cold War security studies adopted ‘state’ as the primary and central referent object of security in the Cold War period.<sup>24</sup> In the discipline of International Relations, the main focus of security studies was to analyze and achieve ‘state security’ or ‘national security’.<sup>25</sup> “Protecting the territorial integrity of the state is the traditional object of military security”.<sup>26</sup> “For a state, survival is about sovereignty, and for a nation it is about identity”.<sup>27</sup>

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<sup>23</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, p.2.

<sup>24</sup> Paul D. Williams, ‘Security Studies An Introduction’, in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, pp.3-4.

<sup>25</sup> Ibid., p.7.

<sup>26</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, p.70.

<sup>27</sup> Ibid., p.36.

## 2.2. New Security Understanding in the Post-Cold War Era

With the end of the Cold War period, a new security understanding has come to the fore in security studies beyond the traditional military and state-centric security conceptions of the Cold War. This new security thinking is mainly based on broadening and deepening of security studies. This new way of thinking on security as a concept has portrayed new referent objects rather than the state and new security dynamics and issues for security analysis.

The main purpose is to develop a new security structure in order to eliminate “all the possibilities for the emergence of new security dilemmas”. In this regard, it is suggested that a new security system in Europe should be based on “more active and close co-operation among the states; communication and exchange of information and best practices, common commitments, norms and principles; avoiding aggressive behavior; collective action; more constructive efforts aimed at conflict prevention and management; and finally the peaceful solutions of disputes.”<sup>28</sup>

In the Post-Cold War period, security discussions have focused on the need of maintaining security studies beyond the traditional military and state-centric understanding of security. It is generally argued that traditional approaches to security do not provide an analytical framework to address the issues arising from the new security agenda. “The nature of international security is becoming much more complex, which in turn necessitates a more conceptually sophisticated set of analytical tools”<sup>29</sup>

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<sup>28</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, p.3.

<sup>29</sup> Ibid., p.4.

Baylis argues that “the traditional focus on national or state security no longer reflects the radical changes which are taking place in security fields”.<sup>30</sup> In other words, “the state-centric conceptions of security advocated by traditionalist Realist approaches do not provide an analytical apparatus for security studies any longer”.<sup>31</sup> In this respect, adopting a wider and more comprehensive approach to security analysis is increasingly required<sup>32</sup> as an indispensable analytical tool to maintain security discussions.<sup>33</sup> As a result, the new dynamics and the changing character of the international security environment have necessitated a broader definition of security as a concept.<sup>34</sup> In this regard, instead of the narrowly defined military and state-centric conceptions of security, many scholars have adopted “an expanded conception of security”, including other security dimensions in addition to the state security defined in strictly militarized terms.<sup>35</sup>

In the post-Cold War period, wideners and deepeners versus traditionalists debate on security studies has grown up. Traditional state-centric security thinking was mainly based on the idea of national security and the militarized interpretation of security.<sup>36</sup> This security

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<sup>30</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.316.

<sup>31</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, pp.200-201.

<sup>32</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.4-5.

<sup>33</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, pp.211-212.

<sup>34</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.34.

<sup>35</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.300.

<sup>36</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.28.

understanding has been challenged by the widening and deepening approaches with respect to the meaning of security in the post-Cold War era.<sup>37</sup> Traditionalists have been facing a pressure from those who are in favor of deepening and widening the meaning of security as a concept.<sup>38</sup> According to traditionalists, “security should be confined just to the military and political sectors”.<sup>39</sup> However, widening and deepening approaches argue that security cannot be defined only in military terms.<sup>40</sup> They argue that “the narrowness of the military state-centric agenda was analytically, politically and normatively problematic” for security analysis. Therefore, concept of security should be expanded. After the end of the Cold War era, new security dynamics have demonstrated that “traditionalism was unable to meet the challenges of the post-Cold War era”.<sup>41</sup> As a result, it is necessary to adopt a wider and comprehensive framework for security analysis, including political, economic, environmental and societal dimensions of security.<sup>42</sup> Those who belong to the widening and deepening schools are in favor of deepening the referent objects of security beyond the states and also widening the security sectors beyond the military domain. In this regard, economic and environmental issues as integral elements of the concept of security started to be addressed.<sup>43</sup>

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<sup>37</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, pp.191-192.

<sup>38</sup> Ibid., p.156.

<sup>39</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.9.

<sup>40</sup> Adrian Hyde-Price, ‘Future Security Systems for Europe’, in Colin McInnes (ed), *Strategy and Security in the New Europe*, London: Routledge, 1992, pp.38-39.

<sup>41</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, p.187.

<sup>42</sup> Adrian Hyde-Price, ‘Future Security Systems for Europe’, in Colin McInnes (ed), *Strategy and Security in the New Europe*, London: Routledge, 1992, pp.38-39.

<sup>43</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, pp.188-189.



Widening and deepening approaches to security such as Critical Security Studies, Feminism, Poststructuralists, Post-Colonialists and Critical Constructivists have adopted new referent objects, epistemologies and methodologies in security studies. They all have tried to conceptualize security beyond the military-political domain and the state as the main referent object of security. In addition to the widening of the referent objects, new security domains such as economic, environmental and societal dimensions have been incorporated into the security analysis.<sup>44</sup> Critical Security Studies (Frankfurt School) take the individual humans as the ultimate referent object for security. Critical Security Studies consider the states as the main sources of insecurities and also view that “vast majority of states generate insecurity rather than stability and prosperity”.<sup>45</sup> According to Feminist approaches, security cannot be achieved with the traditional military-state centric approaches. There is an urgent need to adopt a broader category of referent objects including women and non-military dimensions in security analysis.<sup>46</sup> All widening and deepening approaches assert that threats to security are constructed rather than given “as an objective, material condition”.<sup>47</sup>

“The issue of what is to be secured” has been always an important element of security studies. State has been traditionally the referent object of security which is something to be secured.<sup>48</sup> States also constituted the ultimate referent object for security studies during the Cold War period.<sup>49</sup> However, after the end of the Cold War, the traditional emphasis on the central role of state or state-centric view in security studies has been challenged by

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<sup>44</sup> Ibid., p.200.

<sup>45</sup> Ibid., p.206.

<sup>46</sup> Ibid., p.212.

<sup>47</sup> Ibid., p.243.

<sup>48</sup> Alan Collins, ‘Introduction: What is Security Studies?’, in Alan Collins (ed), *Contemporary Security Studies*, New York: Oxford University Press, 2006, p.2.

<sup>49</sup> Paul D. Williams, ‘Security Studies An Introduction’, in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, p.8.

alternative approaches of international security.<sup>50</sup> New ontological referent objects have been offered in security analysis beyond the state.<sup>51</sup> States are not only important referent objects for security any longer.<sup>52</sup> Many scholars emphasize the importance of considering the security of individuals and of groups in the newly emerging security environment.<sup>53</sup>

As security has been conceptualized in more diverse and complicated ways by widening and deepening approaches in the post-Cold War era, the state does not constitute the only important referent object for security. Similarly, widening and deepening approaches have introduced other domains such as economic, environmental and societal sectors for security studies; therefore, the military domain does not constitute the only sector for security analysis.<sup>54</sup>

The scope and nature of security studies has been significantly broadened, taking non-military aspects of security into consideration since the end of the Cold War. Security as a concept has been redefined encompassing the non-military issues beyond the traditional military domain. In other words, “all kinds of soft issues that were considered beyond the realm of security studies have become key epistemological questions” for security studies

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<sup>50</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.313.

<sup>51</sup> Frédéric Mérand, Bastien Irondelle, and Martial Foucault, ‘Theorizing the change in the European Security Environment’, in Frédéric Mérand, Martial Foucault, and Bastien Irondelle (eds), *European security since the fall of the Berlin Wall*, Toronto: University of Toronto Press, 2011, p.15.

<sup>52</sup> Paul D. Williams, ‘Security Studies An Introduction’, in Paul D. Williams (ed), *Security Studies An Introduction*, London and New York: Routledge, 2013, p.5.

<sup>53</sup> John Baylis, ‘International and global security in the post-cold war era’, in John Baylis and Steve Smith (eds), *The Globalization of World Politics*, Oxford and New York: Oxford University Press, 2011, p.316.

<sup>54</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, p.198.

in the post-Cold War period.<sup>55</sup> The origins of threats and challenges have been diversified, arising from different dimensions such as economic, environmental and societal in addition to the political and military domains. These new security threats and challenges started to gain importance and at the same time, they have been integrated into the security analysis. The new threat areas include the violation of human rights and fundamental freedoms, economic and environmental concerns, democracy, political stability, socio-political cohesion of societies, social and cultural issues, illegal migration, religion and identity issues<sup>56</sup>, overpopulation, poverty, pandemics, organized crime, trafficking in human beings, drugs and weapons and international terrorism”.<sup>57</sup> The United Nations Development Programme (UNDP) carried out in 1994 adopted a broader definition of security including several dimensions. “The logic of security was expanded beyond the traditional national and military concerns and “the referent object was shifted from nation-states to that of people”. This radical widening of the concept of security resulted in the emergence of new kinds of threats and security areas such as “food health, the environment, population growth, disparities in economic opportunities, migration, drug trafficking and terrorism”.<sup>58</sup>

In line with the newly emerging dynamics of the Post-Cold War security environment, one can easily observe that international organizations have redefined their threat perceptions in a more diversified manner in the post-Cold War era. According to the ‘A more secure World: Our shared responsibility’ Report of the High-level Panel on Threats, Challenges and Changes submitted by the UN in 2004, six main threat areas facing the international

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<sup>55</sup> Frédéric Mérand, Bastien Irondelle, and Martial Foucault, ‘Theorizing the change in the European Security Environment’, in Frédéric Mérand, Martial Foucault, and Bastien Irondelle (eds), *European security since the fall of the Berlin Wall*, Toronto: University of Toronto Press, 2011, pp.14-15.

<sup>56</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.4-5.

<sup>57</sup> Frédéric Mérand, Bastien Irondelle, and Martial Foucault, ‘Theorizing the change in the European Security Environment’, in Frédéric Mérand, Martial Foucault, and Bastien Irondelle (eds), *European security since the fall of the Berlin Wall*, Toronto: University of Toronto Press, 2011, pp.14-15.

<sup>58</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, p.203

community are identified: “war between States; violence within States, including civil wars, large-scale human rights abuses and genocide; poverty, infectious disease and environmental degradation; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime.”<sup>59</sup>

European Security Strategy titled as ‘A Secure Europe in a Better World’ adopted by the European Union (EU) on 12 December 2003 states that “no single country is able to tackle today’s complex problems on its own. Europe still faces security threats and challenges”.<sup>60</sup> The key threat areas to the member states of the EU are identified as follows: “terrorism; proliferation of weapons of mass destruction; violent or frozen regional conflicts; state failure including bad governance, corruption, abuse of power, weak institutions and lack of accountability; and finally organized crime including trafficking in drugs, human beings and weapons”.<sup>61</sup> “Experiences in Europe demonstrate that security can be increased through confidence building and arms control regimes. Such instruments can also make an important contribution to security and stability in EU neighborhood and beyond”.<sup>62</sup>

The NATO as a political and military Alliance has adopted a comprehensive security approach with a view to safeguard the freedom and security of its members through political, economic, military and civilian instruments. NATO believes that “only such a comprehensive approach can address the economic as well as the political and ideological roots and consequences of conflict”.<sup>63</sup> Today’s security risks, threats and challenges

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<sup>59</sup> ---, ‘A more secure World: Our shared responsibility’ Report of the High-level Panel on Threats, Challenges and Changes’, Executive Summary, United Nations 2004, p.2, available at [http://www.un.org/en/events/pastevents/pdfs/secure\\_world\\_exec\\_summary.pdf](http://www.un.org/en/events/pastevents/pdfs/secure_world_exec_summary.pdf), Accessed on 10 December 2014.

<sup>60</sup> ---, ‘A Secure Europe in a Better World’, European Security Strategy, Brussels 12 December 2003, p.1, available at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>, Accessed on 10 May 2012.

<sup>61</sup> Ibid., pp.3-4.

<sup>62</sup> Ibid., p.10.

<sup>63</sup> ---, ‘What is NATO? / An introduction to the transatlantic Alliance’, pp.5-17, available at [http://www.nato.int/welcome/brochure\\_WhatIsNATO\\_en.pdf](http://www.nato.int/welcome/brochure_WhatIsNATO_en.pdf), Accessed on 20 June 2012.

necessitate a comprehensive approach incorporating civilian and military means. In other words, today's complex security crises and conflicts cannot be managed effectively through only military instruments.<sup>64</sup> NATO also adopts a co-operative approach to security. In this regard, NATO seeks to work in close and active co-operation and co-ordination with other international and non-governmental organizations and partners as well as states.<sup>65</sup>

The security and stability of NATO members are increasingly challenged by a broad range of security threats and risks. According to the NATO's Strategic Concept, adopted at the Lisbon Summit in November in 2010, the main unconventional security threats and challenges facing the NATO Alliance in the 21<sup>st</sup> century are as the following: "the proliferation of nuclear weapons, other weapons of mass destruction, and their delivery systems"; the proliferation of ballistic missiles technologies; international terrorism, particularly if terrorists acquire nuclear, chemical, biological or radiological weapons; instability or conflict beyond NATO's borders, threatening Alliance security by fostering extremism, terrorism, and transnational illegal activities such as trafficking in arms, narcotics and people; cyber-attacks; laser weapons and technologies that impede access to space; risks and threats towards communication, transport and transit routes on which international trade, energy security and prosperity depend; and finally large-scale economic trends, technological and geopolitical developments and key environmental challenges and resource constraints, including health risks, climate change, water scarcity and increasingly energy needs". Conventional threats are also posing serious risks and challenges to the security of the NATO member states. "Many states and regions are modernizing their conventional military capabilities which in turn might create concrete negative implications on Euro-Atlantic and international security."<sup>66</sup>

Consequently, "the traditional concept of security with the state as the main referent object" has been strongly criticized in the post-Cold War period. A wide range of new

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<sup>64</sup> Ibid., pp.17-31.

<sup>65</sup> Ibid., p.5.

<sup>66</sup> Ibid., pp.13-15.

security issues from different domains such as economic, environmental and societal which were not included in security analysis during the Cold War period have come to the fore.<sup>67</sup> A broader and more comprehensive approach to security has been sketched out, focusing on new threats and challenges which create insecurities and instabilities particularly for the individual human beings and groups such as national and ethnic minority groups along with the state and international security.<sup>68</sup> Economic and environmental issues started to come into the security agenda and non-military issues or non-military aspects of security started to achieve security status.<sup>69</sup> Widening and deepening approaches not only have tried to add new referent objects rather than the state but also has brought a wider security agenda, integrating economic, environmental, regional and societal dimensions into the security analysis.<sup>70</sup>

### **2.3. A New Framework for Security Analysis**

Traditional approaches to security “give permanent priority to military sector and the state as the main referent object”. Widening and deepening approaches argue that traditional military state-centric conceptions of security are too narrow. Therefore, a broad and more comprehensive approach to security must be built on.<sup>71</sup> Buzan defines security in a broader sense through widening the concept to other sectors such as political, economic, environmental and societal ones in addition to the traditional military security. In this regard, “a broader view of security, encompassing its political, societal, environmental and

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<sup>67</sup> Marianne Stone, ‘Security According to Buzan: A Comprehensive Security Analysis’, *Security Discussion Paper Series 1*, 2009, p.2.

<sup>68</sup> Heinz Gärtner and Adrian Hyde-Price, ‘Introduction’ in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, p.1.

<sup>69</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, pp.2-3.

<sup>70</sup> Barry Buzan and Lene Hansen, *The evolution of international security studies*, New York: Cambridge University Press, 2009, p.189.

<sup>71</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.34.

economic as well as its military dimensions serves to get a comprehensive security analysis".<sup>72</sup>

Buzan states that there is a clear "shift away from political/military priorities to a more non-military security agenda" in the post-Cold War era.<sup>73</sup> In today's international security environment, 'threats and vulnerabilities' can arise from a wide range of different areas such as economic, environmental and societal domains. In this regard, one can easily observe the increasing importance of the non-military aspects of security.<sup>74</sup> Therefore, several referent objects and security issues from different levels and sectors should be integrated into the security analysis.<sup>75</sup>

Buzan bases his security analysis on a framework based on four levels and five sectors in an integrative manner. The three levels are individuals, states, regions and international system and the sectors are political, military, economic, environmental and societal.<sup>76</sup> "The different levels and sectors of the security problem interact with each other".<sup>77</sup> For Buzan, "understanding the national security problem requires a wide-ranging understanding of the major levels of analysis and issue sectors". There are strong and diverse connections, connectedness and interactions between the individual, state, regional and system levels.

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<sup>72</sup> Ibid., p.288.

<sup>73</sup> Barry Buzan, 'New Patterns of Global Security in the Twenty-First Century', *International Affairs*, Vol. 67 No. 3, 1991, p.433.

<sup>74</sup> Heinz Gärtner and Adrian Hyde-Price, 'Introduction' in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe's New Security Challenges*, London: Lynne Rienner Publishers, 2001, p.5.

<sup>75</sup> Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.42.

<sup>76</sup> Ibid., p.34.

<sup>77</sup> Ibid., p.44.

In order to grasp the idea of security, it is essential to integrate actors and dynamics from different sectors such as economic, environmental and societal into the security analysis. Focus only on politico-military sectors does not provide a proper framework for security analysis. The idea of security requires an integrative perspective, "binding together these levels and sectors so closely". The concept of security can be comprehended on condition that each level or sector is related to the others. Confining the idea of security to any single level or sector without any interaction between them gives rise to the distortions in understanding of security phenomena.<sup>78</sup>

Individuals, states and the international system all as referent objects play an important role in the security analysis. Any level cannot constitute the ultimate referent object of the concept of security. "Major security phenomena simply cannot be understood properly without a full appreciation of their sources, effects and dynamics at and among all three levels. Sectors relate each other. Therefore sectors cannot be fully understood apart from each other. Economic, environmental and societal sectors must be equally taken into consideration in addition to the political and military ones. Within this framework, "the concept of security is a naturally integrative idea. From this integrative perspective, the levels and sectors appear more useful as viewing platforms from which one can observe the problem from different angles".<sup>79</sup> In other words, the integrative view of security means that security can be only achieved providing that all levels and sectors of the security problem are taken into account in the analysis.<sup>80</sup> Buzan states that "the security of any one referent object or level cannot be achieved in isolation from the others". Therefore, "the security of each becomes, in part, a condition for the security of all".<sup>81</sup>

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<sup>78</sup> Ibid., p.283.

<sup>79</sup> Ibid., p.286.

<sup>80</sup> Ibid., p.294.

<sup>81</sup> Ibid., p.42.



In their book titled as 'Security: a new framework for analysis', Buzan, Wæver and Wilde set out a new framework for security analysis, questioning the primacy of the military and state-centric conceptions of security. Security issues are identified by traditionalists through "equating security with military issues and the use of force"<sup>82</sup>. For Buzan, Wæver and Wilde, security analysis cannot be confined to "state and interstate relations and politico-military issues".<sup>83</sup> They do not agree with the view that "the core of security studies is war and force and that other issues are relevant only if they relate to war and force".

Instead of this kind of security understanding, they try to establish "a more radical view of security studies by identifying new security threats to new referent objects of security in terms of military and non-military aspects."<sup>84</sup> Their understanding of security is mainly based on the need to widen the security agenda through integrating other sectors into the security analysis beyond the traditional political and military domains.<sup>85</sup> Actors, referent objects and security issues from other sectors as well as politico-military ones must be taken into consideration in order to understand the idea of security properly.<sup>86</sup>

For Buzan, Wæver and Wilde, developing a wider security agenda is necessary to get a comprehensive analysis of the idea of security.<sup>87</sup> Threats and vulnerabilities can originate from a wide range of different areas, including both military and non-military aspects of security. Therefore, Buzan, Wæver and Wilde have adopted a more diversified and multisectoral security agenda, including economic, environmental and societal issues as

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<sup>82</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, p.1.

<sup>83</sup> Ibid., p.198.

<sup>84</sup> Ibid., pp.4-5

<sup>85</sup> Ibid., p.195.

<sup>86</sup> Ibid., p.198.

<sup>87</sup> Ibid., pp.4-5

well as the political and military ones.<sup>88</sup> In this regard, “if a multisectoral approach to security was to be fully meaningful, referent objects other than the state had to be allowed into the picture”.<sup>89</sup>

Sectors provide an approach to comprehend the different aspects of security, constituting a wider security agenda together. “Although some qualities of security are common across sectors, each sector also has its own unique actors, referent objects, dynamics, and contradictions that need to be understood in their own terms”. Due to the interaction among the different sectors of security, there is one integrated field of security.<sup>90</sup>

The security of human collectivities is affected by factors in five major sectors: military, political economic, societal and environmental. Military security concerns the two-level interplay of the armed offensive and defensive capabilities of states, and states’ perceptions of each other’s intentions. Political security concerns the organizational stability of states, systems of government, and the ideologies that give them legitimacy. Economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns the ability of societies to reproduce their traditional patterns of language, culture, association, and religious and national identity and custom within acceptable conditions for evolution. Environmental security concerns the maintenance of the local and the planetary biosphere as the essential support system on which all other human enterprises depend. These five sectors do not operate in isolation from each other. Each defines a focal point within the security problematique, and a way of ordering priorities, but all are woven together in a strong web of linkages.<sup>91</sup>

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<sup>88</sup> Ibid., pp.5-7.

<sup>89</sup> Ibid., p.8.

<sup>90</sup> Ibid., p.196.

<sup>91</sup> Barry Buzan, ‘New Patterns of Global Security in the Twenty-First Century’, *International Affairs*, Vol. 67 No. 3, 1991, p.433 and Barry Buzan, *People, states & fear: an agenda for international security studies in the post-cold war era*, Boulder, CO: L. Rienner, 1991, p.38.

Sectors are the inseparable parts of complex wholes of the security phenomenon. “The purpose of selecting them is simply to reduce complexity to facilitate analysis. The use of sectors confines the scope of inquiry to more manageable proportions by reducing the number of variables in play. Each is looking at the whole but is seeing only one dimension of its reality”.

The economist looks at human systems in terms that highlight wealth and development and justify restrictive assumptions, such as the motivation of behavior by the desire to maximize utility. The political realist looks at the same systems in terms that highlight sovereignty and power and justify restrictive assumptions, such as the motivation of behavior by the desire to maximize power. The military strategist looks at the systems in terms that highlight offensive and defensive capability and justify restrictive assumptions, such as the motivation of behavior by opportunistic calculations of coercive advantage. The environmentalist looks at systems in terms of the ecological underpinnings of civilization and the need to achieve sustainable development. In the societal sector, the analyst looks at the systems in terms of patterns of identity and the desire to maintain cultural independence.<sup>92</sup>

Each sector includes specific types of interaction. In this regard,

the military sector is about relationship of forceful coercion; the political sector is about relationships of authority, governing status, and recognition; the economic sector is about relationships of trade, production, and finance; the societal sector is about relationships of collective identity; and the environmental sector is about relationships between human activity and the planetary biosphere.<sup>93</sup>

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<sup>92</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: a new framework for analysis*, Boulder, Colo.: Lynne Rienner Pub., 1998, p.8.

<sup>93</sup> Ibid., p.7.

## **2.4. Concept of Comprehensive Security and the Organization for Security and Co-operation in Europe's Comprehensive Security Approach**

During the Cold War period, traditional approaches to the study of international security focused on the inter-state war and military security. However, with the end of the Cold War, a wide variety of non-military security problems and issues from different dimensions have come to the fore and they have also gained security issue status. Intra-state conflicts have been also incorporated in the security agenda. In this respect, "the notion of comprehensive security reflects a widely shared belief that the traditional state-centric and military-focused concept of security is no longer adequate for addressing the new range of security risks and challenges".<sup>94</sup> The concept of comprehensive security focuses on both traditional and non-traditional aspects of security.

"Comprehensive security is conceptualized as an approach towards security issues which is broader than the traditionalist realist concept and includes new dimensions of security. In other words, security is recognized as a subject that goes beyond the traditional realist state-centric and military approach. The concept of comprehensive security means an approach to security which is broader and deeper than the realist notion of security".<sup>95</sup>

OSCE's main security approach is built on the 'concept of comprehensive security'. The OSCE's comprehensive security approach is mainly based on incorporating three dimensions of security, namely the politico-military, economic-environmental and the human dimensions as an integral whole.<sup>96</sup> The OSCE defines its comprehensive approach to security as the following: "the protection and promotion of human rights and fundamental

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<sup>94</sup> Heinz Gärtner and Adrian Hyde-Price, 'Introduction' in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe's New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.10-11.

<sup>95</sup> Markus Schmid, 'The Concept of Comprehensive Security: A Distinctive Feature of A Shared Security Culture in Europe?', *Master Thesis*, Naval Postgraduate School Monterey, California, December 2007, p.19.

<sup>96</sup> Victor-Yves Ghebali, *The OSCE and European Security: Essential or Superfluous?*, A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18th February 2005, Europaeum; Oxford, 2005, p.1.

freedoms, along with economic and environmental co-operation, are considered to be just as important for the maintenance of peace and stability as the politico-military issues, and as such are an integral component of OSCE activities”.<sup>97</sup>

The OSCE’s comprehensive view of security encompasses both traditional and untraditional aspects of security. The OSCE establishes a direct linkage between peace and stability and non-military aspects of security. It means that security is not partly independent from non-traditional or non-military aspects of security such as economic and environmental issues, including development of a market economy, sustainable economic development and the protection of environment; democracy, including free and fair elections; the rule of law; human rights and fundamental freedoms, including the rights of persons belonging to national minorities; gender equality; media freedom; and finally tolerance and non-discrimination issues.<sup>98</sup>

Comprehensive understanding of security is an integral and original component of the OSCE’s philosophy and practice.<sup>99</sup> On the basis of its comprehensive approach to security, the OSCE addresses the three dimensions of security – the politico-military, the economic and environmental, and the human – as an integrated whole”.<sup>100</sup> According to this multidimensional understanding of security, the various aspects of security or different dimensions of security are regarded as complementary, interconnected and interdependent.<sup>101</sup> All three dimensions are viewed as necessary and equally in the

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<sup>97</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2002, p.1.

<sup>98</sup> Monika Wohlfeld, ‘Reconceptualization of Security in the CSCE and OSCE’, *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, p.645.

<sup>99</sup> Antonio Oritz, ‘Neither for nor hedgehog: NATO’s Comprehensive Approach and the OSCE’s concept of security’, *Security and Human Rights* 2008 no.4, pp.285-286.

<sup>100</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>101</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.

realization of long-term security and stability in the OSCE area.<sup>102</sup> As a reflection of its comprehensive approach to security, the OSCE performs a wide variety of security-related activities in all three dimensions of security across the entire OSCE region.<sup>103</sup> Three dimensions of security reflect very well OSCE's comprehensive approach to security which intertwines the politico-military, economic and environmental and the human dimensions.

This dissertation comes to the conclusion that new security environment of the post-Cold War era is based on a comprehensive understanding of security. New security environment mainly refers to a wider and more comprehensive security agenda in the post-Cold War era, including new referent objects and new security issues. The notion of comprehensive security, including new referent objects and new security dynamics and issues, are very well reflected in the OSCE's comprehensive approach to security, incorporating three dimensions.

## **2.5. Conclusion**

This chapter focused on the 'concept of comprehensive security' as a conceptual framework for the analysis of the OSCE's practice. During the Cold War period, security was conceptualized in a state-centric military form. While basic referent object was State and national security, main focus of security studies was on the military security. However, with the end of the Cold War, traditional state-centric and military-focused concept of security has been increasingly challenged by the widening and deepening approaches. Traditional security problem of inter-state war has been replaced by a series of new security threats and challenges. New referent objects and new security issues have been integrated into the traditionalist security thinking. New referent objects and new security issues from economic, environmental and societal sectors have gained security status. Non-military risks, threats and challenges to security have gained prominence. As a result, after the end

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<sup>102</sup> Marc Perrin de Brichambaut, 'The Invisibility of Europe-Atlantic Security', *18th Partnership for Peace Research Seminar*, Vienna Diplomatic Academy, 2010, p.1.

<sup>103</sup> ---, 'OSCE Factsheet, What is the OSCE?', available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

of the Cold War era, a wider security agenda has been adopted, including both military and non-military aspects of security and a comprehensive analytical framework for security analysis has been sketched out. In other words, 'multidimensional' or 'multisectoral' security agenda have been adopted, including both military and non-military aspects of security.

The new security environment emerged in the post-Cold War era has introduced new referent objects and new security issues for security studies from different dimensions in a more comprehensive security agenda. New security environment of the post-Cold War era is based on a comprehensive view of security. The concept of comprehensive security has been very well reflected in the OSCE's comprehensive understanding of security, encompassing three dimensions of security, namely politico-military economic-environmental and human dimensions.

The next chapter will focus on the historical evolution of the OSCE from a conference process to a regional security organization in terms of the follow-up conferences and Summit meeting documents and declarations.

## **CHAPTER 3**

### **HISTORICAL EVOLUTION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE: FROM CONFERENCE PROCESS TO ORGANIZATION**

The Organization for Security and Co-operation in Europe (OSCE), originally Conference on Security and Co-operation in Europe (CSCE), started as a conference process in the early 1970s between the two military alliances of the Cold War period. The CSCE was resulted in the signing of the Helsinki Final Act in 1975. After that, the CSCE process was maintained by a series of follow-up conferences. With the end of the Cold War period, the OSCE started to transform itself from a conference process to a regional security organization through widening its normative framework and creating new structures, institutions and mechanisms. After the end of the Cold War period, CSCE/OSCE Summit meetings paved the way for the formulation of the OSCE's comprehensive and co-operative security approaches. In this regard, this chapter is organized to present the historical evolution of the OSCE from a series of conference process to a regional security organization in the Post-Cold War era and how the OSCE's comprehensive security approach has evolved in historical background within the framework of the milestone documents of the Organization. This chapter includes 1975 CSCE Helsinki Final Act, CSCE Follow-up Conferences, and finally CSCE/OSCE Summit meetings from 1990 to 2010.

#### **3.1 The Birth of the Conference on Security and Co-operation in Europe: Helsinki Process (1973-1975) and Helsinki Final Act (1975)**

The origins of the Conference on Security and Co-operation in Europe (CSCE) dates back to a European conference on security and co-operation proposal made by the Soviet Union in the 1950s and 1960s. At that time, the Soviet proposals aimed to adopt a text conforming the international recognition of the existing boundaries in Europe. This kind of conference would provide the Western acceptance of the division of Europe in the post-war period. By proposing a European Security Conference, the Soviet Union also aimed at decreasing the



military dominance of the United States of America (USA) and North Atlantic Treaty Organization (NATO) in Europe. Although this conference proposal was welcomed by most European neutral and non-aligned States, NATO countries gave a cautious reception to convening a conference. However, NATO countries declared that they would participate in such a conference if several conditions were met by the Soviet Union. These conditions included “full participation of Canada and the United States, reconfirmation of the legal status of Berlin, a discussion of conventional weapons disarmament in Europe and the inclusion of human rights on the agenda of the conference”. The Soviet Union accepted all these conditions. In this regard, “the Soviet Union accepted the participation of Canada and the United States in the conference; the Quadripartite Agreement reconfirming the status of Berlin was signed in 1971; West Germany concluded treaties normalizing its relations with Czechoslovakia, East Germany, Poland and the Soviet Union and Mutual and Balanced Force Reduction Talks began”. With the signing of the Anti-Ballistic Missile Treaty in May 1972 between US President Richard Nixon and Soviet leader Leonid Brezhnev, the environment was suitable for a conference in Europe.<sup>104</sup>

When the USA perceived the conference as an “effective tool for monitoring and improving the human rights situation in the Soviet Bloc and in the Soviet Union itself”, other European countries and neutral states attached great importance for the conference “for easing East-West tensions, or encouraging a deepening of ‘détente’, promoting regional trade and eventually eliminating the East-West division of Europe”.<sup>105</sup> On the other hand, as mentioned above, the one of the most important goals of the Warsaw Pact countries at the conference negotiations “was to achieve a formal recognition of the territorial status quo in Europe”.<sup>106</sup>

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<sup>104</sup> Richard Giragosian, *The Organization for Security and Co-operation in Europe (OSCE) and the Nagorno-Karabakh Conflict: A Compilation of Analyses*, Washington, July 2000, p.1 and ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.2.

<sup>105</sup> Richard Giragosian, *The Organization for Security and Co-operation in Europe (OSCE) and the Nagorno-Karabakh Conflict: A Compilation of Analyses*, Washington, July 2000, p.1.

<sup>106</sup> Harm J. Hazewinkel, ‘Self-determination, territorial integrity and the OSCE’, *Helsinki Monitor: Security and Human Rights* 2007 no.4, p.289.

Representatives from the two blocs gathered in Helsinki and talks began on 22 November 1972 and lasted until 8 June 1973, concluding with the Final Recommendations of the Helsinki Consultations, also known as the “Blue Book”. “The Blue Book outlined in detail the arrangements for a three-stage conference. The conference was to take place outside military alliances, and all States would participate as sovereign and independent States and in conditions of full equality. Decisions were to be taken by consensus”. Hence, the foundation was laid for the co-operative approach to security that has become one of the basic characteristic features of the CSCE/OSCE. The issues for discussion at the conference were categorized under four headings: ‘Questions relating to Security in Europe; Co-operation in the Fields of Economics, of Science and Technology and of the Environment; Co-operation in Humanitarian and other Fields; and Follow-Up to the Conference’. The inclusion of such a wide variety of topics at the conference “reflected a comprehensive approach to security that remains one of the CSCE/OSCE’s greatest assets”.<sup>107</sup>

The Conference on Security and Co-operation in Europe (CSCE), which formally opened at Helsinki on 3 July 1973 and continued at Geneva from 18 September 1973 to 21 July 1975, was concluded at Helsinki on 1 August 1975 by the High Representatives of 35 participating States. The result of the negotiations, ‘the Final Act of the Conference on Security and Co-operation in Europe’, or ‘the Helsinki Final Act’, was signed by 35 Heads of State or Government.<sup>108</sup>

The Helsinki Final Act emphasizes that

the participating States of the Conference are motivated by the political will, in the interest of peoples, to improve and intensify their relations and to contribute in Europe to peace, security, justice and cooperation as well as to rapprochement among themselves and with the other States of the world. The participating States in the CSCE reaffirm their objective of promoting better relations

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<sup>107</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.2.

<sup>108</sup> ---, ‘Conference on Security and Co-operation in Europe Final Act, Helsinki 1975’, p.2 and ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna 2007, p.3.

among themselves and ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security. They are also convinced of the need to exert efforts to make détente both a continuing and an increasingly viable and comprehensive process, universal in scope, and that the implementation of the results of the CSCE will be a major contribution to this process. They recognize the indivisibility of security in Europe as well as their common interest in the development of cooperation throughout Europe and among themselves and expressing their intention to pursue efforts accordingly and they also recognize the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contributions to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples.<sup>109</sup>

The CSCE participating States adopted 'Declaration on Principles Guiding Relations between participating States' called 'Helsinki Decalogue' in the field of Questions relating to Security in Europe. The Helsinki Decalogue outlines main principles as guidance for the inter-state relations as well as the participating States' behavior towards their citizens. These fundamental principles are as follows:

sovereign equality, respect for the rights inherent in sovereignty; refraining from the threat or use of force; inviolability of frontiers; territorial integrity of States; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; equal rights and self-determination of peoples; cooperation among States; and finally fulfillment in good faith of obligations under international law.<sup>110</sup>

All the principles included in the Decalogue are of primary significance and they would be equally and unreservedly applied. The participating States expressed their determination to fully respect and apply these principles. The participating States also expressed their

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<sup>109</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', pp.2-3.

<sup>110</sup> Ibid., pp.3-8.

conviction that “respect for these principles will encourage the development of normal and friendly relations and the progress of co-operation among them in all fields”. Furthermore, they expressed their strong belief that “respect for these principles will encourage the development of political contacts among them which in time would contribute to better mutual understanding of their positions and views”.<sup>111</sup>

The Helsinki Final Act, a politically binding agreement, included recommendations mainly in the three areas – or ‘baskets’ in addition to the follow-up meetings as a fourth group.<sup>112</sup> The three ‘baskets’ formed the core of the Helsinki Final Act. These three baskets are viewed as the three ‘dimensions’ of the OSCE, namely politico-military, economic-environmental and human dimensions. As Wohlfeld states, “while other organizations or negotiation frameworks adopted at the time a narrow security perspective, the CSCE participating states have agreed on a ground-breaking common and broad understanding of security”.<sup>113</sup>

The first basket includes a series of voluntary confidence- and security-building measures in military terms. In the field of confidence-building measures and certain aspects of security and disarmament, the participating States, taking the following issues into consideration, have adopted the prior notification of major military maneuvers; prior notification of other military maneuvers; exchange of observers; prior notification of major military movements; and other confidence-building measures as specific confidence- and security-building and disarmament measures:

with a view to eliminate the causes of tension that may exist among them and thus of contributing to the strengthening of peace and security in the world; determined to strengthen confidence among them and thus to contribute to increasing stability and security in

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<sup>111</sup> Ibid., p.8.

<sup>112</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna 2007, p.3.

<sup>113</sup> Monika Wohlfeld, ‘Reconceptualization of Security in the CSCE and OSCE’, *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, p.643.

Europe; determined further to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the declaration on Principles Guiding Relations between Participating States as adopted in this Final Act; recognizing the need to contribute to reducing the dangers or armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information about the nature of such activities; taking into account considerations relevant to efforts aimed at lessening tension and promoting disarmament; recognizing that the exchange of observers by invitation at military maneuvers will help to promote contacts and mutual understanding; and finally convinced of the political importance of prior notification of major military maneuvers for the promotion of mutual understanding and the strengthening of confidence, stability and security.<sup>114</sup>

In the Helsinki Final Act, the participating States recognized the significance of all multilateral efforts aimed at lessening military confrontation and promoting disarmament with a view to complementing political détente and to strengthening security in Europe. They were also determined to take necessary and effective measures in these fields in order to attain the ultimate achievement of general and complete disarmament under strict and effective international control, which could provide a suitable environment in strengthening peace and security throughout the world.<sup>115</sup>

In the Helsinki Final Act, under the title of 'Co-operation in the Field of Economics, of Science and Technology and of the Environment', the participating States were convinced that "their efforts to develop cooperation in the fields of trade, industry, science, and technology, the environment and other areas or economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole". They also

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<sup>114</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna 2007, p.4 and ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', pp.10-13.

<sup>115</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', p.13.

recognized that “cooperation in these fields would promote economic and social progress and the improvement of the conditions of life”. They were also convinced that “the growing world-wide economic interdependence calls for increasing common and effective efforts towards the solution of major world economic problems such as food, energy, commodities, monetary and financing problems, and therefore emphasizes the need for promoting stable and equitable international economic relations, thus contributing to the continuous and diversified economic development of all countries”. Within this framework, with a view to promoting and developing co-operation on issues related to economics, science and technology, and the environment, the participating States have adopted a wide-ranging of commitments and joint actions regarding the commercial exchanges; industrial co-operation and projects of common interest; provisions concerning trade and industrial co-operation; environmental co-operation and finally science and technology.<sup>116</sup>

All participating States declared their affirmation on “the protection and improvement of the environment and the protection of nature and the rational utilization of its resources in the interests of present and future generations”. Close and effective international co-operation is a key element in finding solutions to the environmental problems within the CSCE region. All participating States must ensure that their environmental activities do not lead to degradation of the environment. In the light of the past experiences, all participating States were convinced that “economic development and technological progress must be compatible with the protection of the environment and the preservation of historical and cultural values”. In this regard, in using and managing natural resources, “ecological balance must be preserved”. Upon these principles, the participating States agreed to the following aims of cooperation:

to encourage the development of an interdisciplinary approach to environmental problems; to increase the effectiveness of national and international measures for the protection of the environment, by the comparison and, if appropriate, the harmonization of methods of gathering and analyzing facts, by improving the knowledge of pollution phenomena and rational utilization of natural

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<sup>116</sup> Ibid., pp.14-26.

resources, by the exchange of information, by the harmonization of definitions and the adoption, as far as possible, of a common terminology in the field of the environment; to take the necessary measures to bring environmental policies closer together and, where appropriate and possible, to harmonize them; and finally to encourage, where possible and appropriate, national and international efforts by their interested organizations, enterprises and firms in the development, production and improvement of equipment designed for monitoring, protecting and enhancing the environment.

Finally, the participating States were committed to use every suitable opportunity to make a co-operation in the field of environment.<sup>117</sup>

The Helsinki Final Act outlined the major principles, norms and commitments that guide the work of the CSCE/OSCE. In addition to the commitments within the framework of three dimensions, the second basket of the Final Act also identified provisions pertaining to the security and co-operation in the Mediterranean. The Final Act recognizes the 'indivisibility of security in Europe'; and "the close link between security in Europe and the world as a whole", including the Mediterranean region.<sup>118</sup> In this respect, the participating States agreed to improve their co-operative relations with the non-participating countries from the Mediterranean in the field of economic and environmental activities as well as science, technology and industry. They also declared their strong determination to strengthen their dialogue and contacts with the Mediterranean States on security, which in turn can contribute to the lessening of tensions and military conflicts.<sup>119</sup> This co-operative approach of the OSCE to the Mediterranean region always remains an important aspect of the Organization's work and philosophy.<sup>120</sup>

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<sup>117</sup> Ibid., pp.27-35.

<sup>118</sup> Ibid., p.3.

<sup>119</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service Vienna, June 2009, pp.3-4

<sup>120</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna 2007, p.4.

In 'Co-operation in Humanitarian and Other Fields', the participating States, taking the following issues into account, have adopted commitments and common actions with regard to human contacts; information; co-operation and exchanges in the field of culture; and co-operation and exchanges in the field of education.

They aim to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion; conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims. They were determined therefore to cooperate among themselves, irrespective of their political economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims. And finally, they were convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document.<sup>121</sup>

Provisions for Co-operation in the Humanitarian and Other Fields include: "facilitation of human contacts and free movement, in particular with regard to reunification of families or travel for personal or professional reasons; facilitation of the dissemination of information and co-operation in the field of information, including the improvement of working conditions for journalists; and co-operation and exchanges in the field of culture and education, also recognizing the contributions by national minorities and regional cultures".<sup>122</sup>

The Final Act states that "the Conference is an important part of the process of improving security and developing co-operation in Europe and that its results will contribute significantly to this process". It was also intended to "implement the

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<sup>121</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', pp.38-56.

<sup>122</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service Vienna, June 2009, p.3.



provisions of the Helsinki Final Act in order to give full effect to its results and thus to further the process of improving security and developing co-operation in Europe". In order to accomplish the objectives sought by the CSCE, "the participating States should make further unilateral, bilateral and multilateral efforts in the appropriate forms".<sup>123</sup> During the conference negotiations, the Soviet Union proposed the establishment of a permanent structure for the CSCE process. But, this proposal had not been accepted by NATO countries. Thus, the participating States agreed to hold periodic meetings to continue the dialogue begun in Helsinki.<sup>124</sup> The first meeting as a follow-up conference of the CSCE process took place at Belgrade in 1977.

Instead of having any founding charter determining its membership, purpose and rules in legal terms, the OSCE started as a conference process with the participation of the representatives of 35 Eastern, Western and non-aligned countries in Helsinki in 1973.<sup>125</sup> As one could easily understand from its name, "the CSCE was not an organization, but a process of conference diplomacy that was launched during the détente phase of the Cold War in the early 1970s."<sup>126</sup>

The CSCE was considered to provide the ideal institutional basis for the development, covering the entire Euro-Atlantic regions as a security system. Because the CSCE's participating States covered all European states, including the Western, Central, Eastern and Southern European countries, Turkey, and the USSR as well as the United States and Canada.<sup>127</sup> In this respect, the Helsinki process became the main forum for political

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<sup>123</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', p.57.

<sup>124</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna 2007, p.4.

<sup>125</sup> Ibid., p.1.

<sup>126</sup> Bjorn Moller, 'European Security: The Role of The Organization for Security and Co-operation in Europe', *Crisis States Working Paper Series*, No.2, February 2008, p.2.

<sup>127</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, p.43.

dialogue, co-operation and negotiations on a wide range of issues, including politico-military, economic and environmental and finally humanitarian aspects of security in Europe.<sup>128</sup> In other words, “the CSCE was designed to serve as a multilateral forum for dialogue and co-operation between East and West” during the Cold War period within the framework of its comprehensive and co-operative approach to security.<sup>129</sup>

The CSCE’s main approach consisted in establishing a platform for permanent political dialogue and raising a comprehensive set of security-related commitments, principles, and norms on politico-military, economic and environmental and human rights issues.<sup>130</sup> Hence, during the Cold War years, “the CSCE acted as a permanent forum for the talks and negotiations of a wide variety of issues related to any of the three ‘baskets’ of the Final Act”.<sup>131</sup>

The Final Act constituted a milestone in East-West relations during the Cold War period because participating States adopted the Decalogue<sup>132</sup> which “includes basic principles governing the behavior of States towards each other as well as towards their citizens in the Cold War period”.<sup>133</sup> According to Pourchot, “the CSCE’s signal contribution during the Cold War was the setting standards of inter-state conduct”.<sup>134</sup>

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<sup>128</sup> ---, ‘OSCE History and Background of CSBMs in the OSCE,’ available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Document FSC, 1 January 2004, Accessed on 8 July 2012.

<sup>129</sup> ---, ‘OSCE’, Ministry of Foreign Affairs, Turkey, available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 5 July 2012.

<sup>130</sup> Fergus Carr and Theresa Callan, *Managing Conflict in the New Europe The Role of International Institutions*, Palgrave Macmillan, 2002, pp.96-97.

<sup>131</sup> Ibid., p.95.

<sup>132</sup> ---, ‘OSCE History and Background of CSBMs in the OSCE,’ available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Document FSC, 1 January 2004, Accessed on 8 July 2012.

<sup>133</sup> ---, ‘OSCE’, Ministry of Foreign Affairs, Turkey, available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 5 July 2012.

<sup>134</sup> Georgeta Pourchot, ‘The OSCE: A Pan-European Society in the Making?’, *European Integration* Vol.33, No.2, March 2011, p.183.

With the concluding of the Helsinki Process in 1975, the participating States had created a number of military confidence- and security-building measures as well as their commitments which includes basically working together in areas of economic, scientific, technological, environmental, cultural and humanitarian fields.<sup>135</sup> By forming and implementing the confidence and security building measures, the CSCE provided enhanced military transparency and predictability through inspections of armed forces and military activities for the participating States. This helped substantially to reduce fears that war might start through misinterpretation of routine military activities.<sup>136</sup>

Thanks to the Helsinki process, human rights had become a legitimate subject of dialogue between East and West relations. It is commonly agreed on the issue that “the inclusion of the principle on the respect for human rights was a major achievement. It represented the first acknowledgement in an international document of the direct link between human rights and security”.<sup>137</sup>

The CSCE can be considered as a child of the Cold War period. The first phase of its existence, from the 1975 Helsinki Final Act to the 1990 Charter of Paris, can be defined by the East-West division. The main reason for “the CSCE’s creation was to bridge that division and to foster security through co-operation”. According to Kemp, the first phase of the OSCE can be characterized by the two significant words of ‘dialogue’ and ‘co-operation’. Kemp identifies the basic features of the first phase of the CSCE as the followings:

a loose conference culture as regards the meetings; a strong focus on political dialogue; designation of issues into three baskets or dimensions; a close linkage between the human and politico-military aspects of security; multilateral diplomacy centered around three clusters:

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<sup>135</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna 2007, p.1.

<sup>136</sup> ---, ‘U.S. Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, p.18, Accessed on 7 July 2012.

<sup>137</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna 2007, p.3.

Warsaw Pact, neutral and non-aligned States, NATO; and finally development of confidence- and security-building measures.

Kemp also argues that the CSCE in this first phase was instrumental in fostering détente, creating an acquis of human dimension commitments and serving as a forum for dialogue between East and West in the Cold War era when possibilities for such contacts were limited. “The Helsinki process can be credited with helping to end the Cold War. As a result, in 1990 some people questioned the need for continuing the CSCE. If the point of the CSCE was to foster security through co-operation and this had been achieved, then the CSCE was a victim of its own success and was no longer necessary”.<sup>138</sup>

As Tüzen rightly points out, “the CSCE was designed to cater to the need for enhanced dialogue in a bi-polar world order. With the adoption of the Helsinki Final Act, in which the basic principles governing relations between participating States were laid down, the organization played its part in reducing East-West tensions leading up to the collapse of the Soviet Union”. The CSCE paved the way for “a permanent channel of communication between participating state and laid down the guidelines of a normative code of conduct for inter-state and intra-state relations among them, as well as establishing a sustainable programme of co-operation that became a major catalyst in the thawing of the Cold War”.<sup>139</sup> According to Cottey, “one could claim a successful track record of facilitating East-West and, arguably, helping to end the Cold War”.<sup>140</sup>

The CSCE as a conference process played an important role and had a great impact in the European context in the Cold War period. The CSCE process contributed to bring an end to

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<sup>138</sup> Walter Kemp, ‘The OSCE: Entering a third phase in its third decade’, *Helsinki Monitor*, No. 4, 2004, p.254.

<sup>139</sup> Ömer Burhan Tüzel, ‘The OSCE: Quo Voids?’, *Perceptions*, March-May 2003, p.4. and ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna 2007, p.3.

<sup>140</sup> Andrew Cottey, ‘The OSCE Crowning Jewel or Talking Shop?’, in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, p.43.

the bipolar period by peaceful means. At that time, the political will of the participating States revealed and it, therefore, had the highest value.<sup>141</sup>

While most security organizations adopted a piecemeal approach to security in the 1970s, the CSCE adopted a comprehensive view to security. Setting up a linkage or cross-dimensional perspective between different elements of security always symbolizes one of the OSCE's greatest assets since its very beginning.<sup>142</sup> In this regard, the Helsinki process made a substantial contribution on the ground by broadening the concept of security far beyond the way states and most experts focused on international security in the 1970s. Having adopted a comprehensive and multidimensional approach to security, the CSCE categorized security into three baskets or dimensions, namely the politico-military; the economic and environmental; and the human dimensions. As Dunay states, this comprehensive approach to security also "reflects a way of thinking that only became fashionable later. Practice was ahead of theory regarding various aspects of international security. The system was established in 1975 could have lasting relevance for the reason that the basics of its regulation were forward-looking in this respect as well".<sup>143</sup>

The CSCE operated mainly as a series of meetings and conferences that built and extended the participating States' commitments, norms and principles until the beginning of the 1990s. However, with the end of Cold War, the CSCE entered a rapid institutionalization process which could enable to establish permanent institutions and operational capabilities.<sup>144</sup> During the Cold War period, the CSCE participating States organized three follow-up conferences.

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<sup>141</sup> Interview with Otmar Höll, Director of Oiip (Austrian Institute for International Affairs), Vienna, 22 November 2012.

<sup>142</sup> ---, 'U.S. Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE', developed by the United States Institute of Peace, available at <http://www.usip.org>, p.19, Accessed on 7 July 2012.

<sup>143</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, p.20.

<sup>144</sup> ---, 'OSCE', Ministry of Foreign Affairs, Turkey, available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 5 July 2012.

### **3.2. Conference on Security and Co-operation in Europe Follow-up Conferences**

The Helsinki Final Act called to organize a series of follow-up meetings in order to review the progress in implementing the previous CSCE norms, principles and commitments included in the Final Act and to consider new proposals and provisions with a view to strengthening and consolidating security and stability in the participating States of the CSCE. During the 1970s and 1980s, these follow-up conferences took place in Belgrade, Madrid, and Vienna respectively.<sup>145</sup>

#### **3.2.1. Belgrade Follow-up Meeting (1977-1978)**

The representatives of the participating States of the CSCE met at Belgrade from 4 October 1977 to 9 March 1978. In the concluding document of the follow-up meeting, the importance of the détente was emphasized by the representatives of the participating States. In this regard, the participating States “underlined the role of the CSCE and the implementation of the provisions of the Final Act being essential for the development of this process”.<sup>146</sup>

The representatives of the participating States exchanged their views with regard to the implementation of the provisions of the Helsinki Final Act with a view to deepening their mutual relations, improving security and finally developing co-operation in Europe in the future.

The participating States emphasized the political significance of the CSCE and it was commonly agreed that they were determined to implement fully all the provisions and

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<sup>145</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.4. and ---, ‘U.S. Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, p.11, Accessed on 7 July 2012.

<sup>146</sup> ---, ‘Concluding Document of the Belgrade Meeting 1977 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 8 March 1978, Belgrade, p.1.

commitments in both unilateral and multilateral ways. It was also acknowledged that exchanging views and assessments among the participating States could make an important contribution to the achievement of the aims set by the CSCE.<sup>147</sup>

### **3.2.2. Madrid Follow-up Meeting (1980-1983)**

The representatives of the participating States of the CSCE met in Madrid from 11 November 1980 to 9 September 1983. In the concluding document of the Madrid Meeting, the representatives of the participating States pointed out “the high political significance of the CSCE and of the process initiated by it as well as of the ways and means it provides for States to further their efforts to increase security, develop co-operation and enhance mutual understanding in Europe”. They also reaffirmed that respect for all the commitments, principles and norms of the Final Act were indispensable for the development of the CSCE process. In addition to this, it was commonly agreed by the participating States that “they should have renewed efforts in order to give full effect to the Final Act”, which in turn would pave the way for a considerable improvement in their mutual relations.<sup>148</sup>

In the field of ‘Questions Relating to Security in Europe’ of the concluding document of the Madrid follow-up meeting, it is stated that the participating States are determined for seeking peaceful solutions of the outstanding problems; fulfilling all the provision and commitments of the Final Act; respecting and putting into practice all the principles included in the Decalogue; developing their mutual relations through co-operation, friendship and confidence and finally making efforts towards building up an arms control regime, promoting disarmament and strengthening confidence and security among them.<sup>149</sup>

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<sup>147</sup> Ibid., p.2.

<sup>148</sup> ---, ‘Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 6 September 1983, Madrid, pp.1-2.

<sup>149</sup> Ibid., p.4.

Terrorism, “as endangering or taking innocent human lives or otherwise jeopardizing human rights and fundamental freedoms” was condemned by the participating States and they also emphasized their determination to take required measures to deal with terrorism as an international security threat to security and stability in the CSCE region. In preventing and suppressing the acts of terrorism, participating States agreed on reinforcing and broadening co-operation at the national level and through bilateral and multilateral means.<sup>150</sup>

In the concluding document of the Madrid meeting, it was strongly stressed that respect for human rights and fundamental freedoms is an essential element for maintaining the peace and ensuring the improvement of friendly relations and co-operation among the participating States.<sup>151</sup> Additionally, the significance of the protection of the rights of persons belonging to national minorities was emphasized in accordance with the provisions and commitments adopted in the Helsinki Final Act.<sup>152</sup> Finally, it was stated that “ensuring equal rights of men and women” are very important. In order to “promoting equally effective participation of men and women in political, economic, social and cultural life”, the participating States are determined to take all necessary measures.<sup>153</sup>

The participating States agreed to have a ‘Conference on Confidence- and Security-Building Measures and Disarmament in Europe’. With a view to lessening military confrontation, raising the military transparency and predictability and finally establishing an arms-control regime. The main aim of the Conference was to design new effective and concrete actions in order to build up confidence and security among the participating States. In this regard, the Conference could provide a suitable platform for the adoption of a set of mutually complementary confidence and security building measures, which can help to reduce the

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<sup>150</sup> Ibid., pp.4-6.

<sup>151</sup> Ibid., p.6.

<sup>152</sup> Ibid., p.7.

<sup>153</sup> Ibid., p.8.



risk and fear of military confrontation in Europe. It was agreed that the first stage of the Conference would be held in Stockholm.<sup>154</sup> The conference took place in Stockholm from 17 January to 19 September 1986 and broke a new ground in this important area of military security, introducing mandatory arms inspections.<sup>155</sup>

In Madrid, participating States agreed on the issues that implementing all provisions of the Final Act and respecting fully for the basic principles guiding the intra-state and inter-state relations among the participating States have a vital significance in the achievement of co-operation in the fields of economics, of science and technology and of the environment. At the same time, it is believed that co-operation in these fields could make an important contribution to the strengthening of peace, stability and security throughout Europe.<sup>156</sup>

The participating States confirmed that they are basically interested in promoting adequate, favorable conditions with a view “further to developing trade and industrial co-operation and overcoming all kinds of obstacles to trade; reducing or progressively eliminating all kinds of obstacles to the development of trade”. It was also recognized that co-operation in the energy field in both bilaterally and multilaterally has an increasing significance.<sup>157</sup>

The participating States pointed out that that “security in Europe is closely linked to security in the Mediterranean area as a whole”. The participating States are basically interested in contributing to maintaining and strengthening peace, security and stability in the Mediterranean region. In addition to this, they are determined to undertake constructive attempts with a view to lessening tensions among the states. In order to do

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<sup>154</sup> Ibid., p.8.

<sup>155</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.5.

<sup>156</sup> ---, ‘Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 6 September 1983, Madrid, p.11.

<sup>157</sup> Ibid., pp.11-14.

this, they declared that they intensify their efforts to find the peaceful settlements of disputes without any attempt to using force or other means. They also aim at developing good neighborly relations with all Mediterranean countries and building security and trust. Finally, they state that they would use every opportunity to increase confidence, security and co-operation between the CSCE participating States and Mediterranean states.<sup>158</sup>

Concerning the co-operation in humanitarian and other fields in the Concluding Document of the Madrid meeting, the participating States agreed to implement the following fields such as: Human Contacts; Information; Co-operation and Exchanges in the Field of Culture; and finally Co-operation and Exchanges in the Field of Education.<sup>159</sup>

### **3.2.3. Vienna Follow-up Meeting (1986-1989)**

The representatives of the participating States of the CSCE met in Vienna from 4 November 1986 to 19 January 1989. In the concluding document of the Vienna Meeting, the representatives of the participating States “reaffirmed their commitment to the CSCE process and underlined its essential role in increasing confidence, in opening up new ways for co-operation, in promoting respect for human rights and fundamental freedoms and thus strengthening international security”.<sup>160</sup> Discussions and negotiations were very constructive and considerable commitments, norms and principles were adopted within the framework of the three baskets of security at the meeting.<sup>161</sup>

‘Concerning Questions Relating to Security in Europe’, the concluding document of the Vienna follow-up meeting states that the participating States are determined to strive for

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<sup>158</sup> Ibid., p.17.

<sup>159</sup> Ibid., pp.19-25.

<sup>160</sup> ---, ‘Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, Vienna 1989, p.2.

<sup>161</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.5.

making détente period sustainable; to promote co-operation and dialogue between them; ensuring the effective exercise of human rights and fundamental freedoms; facilitating contacts and communication between people; implementing fully the commitments of the Helsinki Final Act and other CSCE documents; intensifying their efforts to seek solutions to problems challenging them; and finally exerting new efforts to make further progress to strengthen confidence and security and to promote disarmament.<sup>162</sup>

The participating States reiterated their commitment to all basic principles of the Helsinki Decalogue and they are strongly determined to respect these principles and put them into practice. The phrase “all these principles are of primary significance and, accordingly, will be equally and unreservedly applied” was again emphasized by the participating States.<sup>163</sup>

Participating States stressed the importance of respecting “human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”. They also emphasized that respect for human rights and fundamental freedoms is always necessary for the sustainable security, stability, peace and justice and for ensuring the development of friendly relations and co-operation among the participating States. They recognized that “civil, political, economic, social, cultural and other rights and freedoms are all of paramount importance and must be fully realized by all appropriate means”. Within this framework, they were committed to improve “their laws, regulations and policies in the field of civil, political, economic, social, cultural and other human rights and fundamental freedoms and put them into practice in order to guarantee the effective exercise of these rights and freedoms”.<sup>164</sup>

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<sup>162</sup> ---, ‘Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 1989, Vienna, p.5.

<sup>163</sup> Ibid., p.5.

<sup>164</sup> Ibid., p.7.

The participating States are determined to promote economic, social, cultural, civil and political rights for everyone. To do this, first of all, participating States should ensure the full realization of all individual rights, including economic, social, cultural, civil and political rights. In this regard, all necessary efforts should be spend in order to achieve the full realization of economic, social and cultural rights by all appropriate resources. The participating State articulated that they are interested in guaranteeing equal rights of men and women and they are determined to take all required measures “to promote equally effective participation of men and women in political, economic, social and cultural life”.

Every necessary action should be undertaken in order to prevent and eliminate discrimination against individuals and communities with regard to religion or belief. Thus, by doing this, participating States could “ensure the freedom of the individual to profess and practice religion or belief”. At the same time, an effective equality should be ensured between believers and non-believers.<sup>165</sup>

In order to ensure the protection of human rights and fundamental freedoms of persons belonging to national minorities, the participating States decided to undertake all the essential measures, including legislative, administrative and judicial ones and use all the relevant international tools. The participating States are also committed themselves to refrain from any discrimination against national minorities and they will try to use every appropriate instruments with a view to contributing to the realization of all legitimate interests and aspirations of the persons belonging to national minorities in accordance with the fundamental freedoms and human rights. Finally, participating States expressed their determination concerning the creation and maintenance of the ethnic, cultural, linguistic and religious identity of national minorities.<sup>166</sup>

The participating States of the CSCE stressed the importance of the further development of co-operation and promotion dialogue among them in all fields and at all levels. Because co-

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<sup>165</sup> Ibid., p.9.

<sup>166</sup> Ibid., p.10.

operation and dialogue are the key words for building common understanding and confidence among them; promoting friendly and good neighborly relations among them; strengthening peace, security, justice and stability; and finally developing the full implementation of the CSCE commitments, norms and principles.<sup>167</sup>

The participating States recognized the significance of lessening military confrontation; promoting disarmament; enhancing security for all; and finally contributing to stability and security in Europe through strengthening confidence among the participating States. In this context, the participating State welcomed the progress achieved during the 'Conference on Confidence and Security Building Measures (CSBMs) and Disarmament', which took place in Stockholm from 17 January 1984 to 19 September 1986. They noted that "the adoption of the Stockholm Document was a politically significant achievement and that its measures are an important step in efforts aimed at reducing the risk of military confrontation in Europe". A set of mutually complementary CSBMs was adopted in this Conference and the CSBMs have reduced the risk of military confrontation or fear of war in Europe. Secondly, the participating State of the CSCE announced their intention to provide a constant support on the negotiations on 'Conventional Arms Forces in Europe'.<sup>168</sup>

The participating States reaffirmed their intention to broaden their co-operation in the field of economics, of science and technology and of the environment. In the field of economics, they decided to apply all appropriate instruments for the promotion of more stable and equitable economic relations in the international domain based on the interests of all the participating States. With a view to stimulating and facilitating suitable solutions to the main economic problems related to money, finance, debt and trade, the participating States announced their determination to make much more efforts for dialogue and co-operation among them. Within this context, they also stressed the importance of "policies aimed at promoting structural adjustments, stimulating the growth of national economies and creating an international economic environment conducive to development". It was

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<sup>167</sup> Ibid., pp.11-12.

<sup>168</sup> Ibid., pp.13-14.

stated that further efforts should be made in order to providing suitable conditions for trade and industrial co-operation.

Creating an encouraging business environment for the development of trade among the participating States has vital importance. In this regard, such a kind favorable business environment could allow taking place direct contacts between potential buyers and end users. Participating States will strongly aim at removing or reducing all kinds of obstacles to free trade; developing working conditions for business circles; and finally making a considerable contribution to the expansion and diversification of commercial relations among them.<sup>169</sup>

The participating States agreed to organize a 'Conference on Economic Co-operation in Europe'. The Conference will be held with a view to "providing new impulses for economic relations between participating States, in particular by improving business conditions for commercial exchanges and industrial cooperation and by considering new possibilities for, and ways of, economic co-operation".<sup>170</sup> The Conference was held in Bonn and "yielded a substantial concluding document in which all participating States proclaimed their commitment to democracy, pluralism and market economy". The widespread provisions of the 'Bonn Document' constituted the main guiding principles for economic co-operation in the CSCE/OSCE until a new strategy document for economic and environmental dimension was adopted in Maastricht in 2003.<sup>171</sup>

In the fields of science and technology, participating States clearly stated that science and technology have very significant influence on the social and economic development. Therefore, scientific studies and technological improvements have a potential to improve the quality of life for every individual person. In this context, the participating States attached great importance to the scientific and technological co-operation and they also

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<sup>169</sup> Ibid., p.16.

<sup>170</sup> Ibid., p.18.

<sup>171</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, p.5.

declared that they are very determined to developing conditions for such co-operation through promoting the exchange of information and experiences related to scientific and technological accomplishments. In order to facilitate mutually useful exchanges among universities, scientific and technological institutions and industry, bilateral and multilateral agreements and arrangements should be used in very effective manners. Because maintaining the freedom of communication and exchange of views for progress in science and technology is very significant, the participating States declared their intention to support and encourage every possible direct and individual contact between scientists, specialists and interested business people.<sup>172</sup>

In the field of environment, all participating States are in need of maintaining and restore the ecological balance in air, water and soil. Therefore, all the ways and instruments must be used effectively in a cooperative manner in order to protecting and improving the environment. It was agreed that in order to “protect and improve freshwater resources, to reduce significantly the pollution of seas and coastal areas, transboundary watercourses and international lakes from all sources of pollution and to prevent the environmental degradation, the participating States will develop and intensify national efforts as well as bilateral and multilateral co-operation”.<sup>173</sup>

In the field of tourism, from the participating States’ point of view, tourism serves to contribute to the economic development and to the mutual understanding of people. Therefore, participating States are determined to enhance co-operation in the field of tourism. To achieve this, they are highly interested in “improving the infrastructure for tourism by diversifying accommodation and by developing facilities for low-budget and youth tourism, including small-scale private accommodation”.

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<sup>172</sup> ---, ‘Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference, 1989’, Vienna, pp.18-19.

<sup>173</sup> Ibid., pp.20-21.

Participating States called every host country to “improve the economic, social, cultural and other conditions of life for migrant workers and their families”. It was also recommended that in order to “facilitating the reintegration of migrant workers and their families returning to their country of origin”, participating States should enhance their bilateral co-operation with regard to the relevant issues of migrant workers. In addition, migrant workers and their families can “enjoy and maintain their national culture and have access to the culture of the host country”. An efficient equality should be set up concerning the access to all forms and levels of education between the children of their own nationals and the children of migrant workers. The children of migrant workers can have the equal educational opportunities to improve themselves. Finally, if reasonable demand exists in some host countries, the children of migrant workers can take supplementary education in their mother tongue without any obstacle.<sup>174</sup>

The participating States attached great importance to the increasing security, stability and peace in the Mediterranean region. So, they reiterated their belief that “security in Europe is closely linked with security in the Mediterranean area as a whole”. They also believe that building up mutual understanding and confidence strongly requires the reaching peaceful, viable and working settlements to the ongoing significant problems in the Mediterranean region. In order to strengthen and promote stability, security and peace in the Mediterranean region, both CSCE participating States and Mediterranean countries should develop more comprehensive and active co-operative relationships.<sup>175</sup>

In the humanitarian and other fields, the participating States considered that “co-operation in humanitarian and other fields is an essential factor for the development of their relations; and agreeing that their co-operation in these fields should take place in full respect for the principles, guiding relations between participating States”. In this regard, they adopted several commitments and planned future implementations regarding the

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<sup>174</sup> Ibid., p.23.

<sup>175</sup> Ibid., p.25.



human contacts; information; co-operation and exchanges in the field of culture; and finally co-operation and exchanges in the field of education.<sup>176</sup>

With the concluding document of the Vienna follow-up meeting, issues related to human rights and fundamental freedoms, human rights, human contacts, and other issues of a related humanitarian character were started to be called as the 'human dimension of the CSCE'.<sup>177</sup> It is a highly important issue in the CSCE/OSCE's history.

Furthermore, participating States decided to convene a 'Conference on the Human Dimension of the CSCE'. Three annual sessions were held in Paris in 1989, in Copenhagen in 1990 and in Moscow in 1991 respectively and produced substantial agreements and commitments on the issues such as "free elections, freedom of the media, the protection of persons belonging to national minorities, the right to peaceful assembly and the rights of children". The Moscow Conference is a milestone in the CSCE/OSCE history because it declares commitments in the human dimension 'matters of direct and legitimate concern to all participating States'. The term 'human dimension' was used for the first time at the Vienna follow-up meeting.<sup>178</sup>

### **3.3. Conference on Security and Co-operation in Europe Paris Summit (1990) and the Charter of Paris for a New Europe**

After the end of the Second World War, security system in Europe was established on the bipolar division and the supremacy of the two superpowers, namely the United States of America and the Soviet Union. "While the transatlantic community developed upon the principles of pluralist democracy and welfare capitalism, the socialist community was

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<sup>176</sup> Ibid., pp.27-35.

<sup>177</sup> Ibid., p.37.

<sup>178</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, pp.5-6.

constructed upon the basis of authoritarian communism and command economies”.<sup>179</sup> Political and military tension, different economic systems and ideological clashes dominated international relations in this period. There was a power struggle between the Eastern and the Western blocs. On the one hand, the Soviet Union and its allies constituted ‘the Warsaw Pact Treaty Organization’ as the political and military organization of the Eastern camp. On the other hand, the USA, Canada and Western countries belonging to the Western Bloc formed ‘the North Atlantic Treaty Organization’ (NATO) as an collective security alliance. “The primary aim was to create an alliance of mutual assistance to counter the risk that the Soviet Union would seek to extend its control of Eastern Europe to the parts of the continent”.<sup>180</sup> This era in international politics is called as ‘the Cold War’.

The demise of Communism, the dissolution of the Warsaw Pact, the unification of Germany and the collapse of the Soviet Union the at the end of the 1980s and at the very beginning of the 1990s paved the way for the ending of the Cold War period in Europe.<sup>181</sup> With the end of the Cold War, political and military confrontation and ideological clashes were over between the two Cold War Alliances of NATO and Warsaw Pact. “This disintegration has created a particular dilemma as large multinational states such as the Soviet Union and Yugoslavia have broken up into their constituent republics”.<sup>182</sup>

During the Cold War years, the CSCE maintained as a set of conferences and based on and extended with the norms, principles and commitments developed by the participating

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<sup>179</sup> P. Terence Hopmann, ‘An Evaluation of the OSCE’s Role in Conflict Management’, in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe’s New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.219.

<sup>180</sup> ---, ‘What is NATO? An introduction to the transatlantic Alliance’, NATO Public Diplomacy Division, Brussels, Belgium, p.11.

<sup>181</sup> Bruce Cronin, ‘Creating Stability in the New Europe: The OSCE High Commissioner On National Minorities and The Socialization of Risky States’, *Security Studies*, Vol. 12, No. 1, Autumn 2002, pp.145-146.

<sup>182</sup> P. Terence Hopmann, ‘An Evaluation of the OSCE’s Role in Conflict Management’, in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe’s New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.219.

States.<sup>183</sup> However, a special CSCE Summit in Paris from 19 to 21 November 1990 was held with the participation of all European States, United States and Canada. “The Paris Summit was carried by the vision of a new role for the CSCE as the main guarantor of security in a new Europe free of dividing lines”.<sup>184</sup> In 1990 CSCE Paris Summit, the participating States adopted “the Charter of Paris for a New Europe”. The Paris charter emphasized “the end of the era of confrontation, thus defining the new role of the CSCE in the post-Cold War Europe”. Additionally, the Paris Charter pointed out that the CSCE had to be institutionalized in order to deal with more effectively newly emerging security threats and challenges in the post-Cold War era. The Paris Charter symbolizes both the official ending of the Cold War and the creation of the new standards with regard to internal governance and domestic politics within the CSCE participating States.<sup>185</sup> The Paris Charter introduced “a comprehensive compendium of common values, affirming the direct relevance to security not only of the respect for human rights but also of democratic governance and a free market economy. Some saw a new European constitution in the Paris Charter”.<sup>186</sup>

In the Paris Charter, the participating States stressed the importance of their commitments of “democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all countries”.<sup>187</sup> They declared their strong determination to strengthen friendly relations and to promote co-operation among them. They also reiterated their adherence to the ten basic guiding principles which constitute the basis of the relations of the participating States. They announced that “they

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<sup>183</sup> Bruce Cronin, ‘Creating Stability In The New Europe: The OSCE High Commissioner On National Minorities and The Socialization of Risky States’, *Security Studies*, Vol. 12, No. 1, Autumn 2002, pp.145-146.

<sup>184</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, p.6.

<sup>185</sup> Bruce Cronin, ‘Creating Stability In The New Europe: The OSCE High Commissioner On National Minorities and The Socialization of Risky States’, *Security Studies*, Vol. 12, No. 1, Autumn 2002, pp.145-146.

<sup>186</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.6.

<sup>187</sup> ---, ‘Charter of Paris for A New Europe’, Paris 1990, p.3.

would continue to put these principles into practice and these principles apply equally and unreservedly. The commitment, refraining from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the principles of the previous CSCE documents”, was emphasized once more again in the Paris Charter.

The participating States point out that “security is indivisible and the security of every participating State is inseparably linked to that of all the others”. Therefore, they decided to intensify their co-operation “in strengthening confidence and security among them and in promoting arms control and disarmament”.<sup>188</sup> In this regard, the participating States welcomed the signing of the ‘Treaty on Conventional Forces in Europe’ (CFE Treaty), which could provide lower levels of armed forces and military ammunition in the CSCE region. They also decided to support and promote the adoption of a considerable new set of CSBMs with a view to increasing military transparency and predictability among the participating States. These important steps in military domain were to serve to the broadening security and stability in Europe.<sup>189</sup>

In order to reach peaceful settlements of disputes and to find peaceful resolutions for conflicts, the participating States decided to make further efforts to seek new forms of co-operation in this area with a view to consolidating and maintaining international security, stability and peace.<sup>190</sup>

In the Paris Charter, it is stated that political pluralism and freedom are highly significant for facilitating the successful transition towards the establishment of markets economies, sustainable economic growth, prosperity, social justice, high level employment rates and finally efficient use of economic resources. These points basically constitute the common objectives of the participating States. The CSCE participating States are determined to make

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<sup>188</sup> Ibid., p.5.

<sup>189</sup> Ibid., p.6.

<sup>190</sup> Ibid., pp.8-9.

all required efforts to support the countries “in transition towards the market economy and the creation of the basis for self-sustained economic and social growth”. At the same time, the participating States aim to substantially support the countries which are in need of getting integrated into the international economic and financial system.<sup>191</sup>

“Economic co-operation based on market economy” among the participating States is highly relevant instrument in the creation and maintenance of prosperity throughout the whole Europe. Economic and social development can be yielded with the help of democratic institutions and the principle of economic liberty.

Recognizing the importance of the science and technology in the relations among the participating States, they are convinced that co-operation in these fields could play a vital role in economic and social development of the countries. Thus, exchanging scientific and technological information and knowledge should be developed in order to deal with the technological gap existing among the participating States.

The participating States expressed their strong determination to intensify their efforts to enhance their co-operation in the fields of energy, transport and tourism with the aim of obtaining economic and social development. Taking into account the environmental concerns, they are also determined to ensure a better environment for the development of energy resources.<sup>192</sup>

The participating States state that “reservation of the environment is a shared responsibility of all nations”. Therefore, the participating States should undertake all possible joint actions in a comprehensive manner in addition to encouraging national and regional efforts in the field of environment.<sup>193</sup> With the aim of dealing with environmental problems, and protecting and improving environment, the participating decided to make

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<sup>191</sup> Ibid., p.4 and 9.

<sup>192</sup> Ibid., p.9.

<sup>193</sup> Ibid., p.4.

much more endeavors to restore and maintain a sound ecological balance in air, water and soil”.

The participating States emphasize the importance of a well-informed society, public awareness and education on the environment in order to take initiatives to improve the environment. Furthermore, appropriate legislative measures and administrative structures should be used as supplementary instruments for implementing environmental policies in more effective manner. Finally, the participating States welcomed “the operational activities, problem-oriented studies and policy reviews” made by several international organizations which aim to protect and improve the environment.<sup>194</sup>

In the fields of human rights, democracy and rule of law, the participating States pointed out that they “undertake to build, consolidate and strengthen democracy as the only system of government of all nations”.<sup>195</sup> As Cronin argues, “this was a radical departure from the CSCE’s traditional policy articulated in the 1975 Helsinki Final Act, which had held that each state was free to choose and develop its political, social, economic and cultural systems as well as its right to determine its laws and regulations”.<sup>196</sup>

Participating States stress their determination on human rights and fundamental freedoms and democratic values, principles and norms. They also note that strengthening peace, security and stability among the participating States inevitably depends on “the advancement of democracy and respect for and effective exercise of human rights”.<sup>197</sup>

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<sup>194</sup> Ibid., p.10.

<sup>195</sup> Ibid., p.3.

<sup>196</sup> Bruce Cronin, ‘Creating Stability In The New Europe: The OSCE High Commissioner On National Minorities and The Socialization of Risky States’, *Security Studies*, Vol. 12, No. 1, Autumn 2002, pp.145-146.

<sup>197</sup> ---, ‘Charter of Paris for A New Europe’, Paris 1990, p.5.

Democratic government which can be “expressed regularly through free and fair elections is based on the will of the people. The essence of democracy depends on respect for human rights, fundamental freedoms and rule of law. “Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person”. In this respect, the participating States are determined to enhance their co-operation and support each other, which in turn can make democratic gains irreversible.<sup>198</sup> In this regard, the participating States are convinced to intensify their efforts for much more co-operation with a view to strengthening democratic institutions and promoting the application of the rule of law.<sup>199</sup>

The participating States were in agreement that “human rights and fundamental freedoms are the birthright of all human beings. They are inalienable and are guaranteed by law”. The main responsibility of the protection and promotion of human rights and fundamental freedoms belong to the governments of the participating States. Maintaining freedom, justice and peace is seriously based on the effective observance and exercise of human rights and fundamental freedoms.<sup>200</sup>

The participating States emphasize the significance of the protection of ethnic, cultural, linguistic and religious identity of persons belonging to national minorities. They clearly state that “national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality”.<sup>201</sup> They are also profoundly convinced that “friendly relations among peoples, as well as peace, justice, stability and democracy” clearly require the protection and promotion of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities. Furthermore, the participating States declare that “questions related to national minorities can only be satisfactorily resolved in a democratic political framework”.

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<sup>198</sup> Ibid., pp.3-4.

<sup>199</sup> Ibid., p.7.

<sup>200</sup> Ibid., p.3.

<sup>201</sup> Ibid., p.4.

The participating States declared their adherence to tackle with “all forms of racial and ethnic hatred, anti-Semitism, xenophobia, persecution and discrimination based on religious and ideological grounds”.

“Free movement and contacts among citizens and free flow of information and ideas” are important for making possible the maintenance of free societies and flourishing cultures. Tourism and mutual visits should be encouraged for all people.<sup>202</sup> Recognizing the importance of “common European culture and their shared values in overcoming the division of the European continent”, they aim to protect and promote efficiently of their cultural and spiritual heritage, in all its richness and diversity”. They are determined “to promote better understanding, in particular among young people, through cultural exchanges, co-operation in all fields of education and, more specifically, through teaching and training in the languages of other participating States”.

The participating States attached great importance to the protection and promotion of the rights of migrant workers and their families in the host countries. Therefore, the full implementation of relevant international obligations concerning the rights of migrant workers and their families should be pursued in an efficient manner.

Strengthening security and promoting co-operation in the Mediterranean region is always considered as a central dynamic for the creation and maintenance of stability in Europe. The CSCE participating States are really concerned with the finding fair, feasible and functioning resolutions by peaceful means to the conflicts in the Mediterranean region. The participating States declared that they are willing to help to create a suitable atmosphere for the diversification and development of relations with the Mediterranean countries which are not yet participating States of the CSCE. To achieve these goals, the participating States aim to enhance security and stability in the Mediterranean region through strengthening and promoting economic and social development in the region.<sup>203</sup>

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<sup>202</sup> Ibid., p.7.

<sup>203</sup> Ibid., p.11.



In the Paris Charter, the participating States called various non-governmental organizations, religious and other groups and individuals to take in part efficiently in the realization of the purposes of the CSCE and the full implementation of the CSCE commitments in their participating States. These important actors could make a substantial contribution to the fulfillment of tasks and activities of the CSCE process.<sup>204</sup>

Recognizing the significance of the role of the United Nations (UN) in promoting international security, stability and peace, the participating States reiterated their strong adherence to the basic principles of the UN. They also noted their satisfaction with the growing role and the increasing effectiveness of the UN system in the world.<sup>205</sup>

In the Paris Charter, the participating States pointed out that “our common efforts to consolidate respect for human rights, democracy and the rule of law, to strengthen peace and to promote unity in Europe require a new quality of political dialogue and co-operation and thus development of the structures of the CSCE”.<sup>206</sup> It was agreed by the participating States that “if the CSCE was to take a lead in ensuring European stability and security, it would need a permanent structure”. Therefore, “participating States should take first steps towards an institutionalization of the CSCE”.<sup>207</sup>

Within this context, the CSCE entered into a rapid institutionalization process. In this regard, several structures, bodies and institutions were created. “In order to provide administrative support for the official consultations”, a Secretariat in Prague was established. The participating States also decided to create a ‘Conflict Prevention Centre’ in Vienna to “assist the Council in reducing the risk of conflict”. Furthermore, an ‘Office for Free Elections’ in Warsaw was created to “facilitate contacts and the exchange of

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<sup>204</sup> Ibid., p.12.

<sup>205</sup> Ibid., p.6.

<sup>206</sup> Ibid., pp.12-13.

<sup>207</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, p.6.

information on elections within participating States”. Finally, “recognizing the important role parliamentarians can play in the CSCE process, the participating States called for greater parliamentary involvement in the CSCE, in particular through the creation of a ‘CSCE Parliamentary Assembly’, involving members of parliaments from all participating States”.<sup>208</sup> “Responding to the Paris Summit’s call for greater involvement of parliamentarians in the CSCE”, a ‘CSCE Parliamentary Assembly’ was established with the gathering of high-level parliamentary leaders from the CSCE participating States in Madrid on 2 and 3 April 1991 and they set up an International Secretariat in Copenhagen the following year.<sup>209</sup>

Follow-up meetings would be held, as a rule, every two years with a view to taking stock of development by the participating States, reviewing the implementation of the commitments included in the previous CSCE documents and finally considering further steps in the CSCE process. The participating States also decided to establish a CSCE Council. Foreign ministers of the CSCE participating States would meet regularly at least once a year. “These meetings would provide the central forum for political consultations within the CSCE process. The Council would consider issues relevant to the CSCE and take appropriate decisions”. The Council was to be chaired by the representative of the host country. “A Committee of Senior Officials would prepare the meetings of the Council and carry out decisions. The Committee will review current issues and may take appropriate decisions, including in the form of recommendations to the Council”.

The Prague Document on Further Development of CSCE Institutions and Structures’, adopted at the second CSCE Council in January 1992, declared a series of new institutional developments for the CSCE. “The Committee of Senior Officials, created with the Paris Charter, was invested with decision-making authority”. The Office for Free Elections was renamed the “Office for Democratic Institutions and Human Rights” (ODIHR) and “strengthened to be able to assist new democracies in complying with human dimension

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<sup>208</sup> ---, ‘Charter of Paris for A New Europe’, Paris 1990, pp.12-13.

<sup>209</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, p.6.

commitments". In order to promote and encourage the transition towards market economy for some CSCE countries, an annual 'Economic Forum' was formed. The Conflict Prevention Centre was entitled to embark on execute fact-finding and monitoring missions in the CSCE participating States. Finally, "an exception to the rule of consensus was introduced for the case of a serious violation of CSCE commitments and invoked to suspend Yugoslavia from the CSCE".<sup>210</sup>

As a result, with the adoption of the 1990 Paris Charter, the institutions, structures and instruments the CSCE needed to respond better to the new security challenges, threat and risks in the post-Cold War Europe were established. As Dunay states, "one distinct feature of the post-Cold War adaptation of the CSCE was that the CSCE started to build its institutional structure. During a two-year period (1990-1992) the majority of current institutions were established that form the core of the OSCE today".<sup>211</sup>

### **3.4. Conference on Security and Co-operation in Europe/Organization for Security and Co-operation in Europe Summits**

Five CSCE/OSCE Summit Meetings were gathered in the post-Cold War era to date. These are CSCE Helsinki Summit 1992, OSCE Budapest Summit 1994, OSCE Lisbon Summit 1996, OSCE Istanbul Summit 1999 and finally OSCE Astana Summit 2010.

#### **3.4.1. Conference on Security and Co-operation in Europe Helsinki Summit (1992)**

First CSCE follow-up meeting or Summit was convened in Helsinki on 9-10 July 1992 after the end of the Cold war period. At the end of the meeting, 'Helsinki Summit Declaration', with a title of 'Promises and Problems of Change', was declared and many important decisions were adopted included in the CSCE Helsinki Document with the title of "the

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<sup>210</sup> Ibid., p.7.

<sup>211</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, pp.20-21.

Challenges of Change”. Furthermore, new structures and institutions were created for the institutionalization of the CSCE in the post-Cold war era to deal with effectively existing and new security challenges, risks and threats.

Recognizing the significance of the commitments made by the participating States to the common norms, principles and values, “respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice and environmental responsibility” are emphasized as shared objectives by all the participating States. They also declared their adherence to the full implementation of the main guiding values and principles included in the previous CSCE documents.

As it is stated in the Helsinki Summit Declaration, the participating States are determined to support the states, experiencing a transition process to the realization of democratic governance and functioning market economy in the post-Cold War era. From the participating States’ point of view, the transition efforts towards democracy and market economy should be permanent in order to achieve a full integration of these new democracies to wider community of states in political and economic terms.

The participating States state that “their approach is based on the comprehensive concept of security”. This comprehensive approach to security set up a relevant link between the maintenance of peace, security and stability and the respect for human rights and fundamental freedoms as well as “economic and environmental solidarity and co-operation with peaceful inter-State relations”.<sup>212</sup> Furthermore, the participating States decided that they “will aim at establishing among themselves new security relations based upon co-operative and common approaches to security”.<sup>213</sup>

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<sup>212</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

<sup>213</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.6-7.

The participating States also stress their strong belief regarding the concept of the invisibility of security. They clearly note that “no State in the CSCE community will strengthen its security at the expense of the security of other States”. Any CSCE participating State should not violate the common values and commitments which is based on the CSCE process, by applying the methods of threat or use of force in order to acquire their goals.

The 1992 Helsinki Summit Declaration states that promoting enhanced co-operation with other European and transatlantic organizations and institutions is necessary to achieve the democratic change within the context of the CSCE in the post-Cold War Europe.<sup>214</sup>

With the 1992 Helsinki Summit,” the CSCE officially became a regional arrangement in the sense of Chapter VIII of the UN Charter”. The participating States emphasize the significance of working in close co-operation with the UN to prevent and settle conflicts. ‘The Vienna Group of the Committee of Senior Officials’ was created to meet the daily needs of the CSCE’s consultation processes. This Committee was renamed as the ‘Permanent Committee’ in 1993.<sup>215</sup> “The responsibility of the Chairman in Office was formally defined as the co-ordination of and consultation on current CSCE business”.<sup>216</sup>

In the field of politico-military security, the participating States welcomed the adoption of ‘the 1992 Vienna Document on Confidence- and Security Building Measures’ and the signing of ‘the Treaty on Open Skies’ in 1992. They also state their satisfaction with the imminent entry into force of ‘the Treaty on Conventional Armed Forces in Europe’ (CFE) and ‘the Concluding Act of the Negotiation on Personnel Strength of Conventional Armed

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<sup>214</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.

<sup>215</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007 p.8. and ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.6-7.

<sup>216</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.8.

Forces in Europe'. These arrangements in the politico-military security domain could provide a strong basis for the security co-operation of the participating States.

In the Helsinki Summit, the CSCE is described as “a forum for dialogue, negotiation and co-operation, providing direction and giving impulse to the shaping of the new Europe”. The participating States note their willingness to use the CSCE to revitalize the process of disarmament, arms control and confidence and security building measures; and to enhance their co-operation on security issues with a view to reducing the risk of conflict in the CSCE area. To this end, they were determined to intensify their efforts for further steps in strengthening the norms and principles which guide for their behaviors. For instance, creating a suitable environment for the non-proliferation of nuclear weapons and the relevant technology and expertise would be vital of importance.<sup>217</sup>

In the Helsinki Summit, with a view to reducing the risk of conflict or war, the participating States of the CSCE agreed to “start new negotiations on arms control, disarmament and confidence- and security-building measures; to enhance regular consultation and to intensify co-operation among them on matters related to security”. To fulfill these missions, the participating States established a new CSCE ‘Forum for Security Co-operation’ (FSC)<sup>218</sup>, which serves to carry out weekly negotiations, dialogue, and consultations on military security issues.<sup>219</sup>

Helsinki Summit emphasizes the necessity of creating a capacity by the CSCE itself to ensure its adaptation “the task of managing change”. The decisions, made in the 1992 Helsinki Summit, would aim “to making the CSCE more operational and effective”. The participating

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<sup>217</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.

<sup>218</sup> ---, ‘U.S Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, p.25, Accessed on 7 July 2012.

<sup>219</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service Vienna, June 2009, pp.6-7. and ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.8.

States are determined to employ all possible and required common actions with the aim of facilitating a mutual response to the security threats and challenges confronting the participating States. To materialize these targets, the CSCE has an important role to play in the realization of the management of the change in the CSCE region. The CSCE could make a substantial contribution to the eliminating aggression and violence through “addressing the root causes of problems and to prevent, manage and settle conflicts peacefully by appropriate means”.<sup>220</sup>

Several ethno-political conflicts occurred in Europe in the early 1990s. The dissolutions of the Soviet Union and Yugoslavia, “as two large multinational states”, led to the emergence of such ethno-political conflicts in Europe. This new changing security environment reinforced the CSCE participating States to develop more active approaches in order prevent new potential conflicts; to manage the existing conflicts successfully; and finally to find peaceful resolutions for the outstanding disputes. To achieve these goals, the Centre for Conflict Prevention was strengthened, with the adding new functions in the conflict management field.<sup>221</sup>

Within this new environment, the participating States adopted several decisions in the 1992 Helsinki Document in order to “developing new structures and instruments related to the strengthening of early warning, conflict prevention and crisis management”. One of them is the establishment of a ‘High Commissioner on National Minorities’ (HCNM).<sup>222</sup> The HCNM, as an instrument of conflict prevention, would work to “help defuse ethnic tensions in a

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<sup>220</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.

<sup>221</sup> ---, ‘U.S Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, p.25, Accessed on 7 July 2012.

<sup>222</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service Vienna, June 2009, pp.6-7.

process of quiet diplomacy”.<sup>223</sup> With the establishment of the HCNM, the CSCE participating States aimed at increasing the CSCE capabilities particularly in the field of early warning.<sup>224</sup>

The 1992 Helsinki Summit meeting outlined some specific topics related to the potential peacekeeping activities which can be carried out by the CSCE. In this regard, “CSCE peacekeeping activities may be undertaken in cases of conflict within or among participating States to help maintain peace and stability in support of an ongoing effort at a political solution”.<sup>225</sup> “CSCE peacekeeping operations can include civilian and/or military personnel. They can also be an observer or a monitor mission or a larger deployment of forces, with the objective to supervise and maintain cease-fires, monitor troop withdrawals, support maintenance of law and order, and provide humanitarian and other forms of assistance”.<sup>226</sup>

The participating States express their strong determination to co-operating constructively in using the full range of possibilities within the CSCE to prevent and resolve conflicts. The participating States clearly note that when they have more flexible and active dialogue, they can have the adequate capability to play a more efficient role in conflict prevention and resolution. This kind of role can be complemented by using peacekeeping operations, when necessary. They also state that they need greater capacity to “identify the root causes of tensions through a more rigorous review of implementation, gather information and monitor development” in the conflict zones.<sup>227</sup>

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<sup>223</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.8.

<sup>224</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.

<sup>225</sup> Ibid.

<sup>226</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service Vienna, June 2009, pp.6-7.

<sup>227</sup> ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.



In 1992 Helsinki Summit, the participating States decided to establish 'Long-term Missions' for providing "early warning, conflict prevention and crisis management and peaceful settlement of disputes." <sup>228</sup> The participating States declared that fact-finding and rapporteur missions could be used as 'an instrument of conflict prevention and crisis management' and that the Committee of Senior Officials or the Consultative Committee of the CPC could decide by consensus to establish such missions. The first long-term missions were sent to Kosovo, Sandjak and Vojvodina in the Balkans by 1992. Then, other missions were sent to the former Soviet Union republics by 1993. "Long-term missions providing assistance and expertise to host countries are to become one of the most successful innovations of the OSCE". <sup>229</sup>

In the Helsinki Summit Declaration, all acts, methods and practices of terrorism were condemned by the participating State once more. In order to eliminate all kinds of terrorism activities as a threat to security, stability, democracy and human rights and fundamental freedoms, the participating states announce their determination to broaden their co-operation and take all necessary measures in dealing with terrorism. To achieve these goals, they would exchange the information and experiences with regard to the terrorist activities and they would take all required steps at both national and international domains.

In addition to terrorism, in the Helsinki Summit Declaration, illicit trafficking in drugs is also mentioned as a security threat and risk to the stability of the communities and people of the participating States. In preventing and mitigating the negative consequences of the illicit trafficking in drugs and other various kinds of organized crime to the communities and people, the participating States stress their adherence to the strengthening all cooperation possibilities in both bilateral and multilateral manners.

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<sup>228</sup> ---, 'U.S Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE', *developed by the United States Institute of Peace*, available at <http://www.usip.org>, p.25, Accessed on 7 July 2012.

<sup>229</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, p.8.

In the Helsinki Summit Declaration, it is stated that “enhanced co-operation in the field of economy, science and technology has a crucial role to play in strengthening security and stability in the CSCE region”. The participating States have a strong motivation to support the CSCE countries, experiencing transition process towards the functioning market economies. They are also willing to provide all required assistance in order to ensure their integration into the global economic and financial networks.

In order to accomplish sustainable economic development, the participating States are determined to intensify their efforts for more effective co-operation among them in the economic fields. In order to facilitate the integration of the new economies in transition into the global economic and financial systems and promoting economic co-operation in the CSCE region, the participating States call for the help of various international economic and financial organizations. The participating States are also convinced that they need for enhanced co-ordination among them in order to acquire more efficient and coherent actions in the field of economy.

The participating States decided to provide more wide-ranging opportunities in order to develop more efficient industrial co-operation through creating an appropriate legal and economic atmosphere. They also aim to diminish and eliminate obstacles to free trade and appropriate contacts, which in turn could help to create favorable conditions for the business communities. The participating States aim to get concrete results in terms of “developing medium-sized enterprises and strengthening the private sector”.

In order to promote sustainable economic development, the participating States are in favor of the continuation of an open multilateral trading system based on ‘General Agreement on Tariffs and Trade’ (GATT) as a necessary part in the field of economy. The participating States are determined to provide all essential support for the CSCE countries, facing transition process towards a market economy.

The 1992 Prague Council Meeting of the CSCE decided to establish a ‘Economic Forum’, which should “serve as an important mechanism for reviewing the implementation of CSCE commitments in the areas of economics, the environment, science and technology”. The

Economic Forum would also provide a suitable platform for dialogue and the exchanges of views and experiences regarding the crucial economic issues, belonging to the economic transition processes to a functioning market economy. Finally, the Economic Forum is tasked to provide a discussion platform for the transition processes on the economic, environmental, scientific and technological topics.

In the environmental field, the participating States reiterate their commitments with regard to the “protecting and improving the environment” through and active and effective co-operation. They also stress their need for “raising the public awareness, understanding environmental issues better, and finally stimulating the public involvement in the planning and decision-making processes”.

As the participating States note, enhancing co-operation among them is essential to “restore and maintain a sound ecological balance in air, water and soil”. They are in need of creating effective systems which can be used to monitor compliance with existing environmental commitments included in the previous CSCE documents as well as other international arrangements. Policies aimed at environmental protection should be fully integrated to the other policy domains, particularly in the economic decision making processes, which in turn create an appropriate context for the achievement of sustainable economic development and an efficient usage of natural resources.

Recognizing the importance of the effective realization of the safety of all nuclear installations with a view to protecting the environment, the participating States declare their determination to intensify their co-operative relationships with the aim of creating nuclear safety mechanisms. The participating States also announce that they were particularly concerned with the “illegal international transport and disposal of toxic and hazardous wastes”. They would aim to “prevent the illegal movement and disposal of such wastes and to prohibit their export to and import by countries that do not have the technical means to process and dispose of them in an environmentally sound manner”. Finally, for the environmental issues, the participating States decided to increase environmental awareness at society, educating people more effectively concerning the

environment with the aim of reducing the potential risks and challenges of natural and technological disaster.

In the Helsinki Summit Declaration, the participating States emphasize that “CSCE commitments in the field of human dimension are matters of direct and legitimate concern to all participating States”. They underlined the point that “the protection and promotion of the human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for CSCE’s comprehensive approach to security”.

The CSCE considered that “economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threaten stability of the CSCE area. The fact that the CSCE’s commitments in the field of human rights and fundamental freedoms including those related to national minorities are grossly violated increasingly poses serious threats to the peaceful development of society, in particular in new democracies. The participating States “reject racial, ethnic and religious discrimination in any form. Freedom and tolerance must be taught and practiced”.

In the field of human dimension, the participating States decided to make every necessary effort to reach various objectives such as: “ensuring full respect for human rights and fundamental freedoms; promoting rule of law, democracy and tolerance at society; and finally build, strengthen and protect democratic institutions”. To achieve these targets, the participating States adopted a “framework for monitoring compliance with CSCE commitments and for promoting co-operation in the human dimension” and “enhanced commitments and co-operation in the human dimension”.

In the field of co-operation, the CSCE should establish closer contacts with international and non-governmental organizations and non-participating States, neighboring the CSCE region. The CSCE should try to benefit from all the possible contributions from groups, individuals, States and intergovernmental or nongovernmental organizations outside the CSCE process in construction of a long-term and democratic order and the management of change in the Post- Cold War Europe.

The participating States consider regional and trans-frontier co-operation activities as efficient vehicles for “promoting CSCE principles and objectives as well as implementing and developing CSCE commitments. The participating States would aim to broaden trans-frontier co-operation activities in both bilateral and multilateral forms with a view to creating and maintaining friendly and constructive relations among all relevant actors at all levels. These kinds of co-operative relations “should be as comprehensive as possible”.

Finally, it is stated in the Helsinki Summit Declaration, as in the previous CSCE documents, that the participating States are convinced that “strengthening security and co-operation in Mediterranean is important for stability in the CSCE region”. They also state that “the changes which have taken place in Europe are relevant to the Mediterranean region and that, conversely, economic, social and security developments in that region have a direct bearing on Europe”. Therefore, the CSCE participating States are determined to enhance existing co-operation and dialogue with the non-participating Mediterranean States as a way of encouraging economic and social development, so that widening and maintaining security and stability in the region, with the aim of “narrowing the prosperity gap between Europe and its Mediterranean neighbors”. Finding fair, peaceful and working solutions to the ongoing conflicts in the Mediterranean region would absolutely contribute a lot to the emergence of more secure, stable and prosperous countries in the Mediterranean region. To this end, the CSCE would make every effort for the continuation of initiatives and negotiations for the resolution of the outstanding problems in the region. The participating States and relevant structures and institutions of the CSCE call the non-participating Mediterranean States to take part in the CSCE activities when they think that they can make a contribution. Furthermore, non-participating Mediterranean States were invited to take part in the “future review conferences to make contributions to security and co-operation in the Mediterranean”.<sup>230</sup>

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<sup>230</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 – The Challenges of Change’.

### **3.4.2. Conference on Security and Co-operation in Europe Budapest Summit (1994)**

The CSCE Budapest Summit was convened on 5-6 December 1994. This Summit produced 'Budapest Summit Document' with the title of the 'Towards a Genuine Partnership in A New Era' as well as 'Budapest Summit Declaration'. As a reflection of the institutional development of the CSCE since 1990, 'evolving from a conference diplomacy process into a full-fledged international organization', the CSCE was renamed as the 'Organization for Security and Co-operation in Europe', (OSCE) being effective from 1 January 1995. The participating States also agreed to change the name of CSCE Council as the 'Ministerial Council'; the Committee of Senior Officials as the 'Senior Council'; and finally the Permanent Committee as the 'Permanent Council'. However, "the change in name altered neither the character of CSCE commitments nor the status of the CSCE and its institutions".<sup>231</sup>

The 1994 Budapest Summit Declaration states that "the CSCE is the security structure embracing States from Vancouver to Vladivostok". The participating States express their motivation to "give a new political impetus to the CSCE, thus enabling to play a primary role in meeting the challenges of the twenty-first century". It is also announced that the CSCE will act "as a primary instrument for early warning, conflict prevention and crisis management in its region".

The CSCE will be used as a platform which can provide a suitable environment where the security interests and concerns of the participating States are brought to the agenda and discussed. The participating States are determined to constitute a unique security partnership among them. The policies and activities of the CSCE "will be guided by the CSCE's comprehensive concept of security and indivisibility of security, as well as by their commitment not to pursue national security interests at the expense of others". In building a "community of nations with no divisions" in Europe, democratic values will guide the participating States in order to achieve their goals. Finally, the participating States declare that it is of vital importance to respect completely "the sovereign equality and the

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<sup>231</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, p.8.

independence of all states” and to protect effectively “the human rights and fundamental freedoms of all individuals, regardless of race, color, sex, language, religion, social origin or of belonging to national minorities”.

Budapest Summit Declaration outlined the security threats, risks and challenges, facing the post-Cold War Europe. These are as follows: “existing and new conflicts; the violation of human rights and fundamental freedoms; warfare; intolerance and discrimination against minorities; aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism; and finally social and economic instability”. These security risks and challenges clearly indicate the failure of the recognition and full implementation of the CSCE norms, principles and commitments by the participating States. In order to change the situation, all the participating States are required to make much more efforts for establishing respect for and full implementation of the CSCE norms, principles and commitments.

Concerning the future role and functions of the CSCE, the participating States agreed to intensify their efforts to increase potential contributions of the CSCE to European security, stability and prosperity; and to counter with the existing and new security risks and challenges. The participating States had an objective to make the CSCE as efficient as possible, so that it could have an important role to play in the constitution of a common security area based on the CSCE common values, principles and commitments. To materialize these objectives, the participating States are determined

to make vigorous use of its norms and standards in shaping a common security area; to ensure full implementation of all CSCE commitments; to serve, based on consensus rules, as the inclusive and comprehensive forum for consultation, decision-making and co-operation in Europe; to enhance good-neighboring relations through encouraging the conclusion of bilateral, regional and potential CSCE-wide agreements or arrangements between and among participating States; to strengthen further the CSCE’s capacity and activity in preventive diplomacy; to further its principles and develop its capabilities in conflict resolution, crisis management and peacekeeping and in post-conflict rehabilitation, including assisting with reconstruction; to enhance security and stability through arms control, disarmament and confidence-and security-building throughout the CSCE region and at regional levels; to

develop further CSCE work in the field of human rights and fundamental freedoms, and other areas of the human dimension; to promote co-operation among participating States to establish strong market-based economies throughout the CSCE region; and finally to enhance further the CSCE's problem-solving activities and abilities taking into account the whole spectrum of its responsibilities as they have developed after the adoption of the Helsinki Final Act in order to meet the new challenges and risks.

At the 1994 Budapest Summit, taking into account the significance of the providing political support and appropriate possibilities for the participating States, they decided to strengthen the role of the "CSCE's political consultative and decision-making bodies and its executive action by the Chairman-in-Office, as well as other CSCE procedures and institutions, in particular the Secretary General and the Secretariat, the HCNM and the Office for Democratic Institutions and Human Rights (ODIHR)". They also aim to develop the CSCE's capacities in the fields of early warning, conflict prevention and crisis management, when necessary, using CSCE peacekeeping operations and missions in order to tackle with the existing and newly emerging security risks and challenges in Europe. Furthermore, the participating States express their satisfaction with the entry into force of the 'Convention on Conciliation and Arbitration' within the CSCE. Finally, they aim to foster a closer co-operation based on contacts and dialogue with the CSCE Parliamentary Assembly.<sup>232</sup> Finally, the participating States agreed to establish a 'Contact Point on Roma' in the CSCE.<sup>233</sup>

In light of the changing European security environment, the participating States point out that it is highly significant to initiate a discussion on 'A Model of Common and Comprehensive Security for the Twenty-First Century', by taking into consideration the CSCE's potential contributions to security, stability, peace and co-operation. This new

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<sup>232</sup> ---, 'CSCE Summit, 1994 Summit, Budapest, Budapest Document 1994-Towards a Genuine Partnership In a New Era'.

<sup>233</sup> ---, 'OSCE, Budapest Summit marks change from CSCE to OSCE', available at <http://www.osce.org/node/58703>, Accessed on 5 August 2012.



model will not have any impact on “the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance”.

In the field of military security, in order to support joint actions for the non-proliferation of weapons of mass destruction, the CSCE participating States identified the main guiding principles which assist their national policies. They also expressed their strong commitment to the “full implementation and indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons”. The participating States are of opinion that “the proliferation of weapons of mass destruction and missiles to deliver them pose a threat to international peace, security and stability”. Therefore, they reiterate their strong commitment “to prevent the proliferation of nuclear weapons; to prevent the acquisition, development, production, stockpiling, and use of chemical and biological weapons; and finally to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology”. Therefore, the participating States are committed themselves to take all necessary measures to prevent the proliferation of weapons of mass destruction, which in turn could have a considerable potential in order contribute to enhancing peace, security and stability in the CSCE region. They would do this through using a wide range of tools and all the bilateral co-operative attempts.

As a norm-setting organization since its very beginning, at the Budapest Summit, the CSCE established a ‘Code of Conduct on Politico-Military Aspects of Security’ (the Code of Conduct) which sets forth the main guiding principles for the role of armed forces in democratic societies within the framework of the politico-military dimension of the CSCE. The Code of Conduct includes

new norms, in particular regarding the role of armed forces in democratic societies. In the Code of Conduct, participating States underscored their respect for each other’s sovereign equality and stated that they would base their mutual security relations upon a co-operative approach. They also reiterated their commitment to continue to develop complementary and mutually reinforcing institutions that include European and transatlantic organizations, multilateral and bilateral undertakings and various forms of regional and sub-regional co-operation. The Code of Conduct reiterates the

determination of participating States to act in solidarity if CSCE norms and commitments are violated and refers to the duty of non-assistance to States resorting to the threat or use of force against the territorial integrity or political independence of any State. It underlines the right of each participating State to choose its own security arrangements and commits the participating States to maintain only such military capacities as are commensurate with legitimate individual or collective security needs. In the Code of Conduct, participating States stressed that they would implement in good faith each of their commitments in the field of arms control, disarmament and confidence- and security-building as an important element of their indivisible security. Furthermore, the Code of Conduct commits participating States to co-operate, including through development of sound economic and environmental conditions, and to counter tensions that may lead to conflict. It also obliges participating States to provide for and maintain effective guidance to and control of their military, paramilitary and security forces by constitutionally established authorities and to ensure their compliance with the provisions of international humanitarian law and political neutrality.<sup>234</sup>

In the field of economics, environment, science and technology, the CSCE would continue to fulfill all activities with the aim of widening the scope of co-operation in both bilateral and multilateral contexts. The activities made by international economic and financial organizations are highly significant in terms of promoting economic dimension priorities of the CSCE. The CSCE participating States are strongly in favor of establishing closer co-operative relationships between them and other international economic and financial organizations and institutions acting in the CSCE area.

The participating States point out that “market economy and sustainable economic development are integral part of the CSCE’s comprehensive concept of security”. They, therefore, decided to enhance their co-operation to support the countries, facing an economic transition process towards a functioning market economy; to integrate effectively the countries in economic transition process to the global economic and

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<sup>234</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.8-9

financial structures; to raise the awareness for environmental responsibility; and finally to promote regional collaboration.

The participating States also declared their commitment to pave the way more efficient economic dimension activities, including the 'Economic Forum' meetings. The participating States point out that "the Economic Forum remains the main venue for discussion of economic dimension issues". They are also committed to making the Economic Forum more effective by putting various structural arrangements into the practice regarding the preparation and format of the Economic Forum meetings. They also agreed to "choose within the broad areas a limited number of topics for each annual meeting" for facilitating more successful and concrete results. Economic Forum meetings should cover specific themes concerning to the several aspects of the transition process and economic co-operation in the CSCE area, as well as related economic issues. The participating States believe that "the success of the Economic Forum is dependent upon the active and high level participation of a wide range of representatives from government, international institutions, the private sector, business associations, labor unions, academic communities, and non-governmental organizations with relevant experience".

In order to protect and improve the environment and to realize sustainable economic development at the same time, the participating States decided to make all essential efforts for the implementation of the relevant provisions and norms included in international agreements and arrangements as well as for the facilitation of closer co-operation between the participating States and various relevant international economic and environmental organizations and institutions.

In the field of human dimension, the participating States emphasize that "respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security and co-operation in the CSCE region. Therefore, it must remain a primary goal of CSCE action". Human rights and fundamental freedoms, the rule of law and democratic institutions constitute the basic integral elements of all the efforts and strategies aimed at creating and maintaining peace, security and stability in the CSCE region within the framework of the CSCE's comprehensive approach to security. Without the

respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, it is not possible to create really democratic institutions and civil societies. Violating the basic human rights and fundamental freedoms led to the emergence of insecurities and instabilities in the CSCE region following the end of the Cold War period. At the Budapest Summit, the participating States reconfirmed that the CSCE commitments on the human dimension are of “legitimate interest and common concern to all participating States”. They pledged to enhance dialogue among them and to monitor the improvements with a view to support the implementation of CSCE commitments. They are also determined to strengthen the operational works of the CSCE and to promote co-operation with other international organizations and institutions engaged in the fields of human dimension.

The Budapest Summit Declaration points out that “strengthening security and co-operation in the Mediterranean is important for stability in the CSCE region”. Finally, in the Budapest Summit, the CSCE participating States expressed their willingness to send a multinational peacekeeping force to the Nagorno-Karabakh in Azerbaijan, in the case of an appropriate UN Security Council resolution and agreement among the parties in order to play a constructive role in the mediation efforts to achieve a political settlement to the conflict.<sup>235</sup>

Institutionalization process of the CSCE was largely completed by 1994. After the end of the Cold War, new structures, instruments and institutions for the CSCE were created to adapt and respond more effectively to the changing security environment conditions in Europe.<sup>236</sup>

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<sup>235</sup> ---, ‘OSCE, Budapest Summit marks change from CSCE to OSCE’, available at <http://www.osce.org/node/58703>, Accessed on 5 August 2012 and ---, ‘U.S Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, Accessed on 7 July 2012, p.27.

<sup>236</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.8.

### **3.4.3. Organization for Security and Co-operation in Europe Lisbon Summit (1996)**

OSCE Lisbon Summit was assembled on 3 December 1996 in Lisbon. ‘Lisbon Document’, ‘Lisbon Summit Declaration’ and finally ‘the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century’ to strengthen security and stability throughout the OSCE region were adopted during the Summit.

In the Lisbon Summit, the OSCE participating States reaffirmed their adherence to the recognition and implementation of the commitments adopted in the previous CSCE/OSCE documents. The participating States are convinced that they always need to develop and review the implementation and observance of the CSCE/OSCE commitments and principles. Disregarding these norms, principles and commitments constitute serious risks and challenges to the security, stability and sovereignty of the OSCE participating States.<sup>237</sup>

The Lisbon Declaration draws out the security risk, threats and challenges facing the OSCE participating States and the possibilities for co-operative approaches in meeting them.<sup>238</sup> “Violations of human rights and fundamental freedoms, particularly the rights of persons belonging to national minorities; ethnic tension; aggressive nationalism; the difficulties of economic transition; terrorism; organized crime including drug and arms trafficking; and finally environmental degradation and migration problems” were expressed as damaging and threatening problems to security and stability of all the OSCE participating States.

The participating States of the OSCE consider freedom, democracy and co-operation among them as the basis for their common security. The participating States are determined to create a “common security space without any dividing lines”.<sup>239</sup> In the Lisbon Summit, it is

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<sup>237</sup> ---, ‘Organization for Security and Co-operation in Europe Lisbon Summit, 1996, Lisbon Document 1996’, Lisbon, 1996, p.5.

<sup>238</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.9.

<sup>239</sup> ---, ‘Organization for Security and Co-operation in Europe Lisbon Summit, 1996, Lisbon Document 1996’, Lisbon, 1996, p.10.

noted that every participating State of the organization has “inherent right to be free to choose or change its security arrangements, including treaties of alliance”. The participating States committed not to “strengthen their security at the expense of the security of other States”.<sup>240</sup>

The OSCE has co-operative approach to security “based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice”. In order to tackle with security risks and challenges; build mutual confidence; and finally reach peaceful settlements to the disputes, the OSCE adopts a co-operative approach to security. In addition to co-operative approach, in the process of creating a common security space, which means “a better and more secure future” for the entire OSCE community, comprehensive approach to security and indivisibility of security guide the OSCE when it functions.

The participating States are committed to:

act in solidarity to promote full implementation of the principles and commitments of the OSCE enshrined in the Helsinki Final Act, the Charter of Paris and other CSCE/OSCE documents; to consult promptly – in conformity with our OSCE responsibilities and making full use of the OSCE’s procedures and instruments – with a participating State whose security is threatened and to consider jointly actions that may have to be undertaken in defense of our common values; not to support participating States that threaten or use force in violation of international law against the territorial integrity or political independence of any participating State; and finally to attach importance to security concerns of all participating States irrespective of whether they belong to military structures or arrangements.<sup>241</sup>

‘The Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century’ tasked the OSCE to enhance co-operation by undertaking

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<sup>240</sup> Ibid., p.11.

<sup>241</sup> Ibid., p.10.

bilateral and regional initiatives with a view to developing good-neighborly relations among all the participating States of the organization.<sup>242</sup>

From the OSCE's point of view, "arms control constitutes an important element of common security". The participating States stress that the Treaty on Conventional Forces in Europe Treaty particularly is well-suited in order to making a substantial contribution to security and stability in the OSCE region.<sup>243</sup> Additionally, 'A Framework for Arms Control' as a military document was adopted by the OSCE participating States at the Lisbon Summit. This new framework, serving as a "web of interlocking and mutually reinforcing arms control obligations that give expression to the principles of indivisible security", identified the basic guidelines for future negotiations and discussions on arms control and disarmament issues.<sup>244</sup>

The participating States believe that the OSCE has an important role to play in promoting security, stability and peace in all three dimensions of security within the framework of the organization's comprehensive approach to security. The participating States decided to intensify their efforts to make the OSCE as effective as possible as "a primary instrument in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation processes".<sup>245</sup>

In order to provide more efficient implementation of OSCE commitments and to develop OSCE activities adequately in the economic and environmental dimension aspects of security, the participating States are convinced that they need to make much more efforts. For the economic and environmental dimension, the main focus of the OSCE should be

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<sup>242</sup> Ibid., p.11.

<sup>243</sup> Ibid., p.5.

<sup>244</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.9.

<sup>245</sup> ---, 'Organization for Security and Co-operation in Europe Lisbon Summit, 1996', Lisbon Document 1996, Lisbon, 1996, p.5.

build up “on identifying the risks to security arising from economic, social and environmental problems, discussing their causes and potential consequences and draw the attention of relevant international institutions to the need to take appropriate measures to alleviate the difficulties stemming from those risks”. To materialize these goals, it is necessary for the OSCE to develop its interconnectedness with other international economic and financial organizations with a view to “improving the ability to identify and asses at an early stage the security relevance of economic, social and environmental developments” by regular consultations and negotiations.<sup>246</sup>

Recognizing the vital importance of the respect for human rights and fundamental freedoms for the maintenance of democracy and the democratic governments in the OSCE countries, the participating States expressed their strong determination to “consolidate the democratic gains of the changes that have occurred since 1989 and peacefully manage their further development in the CSCE region”. To achieve these aims, they would have closer co-operative relationships to strengthen and improve democratic standards and democratic institutions.

In line with the CSCE’s comprehensive approach to security, the participating States are in need of promoting the full implementation of all OSCE human dimension commitments, particularly the commitments on human rights and fundamental freedoms. The effective implementation of human dimension commitments in all participating States would strengthen common values like free and democratic societies, which in turn provides the necessary conditions for creating a common security space in the OSCE region.<sup>247</sup>

In the Lisbon Summit Declaration, ‘the continuing violation of human rights and fundamental freedoms, the lack of democratic credentials, challenges to free and independent media, electoral fraud, aggressive nationalism, racism, chauvinism,

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<sup>246</sup> Ibid., p.6.

<sup>247</sup> Ibid., p.5.



xenophobia and finally anti-Semitism” were listed as common threats, risks and challenges which can endanger security and stability within the whole OSCE area.

In the field of human dimension, a special emphasize was made on the importance of freedom of the media which “are among the basic prerequisites for truly democratic and civil societies”. The participating States attached great significance to the implementation of OSCE commitments in the field of media. Therefore, they are determined to make closer co-operation with other international organizations and institutions engaged in the media developments with a view to promoting free and independent media across the entire OSCE region.<sup>248</sup>

#### **3.4.4. Organization for Security and Co-operation in Europe Istanbul Summit (1999)**

OSCE Istanbul Summit was held in November 1999. The Summit concluded Istanbul Document, including ‘Istanbul Summit Declaration’ and the ‘Charter for European Security’. The Istanbul Summit Declaration states that “We, the participating States of the OSCE, have transformed the OSCE to meet unprecedented challenges. We have increased dramatically the number and size of our field operations. Our common institutions have grown in number and in the level of their activities. The OSCE has expanded the scale and substance of its efforts. This has greatly strengthened the OSCE’s contribution to security and co-operation across the OSCE area”.<sup>249</sup> The participating States declare their commitment “to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security”.<sup>250</sup>

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<sup>248</sup> Ibid., p.6.

<sup>249</sup> ---, ‘Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999’, Istanbul, 1999, p.46.

<sup>250</sup> Ibid., p.1.

The participating States adopted a 'Charter for European Security' to strengthen security and stability in the OSCE region and improve operational capabilities of the Organization. The Charter for European Security outlines common challenges, common foundations, common responses and finally common instruments of the participating States as well as their common norms, principles and commitments in all three dimensions of security, namely, politico-military, economic and environmental and human dimensions.

The Charter for European Security includes the following statements:

the participating States tasked the OSCE Permanent Council to take the necessary decisions to implement promptly the new steps agreed upon in this charter. We need the contribution of a strengthened OSCE to meet the risks and challenges facing the OSCE area, to improve human security and thereby to make a difference in the life of the individual, which is the aim of all our efforts. We reiterate unreservedly our commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination. We also reiterate our respect for international humanitarian law. We pledge our commitment to intensify efforts to prevent conflicts in the OSCE area, and when they occur to resolve them peacefully. We will work closely with other international organizations and institutions on the basis of the Platform for Co-operative Security, which we adopted as a part of our Charter.<sup>251</sup>

The Charter for European Security states that the participating States have common security challenges in a new security environment occurred following the Cold War period. The participating States of the OSCE started to experience new security risks, threats and challenges as well as the existing ones inherited from the Cold War era. Conflicts between states have not been completely eliminated. Since the end of the Cold War, intra-state conflicts have threatened obviously the OSCE region as well as inter-state conflicts. The participating States has also been facing several conflicts which stem from the violation of

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<sup>251</sup> Ibid., p.46.

OSCE norms and principles. Consequently, different kinds of conflicts represent a threat and challenge to the security and stability of all participating States of the OSCE.<sup>252</sup>

In addition to the conflicts, international terrorism, violent extremism, and organized crime, including drug trafficking are also listed as growing threats to security and stability in the OSCE region. “The excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons represent a threat to peace and security”. The participating States express their strong determination to strengthening the OSCE’s capacities to deal with these new security risks and challenges by building strong democratic institutions and promoting the rule of law.

Acute economic problems and environmental degradation represent serious threat to security in the OSCE region. Recognizing the vital importance of co-operation in the field of economy, science and technology and the environment, the participating States are determined to strengthen their capacities to respond better to the economic and environmental problems. To achieve this, they decided to improve economic and environmental conditions by creating more stable and transparent environments for economic activity and promoting market economies, while attaching great importance to economic and social rights at society.

According to the participating States of the OSCE, “security and peace must be enhanced through an approach which combines two basic elements; building confidence among people within States and strengthening co-operation between States”. Hence, the participating States express their strong adherence to making much efforts to guarantee the full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities; reinforce the OSCE’s capacities to build trust among the participating States; develop new instruments to reach peaceful settlements of disputes between states; and finally strengthen current facilities and develop new ones to provide assistance to the participating States.

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<sup>252</sup> Ibid., p.1.

The Charter for European Security also identifies common foundations of the OSCE participating States. First of all, the participating States reiterate their adherence to the UN and to the previous CSCE/OSCE documents. These documents include common commitments, norms and principles which always guide for the work of all states and international organizations in Europe and all over the world. These documents also helped to end the confrontation era and encourage a new period of democracy, peace and solidarity in the OSCE region. These documents set up certain standards for conducting inter-state relations as well as States' behaviors towards their citizens. All OSCE participating States should ensure the full implementation of these commitments, norms and principles.<sup>253</sup>

Recognizing "the primary responsibility of the UN Security Council for the maintenance of international peace and security and its crucial role in contributing to security and stability" in the OSCE region, the participating States reiterate their commitment with regard to the non-use of force or threat of force. Being aware of their rights and obligations within the framework of the UN system, they are determined to make necessary efforts in order to find peaceful settlement of disputes, enshrined in the UN Charter.

The Charter for European Security reaffirms that "the OSCE as a regional arrangement under Chapter VIII of the Charter of the UN and as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation". The OSCE is an inclusive organization which tries to foster security co-operation in line with its comprehensive approach to security. The OSCE is engaged in all three dimensions of security, namely, politico-military, economic and environmental and finally human dimensions. The OSCE also adopts the principle of indivisible security, which means that "the security of each participating State is inseparably linked to that of all others".<sup>254</sup>

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<sup>253</sup> Ibid., pp.1-2.

<sup>254</sup> Ibid., pp.2-3.

“Consensus rule as the basis for OSCE decision-making process, the OSCE’s flexibility and ability to respond quickly to a changing political environment should remain at the heart of the OSCE’s co-operative and inclusive approach to common and indivisible security”.

The Charter for European Security identifies common response tools against common security risk, threat and challenges, facing the OSCE participating States. Co-operation with other international, regional and non-governmental organizations and institutions are emphasized as one of the most important tools for the OSCE. “Today’s security risk and challenges cannot be met by a single State or organization”. Therefore, the OSCE intends to intensify its efforts to enhance co-operative relations with other international organizations with a view to using international community’s resources in optimal manners.<sup>255</sup>

With the Charter for European Security, a ‘Platform for Co-operative Security’, as an integral part of the Charter, was established to “further strengthen and develop co-operation with competent organizations on the basis of equality and in a spirit of partnership”. The Platform principles and modalities includes all dimensions of security; politico-military, economic and environmental and human dimensions. This Platform could provide a substantial contribution to the maintenance of the political and operational coherence on the basis of common values with a view to respond better to the new security risks, challenges and crisis and avoiding duplication among the organizations. Within this context, the OSCE is tasked to serve as a “flexible coordinating framework” to promote co-operation based on every international organization’s particular strengths. Co-operation ranges from high-level political dialogue to joint projects in the field. The Charter clearly states that the participating States do not have any intention to “create a hierarchy of organizations or a permanent division of labor among them”. Finally, they also stress that promoting sub-regional co-operation is of great importance as an instrument which

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<sup>255</sup> Ibid., p.3.

could contribute a lot to the strengthening security and stability throughout the OSCE region.<sup>256</sup>

For the Charter, second common response is solidarity and partnership. From the OSCE's point of view, the best way to ensure security, stability and peace is to promote and strengthen democracy, the rule of law and finally human rights and fundamental freedoms in each participating State of the OSCE. Therefore, the participating States of the OSCE are determined to co-operate in more effective means and to use all available OSCE tools, instrument and mechanisms in a spirit of solidarity and partnership. Within this framework, the OSCE would strive to support and assist its participating States effectively by existing and new co-operative instruments in order to ensure the compliance with OSCE principles, norms and commitments.<sup>257</sup>

The Charter for European Security emphasizes the importance of common institutions developed by the OSCE in order to deal with common security risk and challenges. In this regard, the OSCE Parliamentary Assembly has a greater role particularly in democratic development and election monitoring issues. The Office for Democratic Institutions and Human Rights (ODIHR), High Commissioner on National Minorities (HCNM) and Representative of the Freedom of the Media (RFM) are useful institutions in promoting and strengthening democracy, the rule of law and human rights and fundamental freedoms, including the rights of persons belonging to national minorities. Within this context, the participating States pledged to intensify their efforts for closer co-operation and co-ordination among the OSCE institutions as well as OSCE field missions with a view to using their resources in more effective ways.<sup>258</sup>

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<sup>256</sup> ---, 'Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999', Istanbul, 1999, pp.3-4 and ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, pp.9-10.

<sup>257</sup> ---, 'Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999', Istanbul, 1999, p.4.

<sup>258</sup> Ibid., p.5.

The Charter for European Security states that the politico-military aspects of security are vital to the maintenance of security and stability for all the participating States. The politico-military aspects of security “constitute a core element of the OSCE’s concept of comprehensive security. Disarmament, arms control and CSBMs are important parts of the overall effort to enhance security by fostering stability, transparency and predictability in the military field. Full implementation, timely adaptation and, when required, further development of arms control agreements and CSBMs are key contributions to political and military stability of the participating States”.<sup>259</sup>

At the Istanbul Summit, an ‘Adapted Treaty on Conventional Armed Forces in Europe’ was signed by 30 OSCE participating States. “The Summit’s concluding document also incorporated ‘the Agreement on Adaptation of the Treaty on CFE’, signed by the States Parties. The agreement represents an important adaptation of the CFE Treaty to post-Cold War conditions, but lacked the political momentum for full entry into force”.<sup>260</sup> The Treaty on CFE, “serving as a cornerstone of European Security”, has made a considerable contribution to a more secure, stable and integrated Europe in the post-Cold War era. The Treaty on CFE was adapted to ensure enhanced stability, military predictability and transparency within new security environment with a view to helping to reduce military conventional military equipment in the participating States parties to the Treaty. The adapted Treaty on CFE will “provide a greater degree on military stability through a stricter system of limitations, increased transparency and lower levels of conventional armed forces in its area of application”. Upon its entry into force, it would be possible to access for voluntary states to the Adapted Treaty which in turn could provide a significant additional contribution to European security and stability.<sup>261</sup>

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<sup>259</sup> Ibid., p.7.

<sup>260</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, pp.9-10.

<sup>261</sup> ---, ‘Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999’, Istanbul, 1999, p.7 and 53.

'The OSCE Vienna Document 1999' was also adopted during the OSCE Istanbul Summit. Vienna Document 1999, including the latest version of Confidence- and Security-Building Measures (CSBMs), offers valuable instruments for the OSCE participating States in the realization of greater military stability, transparency, predictability and mutual confidence in the OSCE region. CSBMs represent a key element of politico-military co-operation and stability in the OSCE area. Therefore, the participating States are determined to use all CSBMs regularly and to adapt them according to the changing conditions with the aim of meeting security needs of the participating States.<sup>262</sup>

In the OSCE Istanbul Summit, the participating States express their satisfaction with the work of the OSCE Forum for Security Co-operation (FSC) in promoting dialogue, transparency, co-operation and mutual confidence on military security matters. The participating States also express their strong commitment on the full implementation of the principles included in the 'Code of Conduct' on politico-military aspects of security. Finally, the participating States announce that "the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons" pose a serious threat to security and stability in the entire OSCE region. Within this framework, the participating States decided to support the FSC which was planning to carry out a broad and comprehensive discussion with regard to the all aspects of this problem with a view to acquiring appropriate instruments.<sup>263</sup>

In the economic and environmental dimension, the participating States acknowledge that there is a clear link between security, democracy and prosperity. "Economic liberty, social justice and environmental responsibility are indispensable for prosperity. In this regard, promoting the integration of economies in transition into the world economy and ensuring the rule of law and the development of a transparent and stable legal system in the economic sphere" are highly significant steps for the OSCE.

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<sup>262</sup> Ibid., p.7.

<sup>263</sup> Ibid., p.53.



In the economic and environmental spheres, the Charter for European Security points out that the OSCE should act as a catalyst for co-operation between relevant international organizations and institutions. The Platform for Co-operative Security, created with the OSCE Istanbul Summit, could provide co-ordination between the OSCE and other key international organizations and institutions engaged in economic and environmental issues. The participating States are determined to increase OSCE's capacities to deal with economic and environmental problems efficiently. In doing so, the OSCE aims to pursue the ways that "neither duplicate existing work nor replace efforts that can be more efficiently undertaken by other organizations". The OSCE should intensify its efforts on areas in which the organization has particular competence and comparative advantages in comparison with other relevant international organizations.<sup>264</sup>

At the Istanbul Summit, the Co-ordinator of OSCE Economic and Environmental Activities was tasked to produce regular reports regarding the economic and environmental problems which can create risks to security in the OSCE region. These reports could contribute to the improvement of economic and environmental security throughout the OSCE area.<sup>265</sup>

In the field of human dimension, the participating States reaffirmed that "respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security". They declare their commitment to deal with "counter various threats to security such as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism".

"The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within and between,

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<sup>264</sup> Ibid., p.8.

<sup>265</sup> Ibid., pp.51-52.

participating States”. The participating States also pledged to “take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity”. Furthermore, they emphasize that “questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law”.<sup>266</sup> The participating States should be very sensitive to respect for the rights of persons belonging to national minorities in their law-making and policy-making processes, particularly in the field of cultural identity. In addition to cultural identity, laws and policies with regard to the linguistic, educational and participatory of persons belonging to national minorities should be compatible with the existing international standards and agreements. Finally, the participating States should adopt and fully implement comprehensive anti-discrimination legislation with a view to creating equal conditions for all persons, residing in their countries.<sup>267</sup>

“The full and equal exercise of human rights by women” is of utmost importance in creating more democratic and prosperous societies in the OSCE area. Therefore, the participating States are convinced that they need to pursue necessary policies which provide equality between men and women, “as an integral part of their policies both at the level of participating States and within the OSCE”. They are also determined to take all required measures to “eliminate all forms of discrimination against women and to end violence against women”.

Recognizing the importance of free and fair elections in accordance with OSCE principles and commitments and international standards and building democratic societies, the participating States announce their strong motivation to support the ODIHR, with all relevant means, in order to develop and implement electoral legislation with a view to assisting the States in conducting elections. In this regard, observers and officials from OSCE participating States, the ODIHR, the OSCE Parliamentary Assembly and other relevant international organizations and institutions would be invited to monitor the elections in the

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<sup>266</sup> Ibid., pp.5-6.

<sup>267</sup> Ibid., p.52.

OSCE region. The activities and assistance of the ODIHR and the OSCE Parliamentary Assembly on elections monitoring during all the phases of elections are of utmost importance in the ways of contributing to the realization of democratic development in the OSCE participating States. The participating States are also determined to secure the participatory rights of the persons belonging to national minorities in elections.<sup>268</sup>

In the field of human dimension, the Charter for European Security puts a special emphasis on free and independent media, free flow of information and finally the public's access to information. They are committed to develop all necessary means for creating and maintaining free and independent media. They believe that a free and independent media is an indispensable pillar for any democratic, free, pluralistic and open society.<sup>269</sup>

Non-governmental organizations, "an integral component of a strong civil society", can create good opportunities to strengthen and promote democracy, the rule of law and human rights and fundamental freedoms. In this regard, the common goal of the participating States is to make special efforts to enhance the capabilities of non-governmental organizations and institutions with the aim of fostering their full contribution to the promotion of democratic societies and respect for rights and fundamental freedoms, including the rights of persons belonging to national minorities.<sup>270</sup>

The Charter for European Security specifies common instruments of the OSCE participating States which could be used to handle with security risks, threats and challenges in the post-Cold War Europe. Firstly, enhancing and strengthening dialogue on all dimensions of security is one of the most useful instruments in providing assistance to the participating States in terms of ensuring compliance with OSCE norms, principles and commitments.

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<sup>268</sup> Ibid., pp.5-7 and p.51.

<sup>269</sup> Ibid., pp.5-7.

<sup>270</sup> Ibid., pp.5-7 and p.51.

Secondly, the OSCE field operations have served to promote peace, security, stability and compliance with the OSCE commitments on the ground. Therefore, the participating States announce their strong adherence to use, develop and strengthen these field missions in order to enable them to perform their main tasks and function properly.<sup>271</sup>

Thirdly, the participating States recognize that they are in need of having an “ability to deploy rapidly civilian and police expertise” to address common security risks and challenges. Therefore, ‘Rapid Expert Assistance and Co-operation Teams’ (REACT) were created within the framework of the OSCE. REACT, serving as a “quickly and efficiently instrument”, could provide assistance to the participating States in the fields of conflict prevention, crisis management and post-conflict rehabilitation. The participating States decided to make this instrument fully operational as soon as possible and provide the required resources to function effectively.<sup>272</sup>

Fourthly, the participating States declared that they would aim to increase police-related activities within the OSCE “as an integral part of the Organization’s efforts in conflict prevention, crisis management and post-conflict rehabilitation”.<sup>273</sup>

Furthermore, the participating States decided to develop necessary means for a wider role for the OSCE peacekeeping activities. Possible peacekeeping operations, which can be carried out by the OSCE, are considered as a common instrument in fighting against security risks and challenges. With a view to making substantial contribution to the maintenance of security and stability in the OSCE region, the OSCE can conduct peacekeeping operations “on a case by case basis and by consensus” in accordance with its existing decision, its rights and obligations within the context of the UN system.

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<sup>271</sup> Ibid., pp.8-9.

<sup>272</sup> Ibid., p.10 and 52.

<sup>273</sup> Ibid., p.11.

Finally, enhancing co-operation with Partners States represents another common instrument for the OSCE. The participating States believe that “strengthening security and co-operation in the Mediterranean area is of major importance to the stability in the OSCE area”. There is interdependency between the security of the OSCE participating states and the security of OSCE Partner States. Therefore, the OSCE attaches great importance to the relations with its Partner States for co-operation. In this regard, OSCE’s involvement and support for promoting OSCE norms, principles and commitments” in the Partner States is of great importance. Within this framework, the OSCE participating States are strongly determined to continue their further co-operation efforts with the Mediterranean and Asian partners with a view to dealing with common security risks, threats and challenges.<sup>274</sup>

The Charter for European Security was concluded with the statement that “this Charter will benefit the security of all participating States by enhancing and strengthening the OSCE”. To make it possible, the participating States decided to develop OSCE’s capabilities and to create new tools and mechanisms which can be used to pave the way for a more democratic, stable, free and secure OSCE region. The Charter will serve to support the OSCE’s existing and potential role “as the only pan-European security organization entrusted with ensuring peace and stability in its area.”<sup>275</sup>

#### **3.4.5. Organization for Security and Co-operation in Europe Astana Summit (2010)**

The last OSCE Summit was held in Kazakhstan on 1-2 December 2010. The 2010 OSCE Astana Summit issued a declaration titled as ‘Astana Commemorative Declaration Towards A Security Community’. In this declaration, all participating States of the OSCE are committed to the full realization of “the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals”.<sup>276</sup> This

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<sup>274</sup> Ibid., pp.12-13 and p.54.

<sup>275</sup> Ibid., p.13.

<sup>276</sup> ---, ‘OSCE Summit Astana 2010 Chairmanship: Kazakhstan, Astana Commemorative Declaration Towards a Security Community’, *Security and Human Rights*, 2010 No.4, p.265.

‘Euro-Atlantic and Eurasian Security Community’ should be very instrumental in dealing with common security threats, risks and challenges of the 21<sup>st</sup> century. This security community should be built on common OSCE norms, principles and commitments in all three dimensions of security. This security community should “unite all OSCE participating States across the Euro-Atlantic and Eurasian region, free of dividing lines, conflicts, spheres of influence and zones with different levels of security”.<sup>277</sup>

The participating States also reconfirm commitment to “the concept of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations”.<sup>278</sup> Furthermore, the Astana Summit states that “equality, partnership co-operation, inclusiveness and transparency” should be the main principles, guiding the co-operation among the participating States of the OSCE and among the relevant international organizations and institutions.<sup>279</sup>

‘Astana Commemorative Declaration Towards A Security Community’ states that OSCE norms, principles and commitments paved the way for bringing an end to old confrontations in Europe and for providing more democracy, stability, unity and peace in the entire OSCE region. According to the participating States, the OSCE has an important role to play in strengthening security, building confidence and establishing good-neighborly relations among them.

Recognizing the significance of the OSCE, “as the most inclusive and comprehensive regional security organization in the Euro-Atlantic and Eurasian area”, the participating States state that the OSCE need to operate in all dimensions of security and on the ground, “on the basis of consensus and the sovereign equality of States”, with a view to providing a

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<sup>277</sup> Ibid., p.267.

<sup>278</sup> Ibid., p.265.

<sup>279</sup> Ibid., p.267.

suitable platform for dialogue; finding peaceful settlements for conflicts; creating a common understanding; and enhancing co-operation among the participating States. The main objective of the participating States through using the OSCE's capacities is to foster more democratic, secure, stable and prosperous Europe.

At the December 2010 Astana Summit, the heads of 56 participating States reaffirm "the relevance of, and their commitment to, the principles on which the OSCE is based" and acknowledge that "more must be done to ensure full respect for, and implementation of, these core principles and commitments" in the OSCE's all three dimensions:

The OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individuals is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility. We affirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.<sup>280</sup>

In the Astana Summit, all the participating States reconfirm all norms, principles and commitments developed within the OSCE framework. They also reaffirm their accountability to their citizens and responsibility to each other for the full implementation of common norms, principles and commitments, including the main human dimension-based commitments, "some of which were expressed in Astana for the first time at the level of Heads of State or Government".<sup>281</sup>

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<sup>280</sup> Ibid., pp.265-266.

<sup>281</sup> ---, 'Analyses of the Astana OSCE Summit and the Declaration', available at [http://www.kazesp.org/index.php?option=com\\_content&view=article&id=105:analyses-of-the-astana-osce-summit-and-the-declaration&catid=1:noticias](http://www.kazesp.org/index.php?option=com_content&view=article&id=105:analyses-of-the-astana-osce-summit-and-the-declaration&catid=1:noticias), Accessed on 10 September 2012.

It is declared in the Astana Summit Declaration that the OSCE region has been facing serious threats, risks and challenges to security. There is lack of confidence among the participating State as well as divergent security perceptions. The implementation of commitments in all three dimensions of security is far from the optimum. The OSCE region needs greater efforts for ensuring respect for human rights, fundamental freedoms, democracy and the rule of law. The participating States also need to take all necessary measures and to develop new tools in order to promote freedom of religion or belief and to fight against intolerance and discrimination. Co-operation on economic and environmental dimension must be strengthened with a view to addressing economic and environmental problems in more effective ways. Finally, the participating States should intensify their efforts to reach peaceful and working solutions to the disputes and conflicts in an appropriate framework in accordance with the norms and principles of international law enshrined in the UN Charter, as well as the previous CSCE/OSCE documents.<sup>282</sup>

In the Astana Summit Declaration, regarding the security threats and challenges, the participating States put a special emphasis on transnational threats such as terrorism, illegal migration, cyber threats, proliferation of weapons of mass destruction, the illicit trafficking in small arms and light weapons and finally organized crime, including drug and human trafficking, originating within or outside the OSCE region.<sup>283</sup>

In the Astana Summit, the participating States decided to focus on “forward-looking language on arms control and confidence-and security-building measures, including concrete expectation of progress in 2011 on conventional arms control negotiations and the updating of the Vienna Document 1999”. Astana Summit Declaration also includes “a commitment to enhance cooperation with partners for Co-operation; in particular to contribute to collective international efforts to promote a stable, independent, prosperous,

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<sup>282</sup> ---, ‘OSCE Summit Astana 2010 Chairmanship: Kazakhstan, Astana Commemorative Declaration Towards a Security Community’, *Security and Human Rights*, 2010 No.4, pp.266-267.

<sup>283</sup> Ibid., p.267.



democratic Afghanistan; and finally a commitment to work towards strengthening the OSCE's effectiveness and efficiency".

The OSCE Astana Summit can be described as an important milestone for the OSCE in evaluating its credibility and relevance within the new changing security environment, being formed following the Cold War period. The Astana Summit has also contributed to creating a new opportunity for reviewing the relations among all the participating States of the Organization after a period of 11 years. Making an OSCE Summit possible for the first time since 1999 can be seen a major success. It means that "after a decade of disengagement, political leaders of the OSCE participating States recognized the importance of an inclusive, comprehensive security community stretching from Vancouver to Vladivostok".

From the Kazakh point of view, gathering a Summit in Astana in Kazakhstan, "bringing the political leaders for the first time in a post-Soviet State, in Central Asia and at the east of Istanbul", was a real success. This also clearly indicates OSCE's specific attention to questions of security, stability and peace in Central Asia. "The Summit's venue sent a clear signal that the OSCE security community cannot end at the eastern border of the European Union or at the Urals".<sup>284</sup>

According to Kemp, being successful in concluding a summit declaration in Astana is important. Because, "in an organization like the OSCE, where commitments are political rather than legally binding in nature, the fact that key OSCE commitments, particularly in the human dimension, are reaffirmed by a new generation of political leaders in Astana", Central Asia.<sup>285</sup>

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<sup>284</sup> ---, 'Analyses of the Astana OSCE Summit and the Declaration', available at [http://www.kazesp.org/index.php?option=com\\_content&view=article&id=105:analyses-of-the-astana-osce-summit-and-the-declaration&catid=1:noticias](http://www.kazesp.org/index.php?option=com_content&view=article&id=105:analyses-of-the-astana-osce-summit-and-the-declaration&catid=1:noticias), Accessed on 10 September 2012.

<sup>285</sup> Walter Kemp, 'The Astana Summit: A Triumph of Common Sense', *Security and Human Rights* 2010 No.4, p.262.

### 3.5. Conclusion

This chapter focused on the historical evolution of the OSCE starting from the Helsinki Final Act in 1975 to the last Summit meeting of the Organization in Astana in 2010. Helsinki Process started as a conference process between the two blocs during the détente period of the Cold War and continued as a series of follow-up meetings until the end of the Cold War period in the early 1990s. The CSCE served as a diplomatic mechanism and a platform for dialogue on security and co-operation. The CSCE was mainly designed to foster security through co-operation among the participating States.

The Helsinki Final Act identified the basic guiding principles for the inter-state relations and developed a comprehensive set of norms, principles and commitments on politico-military, economic-environmental and human rights issues. A comprehensive understanding of security was adopted by the CSCE. This comprehensive view of security or multidimensional security approach intertwines the politico-military issues with the economic-environmental and human rights-related matters. With the Helsinki process, human rights became a legitimate subject of dialogue between East and West. It is widely accepted that the inclusion of the principle of the respect for human rights within the CSCE framework was a major achievement in international politics.

One can easily observe a strong continuity on the OSCE's comprehensive security approach before and after the end of the Cold War period. The OSCE always adopts comprehensive approach to security. The dominant emphasis during the Cold War period was on the military security issues, including arms control and disarmament issues and CSBMs. Economic-environmental and human rights matters included in the Helsinki Final Act constituted supplementary components of the first basket of the Helsinki Final Act, so-called 'security dimension'. However, the end of the Cold War era was resulted in the beginning of the newly emerging security threats and risks, which are heavily in non-military character, including economic and environmental and human dimension issues. At the same time, the significance of hard security issues within the OSCE region has diminished relatively. As a result of the increasing importance of the non-traditional security issues, the OSCE focused on shaping its comprehensive approach to security in a

more structured way through extending its normative framework, including commitments over the three dimensions, and establishing new structures and institutions, which in turn led to the institutional transformation of the OSCE from a conference process to a regional security arrangement.

The OSCE has shaped its comprehensive approach to security from the Helsinki Final Act to 2010 Astana Summit meeting through adopting new commitments outlined in the Summit meeting documents or declarations. Although the OSCE participating States could organize Summit meetings regularly throughout the 1990s, they failed to hold a Summit meeting between 1999 and 2010 due to the growing disagreements among the participating States with regard to the Organization's tasks and role on security.

Today, the OSCE's comprehensive security approach is based on the three dimensions, namely politico-military, economic-environmental, and human dimensions. From the OSCE's point of view, all three dimensions have equal importance in terms of achieving long-term security and stability within the OSCE region. However, these three dimensions have different records, visibility and achievements. It seems to be that the OSCE's comprehensive security approach in theory or rhetoric could not be put completely into practice by the Organization. The OSCE's impact and record over its three dimensions will be analyzed in detailed in the following chapters of the dissertation.

Next chapter of the dissertation will mainly focus on the structures, decision-making bodies, institutions, mechanisms and other instruments developed by the OSCE over the years to put the Organization's comprehensive security approach into practice.

## **CHAPTER 4**

### **ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE AS A NEW REGIONAL SECURITY ORGANIZATION IN THE POST-COLD WAR ERA**

The institutionalization process of the CSCE was largely completed by 1994 and the CSCE was renamed OSCE with effect from 1 January 1995 as a reflection of its transformation from a set of conference processes to a regional security institution within the European security architecture. After that, the OSCE in a structured form, started to implement a comprehensive security program in a co-operative manner and the Organization has performed a wide range of security-related tasks within its region as a pan European security framework. Within this context, the fourth chapter focuses on the OSCE's three dimensions which constitute the central pillars of the Organization's comprehensive approach to security. Focusing on how the OSCE functions, this chapter is basically devoted to portray structures, bodies, instruments, institutions and mechanisms which are used by the OSCE in order to put its comprehensive understanding of security into the practice. This chapter includes main characteristics of the OSCE as a regional security organization; three dimensions of security and basic functions of the Organization; the OSCE's approach to security, including comprehensive, co-operative and indivisible security; institutional or organizational structure of the OSCE; OSCE Field Operations; and finally OSCE's Partnership Mechanism for Co-operation.

#### **4.1. The Emergence of a New Regional Security Organization: Introduction of the Organization for Security and Co-operation in Europe**

With the signing of the Helsinki Final Act in 1975, while the Western States recognized the territorial status quo in Europe, the Eastern States accepted the human rights and fundamental freedoms as legitimate concerns for dialogue and negotiations on security issues. So, the CSCE process symbolizes a compromise reached between the two blocs in

the Cold War era.<sup>286</sup> The Conference on Security and Co-operation in Europe (CSCE) served as a diplomatic platform and a communication channel for dialogue for its participating States in order to bridge the different understandings and perceptions of the NATO countries, the Warsaw Pact countries and finally the non-aligned or neutral states.

With the end of the Cold War era, the CSCE started to transform itself from a political platform for dialogue into a full-fledged international organization by establishing permanent institutions, structures, mechanisms and operational capabilities. In 1992, the CSCE sent its first field mission to the Balkans, after the erupting conflicts in the region. At the 1994 Budapest Summit, the participating States decided that the CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE) with a view to “assisting its participating States in the process of post-communist transition to democracy and market economy and to help all participating States to address new threats and challenges to security”<sup>287</sup>. In 1994, the basic functions of the OSCE are defined as acting in the fields of early warning, conflict prevention, crisis management, conflict resolution, and post-conflict peace-building and finally post-conflict rehabilitation processes.<sup>288</sup>

Today, the OSCE, as the largest regional security organization in the world, works to “ensure peace, democracy and stability for more than a billion people”. The OSCE, as a regional arrangement under the Chapter VIII of the UN Charter, is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE is a pan European security body with 57 participating States from a wide range of regions such as Europe, North America and Asia. The OSCE spans a wide geographical area from Vancouver to Vladivostok. The OSCE, with 57 participating States from North America, Europe and Asia and partner states for co-operation from Mediterranean region and Asia, provides a “forum

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<sup>286</sup> Daniel Trachsler (responsible editor/author), ‘The OSCE: Fighting for Renewed Relevance’, *Center for Security Studies Analysis in Security Policy*, Zurich, No.110, March 2012, pp.1-2.

<sup>287</sup> ---, ‘Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE’, 27 June 2005, p.9.

<sup>288</sup> Daniel Trachsler (responsible editor/author), ‘The OSCE: Fighting for Renewed Relevance’, *Center for Security Studies Analysis in Security Policy*, Zurich, No.110, March 2012, pp.1-2.

for high level political dialogue on a wide range of security issues and a platform for practical work to improve the lives of individuals and communities". The OSCE serves as an instrument to "bridge differences of states and build trust through co-operation with its specialized institutions, expert units and network of field operations". The OSCE aims to foster security and stability through co-operation in the Euro-Atlantic and Eurasian regions by addressing a wide variety of common security issues in the all three dimensions of security.<sup>289</sup>

Lynch brings an original definition for the OSCE as the following:

The Organization has evolved organically rather than strategically, with needs and challenges leading the way. The result is a rather unique regional organization. The OSCE is neither a military alliance nor an economic union. It is rather an association of states and their peoples, joined by Partner States for Co-operation in the Mediterranean area and Asia, united around the aim of building a democratic and integrated world order that is free of war and conflict, where all communities and individuals live in freedom, prosperity and security. The strength of the Organization lies in a combination of several qualities.<sup>290</sup>

The OSCE is funded by contributions from its 57 participating States. The OSCE's Unified Budget was adopted by the Permanent Council on 7 February 2013, totally EURO 144.822.600.<sup>291</sup> The participating States provide a unified budget for the organization by two different scales of contributions: "the standard scale of contributions and the scale of contributions for large OSCE missions and projects such as the OSCE Mission to Bosnia and Herzegovina and the Mission in Kosovo". Approximately 75 per cent of the OSCE budget is used for carrying out its field missions. 25 per cent of the budget is assigned for the other

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<sup>289</sup> ---, 'OSCE Factsheet, What is the OSCE?', available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>290</sup> Dov Lynch, 'The Basic Challenges Facing the OSCE', in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, p.16.

<sup>291</sup> ---, 'OSCE, Funding and Budget', available at [www.osce.org/who/108228](http://www.osce.org/who/108228), Accessed on 3 March 2013.

institutions and structures such as OSCE Secretariat, ODIHR, HCNM and RFM. In addition to the unified budget, voluntary contributions are provided by states and other international organizations in order to conduct common specific projects.<sup>292</sup>

The OSCE employs 550 people in its various permanent institutions and Secretariat and around 2330 in its field operations. Locally-contracted employees outnumber international seconded employees by roughly three to one. Seconded staff members are funded by their national administrations.<sup>293</sup> Seconded international staff and local staff are employed in the OSCE field missions. “The secondment system creates an opportunity for the Organization to conduct its field operations “quickly, flexibly, and more inexpensively” .<sup>294</sup>

The OSCE is a regional arrangement under Chapter VIII of the UN Charter. In UN Chapter VIII, article 52 states that

nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.<sup>295</sup>

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<sup>292</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.56.

<sup>293</sup> ---, ‘OSCE, Funding and Budget’, available at [www.osce.org/who/108228](http://www.osce.org/who/108228), Accessed on 3 March 2013.

<sup>294</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.56.

<sup>295</sup> ---, ‘Charter of the United Nations’, available at <http://www.un.org/en/documents/charter/>, Accessed on 10 January 2013.

The OSCE lacks any international legal capacity or legal personality as an international organization in accordance with the international law. The Organization does not have a founding treaty under international law. The OSCE participating States have failed to reach a consensus in the efforts to create a legal personality for the Organization since the early of the 1990s.<sup>296</sup>

The issues with regard to “providing the OSCE with a legal capacity and granting privileges and immunities to the Organization” have sometimes come to the fore since 1993 CSCE Rome Ministerial Council meeting.<sup>297</sup> In the Rome Ministerial Council meeting, the CSCE participating States agreed that the OSCE as an international organization should be provided a legal personality and granted privileges and immunities in line with the international law.<sup>298</sup> However, the participating States have failed to reach a consensus in acquiring a legal status or personality for the Organization. “The OSCE remains a purely political entity despite its numerous high-level security activities”.<sup>299</sup> The OSCE could not gain a status of a full-fledged international organization as a legal person under the international law.<sup>300</sup>

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<sup>296</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, Center for OSCE Research (CORE), Vienna, 2005, pp.53-54 and Daniel Trachsler (responsible editor/author), ‘The OSCE: Fighting for Renewed Relevance’, *Center for Security Studies Analysis in Security Policy*, Zurich, No.110, March 2012, p.2.

<sup>297</sup> Wolfgang Zellner, ‘The Reform of the OSCE: Problems, Challenges and Risks’, in Victor-Yves Ghebali and Daniel Warner (eds), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, PSIO Occasional Paper 2/2006, p.87.

<sup>298</sup> Randolph Oberschmidt and Wolfgang Zellner, ‘OSCE At the Crossroads’, *Centre for Research-Institute for Peace Research and Security Policy Center for OSCE Research (CORE) Working Paper 2*, Hamburg, 2001, pp.11-12.

<sup>299</sup> Arie Bloed, ‘Legal Status of the OSCE in the making’, *Helsinki Monitor; Security and Human Rights* 2007 no.2, p.164.

<sup>300</sup> Sonya Brander and Maria Martin Estebanez, ‘The OSCE matures: Time for legal status’, *Helsinki Monitor: Security and Human Rights* 2007 no.1, p.4.



The OSCE's international position has been substantially undermined by the lack of a legal status or personality and a constitutional founding treaty under international law.<sup>301</sup> The lack of a legal personality under international law creates serious disadvantages for the OSCE in terms of operating, representing itself and defending itself as an international organization. "The OSCE's lack of legal capacity has a negative impact on how it is perceived by others and negatively affects its reputation".<sup>302</sup> The OSCE has had an ability to function as a regional security organization in the absence of a legal capacity. However, this legal status problem has led to several problems in the field of granting privileges and immunities to the OSCE personnel and officials who work in the OSCE field missions and permanent institutions.<sup>303</sup> The lack of a legal personality and a founding treaty has also created several problems for the OSCE in terms of contracting and procurement.<sup>304</sup>

Ghebali states that

the OSCE is clearly challenged by its incomplete institutionalization. The OSCE obviously suffers from a number of handicaps in the absence of an international legal capacity, a consolidated founding instrument and updated basic rules of procedure. Such shortcomings are perceived by some participating States as compelling the OSCE to operate with low visibility as well as no clear-cut rules of the game, precluding it from cooperating on an equal footing with its partner organizations and even

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<sup>301</sup> Marco Odello, 'Thirty Years After Helsinki: Proposals for OSCE's Reform', *Journal of Conflict & Security Law*, Vol.10 No.3, p.435.

<sup>302</sup> Sonya Brander and Maria Martin Estebanez, 'The OSCE matures: Time for legal status', *Helsinki Monitor: Security and Human Rights* 2007 no.1, p.4.

<sup>303</sup> Randolph Oberschmidt and Wolfgang Zellner, 'OSCE At the Crossroads', *Centre for Research-Institute for Peace Research and Security Policy Center for OSCE Research (CORE) Working Paper 2*, Hamburg, 2001, pp.11-12.

<sup>304</sup> Robert L. Barry, 'The OSCE: A Forgotten Transatlantic Security Organization?', *British American Security Information Council Basic Research Report*, 2002, pp.28-29.

allowing a group of countries to manipulate the OSCE in the name of pragmatism and flexibility.<sup>305</sup>

The US always opposes to providing the OSCE with a legal capacity. The US argues that “a legal capacity would endanger the OSCE’s main asset, its flexibility and the OSCE derives great strength from its flexibility”.<sup>306</sup> Therefore, “the flexible political character” of the OSCE should be preserved.<sup>307</sup>

As a result, the US is not in favor of creating a charter or convention which in turn can provide a legal personality under international law for the Organization. The US adopts an approach that the flexibility and political status of the OSCE should be kept.<sup>308</sup>

On the other hand, around the reform debates and recommendations on the OSCE, it is widely accepted that “the OSCE’s identity and profile should be strengthened through raising the awareness of the Organization within the participating States”. The OSCE’s institutionalization process from a conference process to a full-fledged international organization should be completed. For this, the OSCE should be provided with a legal capacity or personality through a convention under international law and the OSCE’s officials and personnel should be granted privileges and immunities to perform their duties and missions more properly.<sup>309</sup>

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<sup>305</sup> Victor-Yves Ghebali, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper* No.10, Geneva, November 2005, p.12.

<sup>306</sup> Wolfgang Zellner, ‘The 9th OSCE Ministerial in Bucharest 2001’, *Helsinki Monitor*, No. 1, 2002, p.69.

<sup>307</sup> Arie Bloed, ‘Legal Status of the OSCE in the making’, *Helsinki Monitor; Security and Human Rights* 2007 no.2, p.164.

<sup>308</sup> Edwin Bakker and Hinke Pietersma, ‘The OSCE in Search of a Meaningful Reform Agenda’, *Netherlands Institute of International Relations Defense, Terrorism & Security, Foreign Policy*, 2006.01.18, p.5.

<sup>309</sup> ---, ‘Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE’, 27 June 2005, pp.19-20.

Decisions are taken by consensus in the OSCE. The consensus rule in the decision-making process clearly reflects “the principle of equality of all states”. Irrespective of “small or a super power, a member of a powerful military alliance or non-aligned”, every participating State in the Organization has equal vote and same veto right.<sup>310</sup> As Lynch points out, “the egalitarian decision-making system represents a guarantee for participating states, and has become an encouragement to peer cooperation”.<sup>311</sup>

OSCE decisions have only politically, not legally binding character. As Ghebali points out, “an international commitment does not need to be legally binding in order to have a binding character. OSCE participating states are expected to honor their politically-binding commitments, which are good faith commitments, in the same way as legally binding ones”.<sup>312</sup>

The politically-binding decisions and commitments “make it easier for many States to agree with far-reaching commitments”. This also provides the OSCE with a high degree or considerable flexibility in political and operational terms.<sup>313</sup> The politically binding nature of OSCE decisions and commitments serve to enable for the participating States to put wider security-related topics on their common agenda; “to enhance the scope of their commitments and OSCE capacities for implementation and monitoring”. When the participating States are not legally obliged to implement their commitments, they can fulfill a remarkable record in implementing their commitments.<sup>314</sup>

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<sup>310</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.10.

<sup>311</sup> Dov Lynch, ‘The Basic Challenges Facing the OSCE, in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, p.17.

<sup>312</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, p.4.

<sup>313</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.53-54.

<sup>314</sup> Dov Lynch, ‘The Basic Challenges Facing the OSCE, in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, p.17.

Tüzel argues that “with its decision-making procedure, based on the rule of consensus and the politically binding nature of its decisions, taken at the highest political level, the OSCE commands moral authority. The nature of its organizational structure and rules of procedure allow the organization to respond flexibly and thus effectively to a variety of evolving challenges, risks and threats to security and stability”.<sup>315</sup>

Since the signing of the Helsinki Final Act in 1975, the participating States have constantly developed common norms, principles and commitments along the three dimensions of security within the framework of the CSCE/OSCE with a view to promoting and maintaining security, stability and peace in the entire OSCE region. These norms, principles and commitments are sometimes called as “the OSCE Acquis”.<sup>316</sup> In all CSCE/OSCE official documents, the OSCE participating States announce their strong commitment to common values adopted among them.<sup>317</sup>

“While deliberations on international legal documents usually take considerable time until agreement on a final text is reached and the final documents are subject to ratification and reservations”, this is not the case for the decisions and documents of the OSCE. Thanks to its political nature, once consensus among the OSCE participating states has been achieved, decisions come into force immediately and become principally binding for all the participating States. In this regard, due to its flexible and political character, the OSCE has an ability to give quick reactions against the newly emerging needs and security threats and challenges.<sup>318</sup> In other words, “due to the flexibility of its structures and methods of work,

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<sup>315</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions*, Vol.VIII No.1, March-May 2003, p.11.

<sup>316</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.53-54.

<sup>317</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, ‘Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality’, 18 October 2012, Hamburg, Paris, Moscow, Warsaw, p.11.

<sup>318</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, *Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments, Volume 1. Thematic Compilation, 2nd Edition, OSCE/ODIHR*, 2005, p.2.

as well as the politically binding character of its decisions, the OSCE has a strong capacity for rapid response”.<sup>319</sup>

In order to manage efficiently the whole process on dialogue and co-operation, the CSCE/OSCE needed to establish permanent and operational institutions. “The institutional development of the CSCE/OSCE has never followed a master plan, but has rather proceeded in reaction to the pressing needs and challenges the Organization and its participating States have faced”. The current OSCE structures and institutions were created in the transformation process from a conference to an organization between 1990 and 1994. In this period, Secretariat, Conflict Prevention Centre, Office for Free Elections (later ODIHR), High Commissioner on National Minorities, and Forum for Security Co-operation were established with a view to responding more effectively to the existing and newly emerging threats, risks and challenges in the newly emerging security environment in Europe.<sup>320</sup> After 1994, new structures and institutions within the Organization were also set up, aimed at assisting the participating States in the fields related to all three dimensions of security.<sup>321</sup>

One of the most important assets of the OSCE is to deploy long-term field missions with the aim of “providing advice, expertise and practical assistance to its participating States in the fields of all three dimensions of security.”<sup>322</sup> “These field operations are established at the invitation of the respective host countries, and their mandates are agreed by consensus by

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<sup>319</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, p.3.

<sup>320</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.53.

<sup>321</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, ‘Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality’, 18 October 2012, Hamburg, Paris, Moscow, Warsaw, p.11.

<sup>322</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, p.3.

the participating States”. The field operations conducted by the OSCE are of utmost importance for the conflicts particularly in the post-conflict peace building and post-conflict rehabilitation processes. The field missions, serving to build confidence between the relevant actors in conflicts, aim at increasing the capacities of the host countries in terms of concrete activities and projects that meet the needs of the participating States and their societies. These activities and projects are generally related to the human dimension of security such as supporting law enforcement and legislative reforms, promoting the rule of law, strengthening the media freedom and finally protecting and improving the rights of persons belonging to the national minorities.<sup>323</sup>

The OSCE has a broad membership. The United States, the Russian Federation and all European countries are equally represented as the participating States in the OSCE.<sup>324</sup> Hence, “the OSCE has maintained its relevance and unique place in the Euro-Atlantic and Eurasian security architecture due to its inclusive membership as well as its comprehensive approach to security”.<sup>325</sup>

As Ghebali rightly points out, “the OSCE is one the most original creations of multilateral security diplomacy”. The OSCE, as both a Euro-Atlantic and a Eurasian organization for security and co-operation, include 57 participating States from a wide range of geographies such as North America, Europe, former Soviet Union region and finally Asia. Therefore, the OSCE can be considered as a real reflection of relationships among the participating States from different geographies of the world.<sup>326</sup>

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<sup>323</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>324</sup> Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, British American Security Information Council Research Report, July 2002, p.6.

<sup>325</sup> ---, ‘The Organization for Security and Co-operation in Europe (OSCE)’, The Ministry of Foreign Affairs of the Republic of Turkey, available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 10 November 2012.

<sup>326</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, p.1.

According to Lynch, having inclusive membership is one of the most important uniqueness of the OSCE. “The OSCE ranges across three geographic spaces – the transatlantic, European and Eurasian – to encompass almost the entire stretch of the northern hemisphere. The geography of an organization of so many states working together to build security through cooperation is unique”. Lynch points out that one should not forget that “there is nothing quite like the OSCE – an organization encompassing 57 countries, and the world’s major religions and cultures, forming an association of states and their societies working together to build security through co-operation”. This is a unique system which contains both all its own richness and complexities together in an integrated manner.<sup>327</sup>

For Zagorski, “the OSCE has always been the widest possible European institution with its inclusive participation”. The participating States of the OSCE, remaining the outside the NATO and EU membership even for the long-term particularly former Soviet Union countries, can benefit very much from their participation in the Organization. The OSCE provides a significant dialogue platform for those countries interested in European security issues. Although those participating States are included in various official agreements and programs within the EU and NATO frameworks, the OSCE is the only European security organization which those participating States are involved in equal membership conditions as well as same rights in the decision-making processes with other participating States included in NATO or EU. The OSCE participating States which are not members of the EU and NATO currently benefit substantially from their participation in the OSCE, making possible for them to raise their security concerns particularly in the OSCE decision-making processes.<sup>328</sup>

According to Dunay, “the OSCE has contributed to eliminating the feeling of isolation experienced by those countries that are not integrated in the old institutions of Western Europe like the EU and NATO. For these countries, the Organization has become an

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<sup>327</sup> Dov Lynch, ‘The Basic Challenges Facing the OSCE’, in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, pp.7-8

<sup>328</sup> Andrei Zagorski, ‘The OSCE in the context of the forthcoming EU and NATO extensions’, *Helsinki Monitor* 2002 no.3, pp.226-227.

essential channel of communication”.<sup>329</sup> Lynch states that “the OSCE is the most inclusive forum spanning the transatlantic and Eurasian spaces. The enlargement of NATO and the EU have made the OSCE all the more important for European security, as it is the only organization that bridges what may appear to be deepening dividing lines within the OSCE space. One cannot underestimate the importance of this function”.<sup>330</sup> Kemp asserts that comprehensive membership is an added value of the OSCE. The Organization goes beyond the Western European security organizations in terms of membership. The countries in Western Europe have to be concerned about the situation in Belarus, in Moldova, in Georgia, in Ukraine and in Central Asia. In this regard, the OSCE still has a role to play. The OSCE symbolizes a North-Atlantic link to Eurasia in terms of inclusive membership. Countries from three continents can meet in such a dialogue form.<sup>331</sup>

#### **4.2. Three Dimensions and Basic Functions of the Organization for Security and Co-operation in Europe**

The Helsinki Final Act, which was signed by the 35 CSCE Heads of State or Government in 1975, is composed of ‘three baskets’, namely ‘Questions relating to security in Europe’; ‘Co-operation in the fields of economics, of science and technology and of the environment’; and ‘Co-operation in humanitarian and other fields’.<sup>332</sup> “Baskets had served to sort issues during long discussions in which participating States strove to agree on common recommendations”.<sup>333</sup> In the early 1990s, a terminological change took place from ‘basket’

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<sup>329</sup> Pal Dunay, ‘Improve What You Can – Ignore What You Can’t: Reform and the Prospects of the OSCE’, *OSCE Yearbook 2004*, Center for OSCE Research (CORE), p.42.

<sup>330</sup> Dov Lynch, ‘The Basic Challenges Facing the OSCE, in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, p.17.

<sup>331</sup> Interview with Walter Kemp, Director, Europe and Central Asia/International Peace Institute, Vienna, 17 October 2012.

<sup>332</sup> ---, ‘OSCE, The Three OSCE Dimensions’, available at <http://www.osce.org/item/44318>, Accessed on 19 February 2012.

<sup>333</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2002, pp.5-6.



to 'dimension' and these three baskets were started to be called as 'dimensions'. Today, these three baskets are known as the OSCE's three dimensions, namely politico-military dimension; economic and environmental dimension and the human dimension. Three dimensions of security reflect very well OSCE's comprehensive approach to security which intertwines the politico-military aspects of security with economic-environmental and human dimension matters.<sup>334</sup>

The OSCE's field activities under the title of the three dimensions of security include a wide range of security functions, covering a huge geographic area composed of the 57 participating States.<sup>335</sup> This dissertation uses the classification for each activity field under the titles of three dimensions the OSCE makes by itself. In the politico-military dimension, the OSCE works on arms control-disarmament; Confidence- and Security-Building Measures; terrorism; conflict prevention and resolution; border security and management; military reform and co-operation and finally Policing.<sup>336</sup> In the economic and environmental dimension, the OSCE aims at "assisting in the creation of economic and environmental policies and related initiatives to promote security in the OSCE region".<sup>337</sup> In the human dimension, the OSCE aims at ensuring full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities; promote the rule of law; building, strengthening and protecting democratic institutions; improving media freedom; encouraging more democratic elections; fighting against trafficking in human

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<sup>334</sup> ---, 'OSCE, The Three OSCE Dimensions', available at <http://www.osce.org/item/44318>, Accessed on 19 February 2012 and ---, 'OSCE, Activities, Politico-Military Dimension', available at <http://www.osce.org/activities/18803.html>, Accessed on 19 February 2012.

<sup>335</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO: Lynne Rienner Publishers, 2001, p.226.

<sup>336</sup> ---, 'OSCE, Activities, Politico-Military Dimension', available at <http://www.osce.org/activities/18803.html>, Accessed on 19 February 2012.

<sup>337</sup> ---, 'OSCE, Activities Economic and Environmental Dimension', available at <http://www.osce.org/activities/18804.html>, Accessed on 19 February 2012.

being; and finally promote tolerance and non-discrimination throughout the OSCE region.<sup>338</sup> Every activity field will be explained and analyzed in detailed under the title of three dimensions of security in the following chapters of the dissertation.

According to Gheballi, “the three dimensions differ in terms of institutional resources, as well as visibility and achievements. Whereas the human dimension appears as the most performing and high-profile, the economic dimension is the less productive – with the politico-military dimension occupying a middle-of-the-road position”.<sup>339</sup>

Through operating in its three dimensions of security, the OSCE fulfills its basic functions “with varying degrees of intensity at different times”. First of all, the OSCE aims to perform an international security function with a view to contributing to maintaining stability, security and peace across the entire OSCE region.<sup>340</sup>

Second, the OSCE serves as a diplomatic framework where all the participating States are represented with equal terms. This diplomatic framework is aided by its structures and permanent institutions. Decisions are taken by consensus in the OSCE. The OSCE acts as an effective channel of dialogue and communication in terms of addressing security issues in its widest sense, encompassing all three dimensions of security.<sup>341</sup> Serving as a framework for dialogue for its participating States has been one of the greatest assets of the OSCE

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<sup>338</sup> ---, ‘OSCE, Activities Human Dimension’, available at <http://www.osce.org/activities/18805.html>, Accessed on 19 February 2012.

<sup>339</sup> Victor-Yves Gheballi, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, p.3.

<sup>340</sup> Wolfgang Zellner, ‘Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.7.

<sup>341</sup> Andrew Cottey, ‘The OSCE Crowning Jewel or Talking Shop?’, in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, pp.46-47.

since the very beginning. The Organization, incorporating a broad range of geographic regions, has created a permanent dialogue framework in an institutionalized form.<sup>342</sup>

The OSCE provides a pan-European platform for multilateral dialogue. Zellner points out that “bridging contradictions between Europe’s various political regions and providing them with a broad framework for dialogue and co-operation has always been the core mission of the CSCE/OSCE.”<sup>343</sup> Dialogue between the participating States, partner States, international organizations, regional organizations and civil society organizations has been the main driving force for the OSCE since the Helsinki Final Act in 1975. All participating States are allowed to bring their security concerns into the agenda. The OSCE lacks of any founding charter or any legal status under the international law. The OSCE system works on the basis of its participating States’ willingness to implement all OSCE norms, principles and commitments “in a permanent, institutionalized, and open dialogue on all issues included on the OSCE’s comprehensive agenda”. This kind of original approach to security was developed as a “revolutionary way to organize at a time when military alliances were the dominant actors” in the Cold War era. Over the years, “the OSCE has created and maintained a culture of dialogue that has been the foundation of its success as a key contributor to security and co-operation in Europe. No other continent disposes of an equivalent multi-purpose communication system for security and co-operation”.<sup>344</sup>

Third, the OSCE is a norm-setting organization pertaining to all three dimensions of security, namely politico-military; economic and environmental; and human dimensions. The CSCE/OSCE has established a wide variety of norms, standards and rules for both domestic

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<sup>342</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.9.

<sup>343</sup> Wolfgang Zellner, ‘Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.7.

<sup>344</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.9.

and international behavior of its participating States since the Helsinki Final Act in 1975.<sup>345</sup> The OSCE's commonly adopted norms, standards and rules have provided the main framework for inter-state relations as well as between the participating States and their citizens.<sup>346</sup> The implementation of the OSCE norms, principles and commitments are regularly monitored and reviewed by the relevant OSCE mechanisms and its permanent institutions.<sup>347</sup>

Having a meaningful normative record over the years, the CSCE/OSCE has developed several major regimes in the field of politico-military dimension, including arms control-disarmament and CSBMs. In the human dimension field, the OSCE has devoted itself to establishing a set of norms, standards and rules on the specific issues including democracy, the rule of law, human rights and fundamental freedoms, national minority rights, refugees, displaced persons, children, women and finally victims of trafficking in human-being.<sup>348</sup>

Fourth, the OSCE provides a framework for arms control and disarmament under the title of the politico-military dimension of security. In order to increase military transparency and predictability, the OSCE has contributed substantially to creating arms control regimes across the entire OSCE region. The Organization has served as a discussion and negotiation

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<sup>345</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, p.47.

<sup>346</sup> Andrei Zagorski, 'The OSCE in the context of the forthcoming EU and NATO extensions', *Helsinki Monitor* 2002 no.3, p.229.

<sup>347</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, p.47.

<sup>348</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.2-3.

platform over the years with a view to promoting military co-operation among the participating States.<sup>349</sup>

Fifth, the OSCE is an organization which works to assist its participating States in promoting democracy throughout the OSCE region. Being aware that a lasting security, stability and peace cannot be achieved without the existence of a well-functioning democracy, the rule of law and respect for human rights and fundamental freedoms, the OSCE has been a strong supporter of its participating States to keep democratic option strong for particularly the post-communist countries. In this regard, the OSCE has conducted a broad range of human dimension-related activities to support the transition States towards democracy, the rule of law and market economy in the post-Cold War Europe with the aim of promoting democratization. These activities include monitoring elections, electoral systems, providing assistance on judicial and legal system reforms and strengthening the media freedom. The ODIHR and the RFM are the key OSCE institutions in the field of democratization.<sup>350</sup>

Finally, the OSCE has a conflict management function, incorporating early-warning, conflict prevention, conflict resolution, post-conflict peace-building and post-conflict rehabilitation activities in a comprehensive manner. "In response to the growing challenge of complex ethno-political conflicts", the OSCE established the CPC and the HCNM in order to act more effectively in the field of conflict management. With the active engagement of the HCNM,

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<sup>349</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, pp.50-51.

<sup>350</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, pp.48-49 and Wolfgang Zellner, 'Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions', *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.7.

the OSCE has made a substantial contribution to the prevention of ethno-political conflicts relating minorities in the Baltic States and Crimea, Ukraine.<sup>351</sup>

Furthermore, the OSCE started to deploy its long-term field missions to conflict zones with a view to playing a mediator role to prevent and resolve conflicts through providing a relevant platform for dialogue and diplomacy. In this regard, the Organization dispatched its field operations in a wide geographical area, including the Balkans, Caucasus, Central Asia and Eastern Europe as well as Southeastern Europe. In addition to conflict management functions, the OSCE field presences have also worked to support the participating States in terms of promoting and encouraging democratization, facilitating arms control agreements, and ensuring respect for human and minority rights.<sup>352</sup>

#### **4.3. Security Concepts of the Organization for Security and Co-operation in Europe**

The OSCE's approach to security is mainly based on comprehensive concept of security; co-operative concept of security; and the concept of indivisibility of security. Comprehensive, co-operative and indivisible approaches to security have been put into practice in an integrated whole by the CSCE/OSCE participating States since the Helsinki Final Act in 1975.<sup>353</sup> "Common, comprehensive, co-operative and indivisible security" are adopted by the all participating States and these concepts are the main driving approaches to security in the OSCE region have been also emphasized in all milestone CSCE/OSCE documents

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<sup>351</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, p.49-50.

<sup>352</sup> Ibid., p.50.

<sup>353</sup> Marcel de Haas, 'The Shanghai Cooperation and the OSCE: Two of a kind?', *Helsinki Monitor: Security and Human Rights*, 2007 no.3, pp.250-251.

throughout the history of the Organization.<sup>354</sup> The OSCE is the leading regional security institution which combines these three approaches in an integrated manner.<sup>355</sup>

The OSCE has a comprehensive view to security. It means that the OSCE is active in all three dimensions of security, namely politico-military, economic and environmental and human dimensions. Within this context, the OSCE performs its functions in a wide range of security-related issues such as arms control, conflict management, military reform and co-operation, policing, economic and environmental issues, human rights and fundamental freedoms, minority rights, democracy, the rule of law, media freedom and tolerance and non-discrimination issues. The OSCE has also a co-operative approach to security. It means that “all the States participating in OSCE activities are equal in status and not bound by treaty, so that decisions are taken by consensus on a politically, but not legally-binding basis”.<sup>356</sup> Finally, from the OSCE’s point of view, security is indivisible. It means that the security of each participating State in the OSCE region is inevitably linked with the security of every other participating States. Hence, any insecurity or instability in any participating State of the OSCE can have negative implications on all participating States and their societies.

#### **4.3.1. Comprehensive Approach to Security**

The OSCE defines its comprehensive approach to security as the following: “the protection and promotion of human rights and fundamental freedoms, along with economic and environmental co-operation, are considered to be just as important for the maintenance of

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<sup>354</sup> ---, ‘Organization for Security and Co-operation in Europe (OSCE)’, available at <http://www.osce.org>, Accessed on 20 February 2012.

<sup>355</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.

<sup>356</sup> ---, ‘Organization for Security and Co-operation in Europe (OSCE)’, available at <http://www.osce.org>, Accessed on 20 February 2012.

peace and stability as the politico-military issues, and as such are an integral component of OSCE activities.”<sup>357</sup>

“The OSCE views security as comprehensive and works to address the three dimensions of security – the politico-military, the economic and environmental, and the human – as an integrated whole”.<sup>358</sup> According to this multidimensional understanding of security, the various aspects of security or different dimensions of security are regarded as complementary, interconnected and interdependent.<sup>359</sup> All three dimensions are viewed as necessary and equally in the realization of long-term security and stability in the OSCE area.<sup>360</sup>

The OSCE has always taken a broad and comprehensive approach to security.<sup>361</sup> In other words, “the OSCE implements a comprehensive security program through a cooperative security approach. Comprehensive security intertwines the politico-military, economic and environmental and the human dimensions”. These dimensions refer to the ‘three baskets’ initially formed in the Helsinki Final Act in 1975<sup>362</sup> all of which are viewed as being of equal importance”.<sup>363</sup>

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<sup>357</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2002, p.1.

<sup>358</sup> ---, ‘OSCE Factsheet, What is the OSCE?’ available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>359</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.

<sup>360</sup> Marc Perrin de Brichambaut, ‘The Invisibility of Europe-Atlantic Security’, 18th Partnership for Peace Research Seminar, Vienna Diplomatic Academy, 2010, p.1.

<sup>361</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.

<sup>362</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.1-2.

<sup>363</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.



Comprehensive understanding of security is an integral and original component of the OSCE's philosophy and practice.<sup>364</sup> The OSCE establishes a direct linkage between peace and stability and non-military aspects of security issues. The OSCE's comprehensive approach to security encompasses both traditional and non-traditional aspects of security. It means that security is not totally independent from non-traditional or non-military aspects of security such as economic and environmental issues, democracy, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, gender equality, media freedom and finally tolerance and non-discrimination issues.<sup>365</sup>

According to Oritz, the OSCE establishes a clear link between the maintenance of peace and security and human rights and fundamental freedoms. This comprehensive approach implies that full implementation of common commitments in the field of human dimension is of utmost importance for security and stability of the OSCE participating States. In addition, it is assumed that an effective economic and environmental co-operation can enable the participating States to have more peaceful, secure and stable environment in the OSCE region.<sup>366</sup>

According to Haas, the OSCE's comprehensive view of security is based on the assumption that "security and stability not only depends on politico-military dimension but also economic, environmental and human dimensions."<sup>367</sup>

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<sup>364</sup> Antonio Oritz, 'Neither for nor hedgehog: NATO's Comprehensive Approach and the OSCE's concept of security', *Security and Human Rights* 2008 no.4, pp.285-286.

<sup>365</sup> Monika Wohlfeld, 'Reconceptualization of Security in the CSCE and OSCE', *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, p.645.

<sup>366</sup> Antonio Oritz, 'Neither for nor hedgehog: NATO's Comprehensive Approach and the OSCE's concept of security', *Security and Human Rights* 2008 no.4, pp.285-286.

<sup>367</sup> Marcel de Haas, 'The Shanghai Cooperation and the OSCE: Two of a kind?', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.250-251.

For Kemp, comprehensive approach to security is absolutely essential. The other organizations copied this model of the OSCE. The NATO is a classical hard security organization, but it is increasingly looking at the impact of softer security issues, for instance, energy security. The EU is also adopting a comprehensive view of security.<sup>368</sup>

“The OSCE’s multidimensional and comprehensive approach to security, incorporating the politico-military, economic and environmental and human dimensions, continues to be a major asset in addressing today’s security challenges”.<sup>369</sup> Oritz states that “comprehensive concept of security has become one of the most distinctive and lasting trade-marks of the OSCE”. This multidimensional approach to security has provided the OSCE a unique position in the European security architecture. The concept of comprehensive security originates from the CSCE/OSCE as the main driving approach to security the Organization has conceived and adopted.<sup>370</sup> “One of the greatest achievements in the OSCE’s history is its development of a concept of comprehensive security”. Comprehensive approach to security was developed by the CSCE “at a time when security was predominantly defined in military terms”.<sup>371</sup> As Zagorski points out, “a comprehensive approach to security is considered to be one of the unique strengths and comparative advantages of the OSCE”. It is assumed that operating in all three dimensions of security can enable the Organization to tackle with more effectively security risks, threats and challenges.<sup>372</sup>

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<sup>368</sup> Interview with Walter Kemp, Director, Europe and Central Asia/International Peace Institute, Vienna, 17 October 2012.

<sup>369</sup> ---, ‘OSCE Gender Equality Factsheet’, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 10 January 2014.

<sup>370</sup> Antonio Oritz, ‘Neither for nor hedgehog: NATO’s Comprehensive Approach and the OSCE’s concept of security’, *Security and Human Rights* 2008 no.4, pp.285-286.

<sup>371</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.10.

<sup>372</sup> Andrei Zagorski, ‘The OSCE in the context of the forthcoming EU and NATO extensions’, *Helsinki Monitor* 2002 no.3, pp.227-228.

As a reflection of its comprehensive security approach, the OSCE performs a wide variety of security-related activities in all three dimensions of security across the entire OSCE region. Firstly, in the politico-military dimension, the OSCE “seeks to enhance military security by promoting greater openness, transparency, predictability, and co-operation”. In the politico-military dimension of security, the OSCE works to provide a platform for arms control and disarmament; develop confidence- and security-building measures; deal with international terrorism; act in all phases of conflict management, including early warning, conflict prevention, conflict resolution and post-conflict rehabilitation processes; promote military co-operation and reform; provide a secure border management; and finally carry out Policing activities.

Secondly, being aware that “prosperity as a cornerstone of security and environmental issues as a key factor of security”, the Organization addresses a broad range of activities in the economic and environmental dimension of security. The OSCE is basically engaged in providing a favorable business and investment environment; combating money-laundering; promoting energy security; fighting corruption; combating organized crime; strengthening transport security; managing the migration; and finally eliminating the negative consequences of environmental problems such as climate change, hazardous waste and water scarcity. In the second dimension, the OSCE mainly aims at fostering economic co-operation and protecting and improving the environment.

In the human dimension of security, OSCE has adopted an approach that “lasting security is not possible without respect for human rights and fundamental freedoms”, the OSCE provides assistance to its participating States in several matters. These fields include combating with trafficking in human-beings; creating democratic institutions and societies; providing a suitable environment for free, democratic and transparent elections; promoting the rule of law; ensuring for and protecting human right and fundamental rights; improving minority rights; promoting gender equality; strengthening media-freedom; and finally fighting against intolerance and discrimination.

The OSCE’s comprehensive approach to security, connecting various aspects of security in an integrated manner, can be very instrumental in dealing with cross-dimensional security

threats and challenges, facing the participating States in the OSCE region. These transnational risks and threats include a wide range of threat groups such as international terrorism, organized crime including trafficking in human-beings, weapons and drugs and finally cyber-crime which require common response, joint actions and close co-operation in combating with them.<sup>373</sup>

The OSCE's broad and comprehensive approach to security has provided a good reference point for other international and regional organizations engaged in security and co-operation. Particularly, after the end of the Cold War period, several international organizations like the EU started to put much more emphasis on comprehensive security approach within the framework of 'Common Foreign and Security Policy'. The comprehensive approach to security conceived by the CSCE/OSCE over the years has also provided an incentive framework for several states which are willing to become partner states of the OSCE.<sup>374</sup> Being aware that today's security problems cannot be managed by only military tools and they are also in need of political, social, economic, environmental and humanitarian instruments in an complementary and interdependent manner. Today's complex security problems, particularly transnational threats, require common response and joint actions based on both military and civilian means together in a comprehensive and co-ordinated way.<sup>375</sup>

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<sup>373</sup> ---, 'OSCE Factsheet, What is the OSCE?', available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>374</sup> Monika Wohlfeld, 'Reconceptualization of Security in the CSCE and OSCE', *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, pp.649-650.

<sup>375</sup> Antonio Oritz, 'Neither for nor hedgehog: NATO's Comprehensive Approach and the OSCE's concept of security', *Security and Human Rights* 2008 no.4, pp.285-286.

#### 4.3.2. Co-operative Approach to Security and Indivisibility of Security

It is widely accepted that “managing today’s complex conflicts and crises requires a wide range of internal and external actors, including governments, civil society, the private sector and international organizations and agencies, to work together in a coherent and coordinated effort”. In other words, no State or international organization cannot deal with today’s complex security threats and challenges with its own means and capabilities. Effective and well-coordinated multilateralism is strongly required, including all available civilian and military tools in the best possible combination.<sup>376</sup> In this regard, in today’s international environment, pursuing a co-operative approach to security with all available resources is necessary for every member of the international community.<sup>377</sup>

Similarly, the participating States of the OSCE are strongly convinced that today’s complex security threats, risks, and challenges cannot be addressed adequately by any single state or international organization. Because dealing with today’s security problems require common responses and joint actions, co-operation, co-ordination, and exchange of best-practices and lessons-learned which must be used efficiently in addressing current security risks and challenges.<sup>378</sup> Therefore, the OSCE has always adopted a co-operative approach to security with a view to providing an appropriate platform for the effective implementation of common norms, principles and commitments in a co-operative way.<sup>379</sup> Co-operative security approach includes

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<sup>376</sup> ---, ‘Seminar Publication on Comprehensive Approach – Trends, Challenges and Possibilities for Cooperation in Crisis Prevention and Management’, *Comprehensive Approach Seminar*, 17 June 2008, Helsinki, edited by: Crisis Management Initiative, Kristiina Rintakoski and Mikko Autti, p.11.

<sup>377</sup> Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.114.

<sup>378</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.100.

<sup>379</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.10.

a soft security approach ruling out coercion and using preventive diplomacy as a privileged form of action, while also prescribing equal partnership, confidence, mutual accountability, solidarity and military transparency. At the OSCE, such an approach also subsumes a legitimate right of friendly interference in internal affairs directly based on the rationale of indivisibility of security. Gross or systematic violations of OSCE basic commitments by any participating State are not supposed to be followed by sanctions or even public allocation of blame; they rather generate offers of assistance aimed at helping the concerned State to redress a situation considered to be detrimental to itself and to the whole community of participating states; since the aim is not to interfere but to maximize security at the global level, it is implicitly assumed that assistance offers are not supposed to be rejected. Cooperative security presumes goodwill and permanent good faith from States. In the absence of cooperation, such an approach proves to be inevitably barren.<sup>380</sup>

Co-operative security approach and the indivisible security approach are intertwined. The OSCE's co-operative approach to security is based on the following rationale: "security is indivisible, meaning that co-operation is beneficial to all participating States while the insecurity in one State can affect the well-being of all. Therefore, no participating State should enhance its security at the expense of the security of another participating State".<sup>381</sup> In other words, the principle of the indivisibility of security rests on the premise that "the security of a state is also influenced by that of other states. Therefore, security can only be achieved or maintained in co-operation with other states".<sup>382</sup> In this respect, the OSCE aims to foster security through co-operation. OSCE's co-operative approach to security entails an extensive co-operative relationships with other international and regional institutions engaged in providing security and stability within and outside the OSCE region.<sup>383</sup>

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<sup>380</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.1-2.

<sup>381</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.1.

<sup>382</sup> Marcel de Haas, 'The Shanghai Cooperation and the OSCE: Two of a kind?', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.250-251.

<sup>383</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, p.100.

The concept of indivisibility of security has been also strongly recognized by the participating States in all related CSCE/OSCE documents since the Helsinki Final Act in 1975. Indivisible security means that “the security of each state of OSCE region is inextricably linked with the security of every other state”.<sup>384</sup> In other words, the security of one participating State in the OSCE region is obviously dependent on the other participating States of the Organization. No participating State should take initiatives which can be detrimental to other states’ security and stability in the OSCE area. “Everyone needs to have an interest in the security of partners and neighbors in order to guarantee their own optimum security”.<sup>385</sup> The Charter for European Security, adopted at 1999 OSCE Istanbul Summit, declares the vision of creating “a common and indivisible security space in the OSCE area, free of dividing lines and with comparable levels of security for all”.<sup>386</sup>

In the 2003 OSCE Strategy to Address Threats to Security and Stability in the 21st Century, it is stated that “no single State or organization can, on its own, meet the challenges facing the participating States today. Coordination of the efforts of all relevant organizations is therefore essential”. The OSCE’s co-operation with other international and regional organizations comprises “co-ordination, dialogue and structured co-operation on thematic or regional issues across the OSCE region, based on common values and shared objectives”. In the 2003 OSCE Strategy Document, the participating States underline the importance of increasing interaction and co-operation at both the political and the working levels. They are also determined to strengthen co-operation and co-ordination on practical matters and projects. Furthermore, it is stated that international and regional organizations should

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<sup>384</sup> Marc Perrin de Brichambaut, ‘The Invisibility of Europe-Atlantic Security’, 18th Partnership for Peace Research Seminar, Vienna Diplomatic Academy, 2010, pp.1-2.

<sup>385</sup> Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.114.

<sup>386</sup> Marc Perrin de Brichambaut, ‘The Invisibility of Europe-Atlantic Security’, 18th Partnership for Peace Research Seminar, Vienna Diplomatic Academy, 2010, p.1-2.

intensify their efforts to increase contacts between them and to develop common strategies and joint fact-finding.<sup>387</sup>

In order to achieve “a common, comprehensive and indivisible security and a common security space free of dividing lines”<sup>388</sup>, the OSCE aims to broaden its co-operative relations and interactions with other international and regional institutions by establishing regular patterns and contacts for consultation in political and technical domains.

The participating States believes that the OSCE should preserve its flexibility in order to co-operate efficiently with other organizations. Because both the capabilities of the organizations and their priorities pertaining to threat perceptions might change in the long-term.<sup>389</sup> While the OSCE is in favor of playing a constructive role in developing “the relationships between mutually reinforcing security-related institutions in the OSCE area”<sup>390</sup>, the participating States clearly declare that they do not have any intention or effort to create a hierarchy of organizations or a permanent division of labor among the organizations engaged in security matters.<sup>391</sup>

The Platform for Co-operative Security, adopted during the OSCE Istanbul Summit in 1999, is the main framework for the OSCE’s co-operation with other international, regional and sub-regional organizations. The participating States of the OSCE are determined to “seek to develop political and operational coherence among all the bodies dealing with security, both in responding to specific threats and in formulating responses to new threats and

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<sup>387</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.9.

<sup>388</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.100.

<sup>389</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.9.

<sup>390</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.100.

<sup>391</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.61.



challenges". Benefiting effectively from the comparative advantages and strengths of each international or regional institution is necessary in order to achieve strong and close co-operation among the organizations.<sup>392</sup> 'The Section for External Co-operation' located in the OSCE Secretariat serves as a point of contact in coordinating OSCE's co-operative relations with other international, regional and sub-regional organizations as well as OSCE Partner States for co-operation.

The Platform for Co-operative Security includes different kinds of instruments such as regular contact, practical co-operation, the identification of liaison officers and cross-representation at meetings. The Platform also aims to create adequate opportunities in order to provide exchanging of information and experiences and develop common projects.<sup>393</sup>

As reflection of its co-operative security approach, the OSCE tries to maintain close and active co-operation and co-ordination with other relevant regional and international organizations and agencies. In this regard, the OSCE co-operates closely with the UN. First of all, the OSCE is a regional arrangement under the Chapter VIII of the UN Charter. In addition to this, 'the Framework for Co-operation and Co-ordination between the UN and the CSCE was adopted in 1993. Furthermore, the CSCE gained 'observer status in the UN. A strong and a close co-operation and co-ordination between the UN and the CSCE/OSCE have taken place in a wide range of security-related fields such as fighting against human-trafficking and illicit trade on weapons; protecting human rights and fundamental freedoms; preventing conflicts; and finally economic and environmental security issues. All relevant OSCE structures and permanent institutions have close contacts with several specialized UN agencies and bodies through cross-representation at meetings and regular consultations. The OSCE has an active participation in the UN Secretary General's High-Level Meetings with other regional and intergovernmental institutions and in the annual

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<sup>392</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.9.

<sup>393</sup> ---, 'OSCE Handbook', OSCE Press and Public Information Section, Vienna, 2007, p.100.

UN Security Council thematic debates on co-operation with regional organizations. “A Declaration on Co-operation with the UN was adopted by the OSCE participating States in 2006, following the UN’s calling to strengthen co-operation.

The OSCE field missions have close co-operation with the UN, particularly in the Balkans. For instance, the OSCE Mission in Kosovo, deployed in 1992, constitutes one of the most important pillars of the UN Mission in Kosovo, with a view to contributing to the creation and maintenance of democratic institutions and society.

The OSCE, the UN and the Council of Europe have participated in high-level and target-oriented Tripartite Meetings organized annually since 2003. The EU, the International Organization for Migration and the International Committee of the Red Cross has been recently included in these meetings.

The European Union (EU) is one of the most important co-operative partners of the OSCE. The EU member states support the OSCE in terms of providing financial assistance in implementing several security-related projects pertaining to the all three dimensions of security in the whole OSCE area. The OSCE has a close co-operation with the EU on thematic and regional fields including border management and security, policing activities, fighting against human trafficking, promoting the rule of law, strengthening human rights and fundamental freedoms and finally building democratic institutions.

The delegation of the country holding the Presidency of the EU Council represents the EU in the OSCE. In addition, the European Commission maintains regular contacts with the OSCE by its delegation to the international organizations in Vienna. Political dialogue and contacts between the OSCE and the EU are maintained by regular meetings of their respective Troikas at the ministerial and ambassadorial levels. Annual staff meetings pertaining to the working levels between the two organizations have been organized since 2003. The OSCE field operations also work closely with the EU on the ground. For instance,

the EU and the OSCE have made a substantial contribution to bringing security, stability and peace to the Balkans through co-operation and common efforts.<sup>394</sup>

The OSCE and the Council of Europe co-operates closely to reach a common objective: creating and maintaining stability, security and peace in Europe by ensuring respect for human rights and fundamental freedoms; strengthening democracy; and finally promoting the rule of law. 'The Common Catalogue of Co-operation Modalities' was signed in 2000 in order to designate the main framework for conducting institutional contacts between the OSCE and the Council of Europe. Chairpersons-in-Office, Secretaries General and Parliamentary Assembly Presidents of the two organizations meet annually in the 'high-level 3+3' meetings with the aim of exchanging their views on their common security concerns. Reciprocal visits to the decision-making bodies of the OSCE and the Council of Europe are made by the two organization's Secretaries General.

The OSCE-Council of Europe Co-ordination Group, established in 2004, exchange their views with regard to the priority areas on co-operation in the annual meetings. In 2005, 'Declaration on Co-operation between the Council of Europe and the OSCE' was adopted by the two organizations. Finally, many OSCE field operations work closely with the Council of Europe. The OSCE and the Council of Europe benefit mutually from each other's experiences, strengths and comparative advantages particularly in the human dimension field.

The OSCE and the NATO have close and pragmatic co-operation in terms of political dialogue and operational interaction on the ground. Regular high-level visits between the two organizations are organized annually to address common security concerns and challenges, facing the NATO members States and the OSCE participating States. In order to deal with effectively common security risks and threats, which are becoming more complex, the OSCE and the NATO co-operate in a wide range of politico-military fields such as arms control-disarmament, confidence- and security-building measures, border security and management, and finally international terrorism. Furthermore, the OSCE and the NATO

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<sup>394</sup> Ibid., p.101.

discuss regularly regional security-related issues in the Balkans with a view to contributing to the maintenance and spread of security, stability and peace in the region. Finally, a close interaction and co-ordination between the OSCE field missions and NATO forces have been developed, i.e. in Kosovo. NATO provided considerable security assistance to the OSCE's election teams tasked to monitoring the elections in Afghanistan in 2003 and 2004.<sup>395</sup>

“Recognizing that security in the OSCE region is inextricably linked with that of neighboring areas”, the OSCE, with its all structures, institutions and field operations, aims at fostering close and broad co-operation with other international, regional and sub-regional organizations.<sup>396</sup> In the 2003 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, the OSCE is defined as a “forum for co-operation with sub-regional organizations in its area”. The OSCE organizes co-ordination meetings and shares information and relevant OSCE experience with regional and sub-regional institutions.<sup>397</sup>

The OSCE, as a regional arrangement under the Chapter VIII of the Charter of the UN, also co-operates closely and actively with various regional and sub-regional organizations and institutions both within and outside the OSCE region. In this regard, several regional organizations participate in the OSCE events, including OSCE Summit and Ministerial Council meetings. These regional and sub-regional organizations within the OSCE region are the following: the Central European Initiative, the Commonwealth of Independent States (CIS), the Collective Security Treaty Organization (CSTO), the Organization for Democracy and Economic Development (GUAM), the Organization of the Black Sea Economic Co-

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<sup>395</sup> Ibid., p.102.

<sup>396</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>397</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, pp.9-10.

operation (BSEC), the Southeast European Co-operative Initiative (SECI) and the South East European Co-operation Process.<sup>398</sup>

On the basis of the several OSCE documents and decisions, the Organization is interested in exchanging best practices, experiences and lessons-learned with other regional organizations operating outside the OSCE region. Some of these organizations can be listed as the following: African Union, the Conference on Interaction and Confidence-Building Measures in Asia, the League of Arab States and the Organization of the Islamic Conference. Relations have also been developed with the Organization of American States, the Association of Southeast Asian Nations (ASEAN) and the ASEAN Regional Forum.<sup>399</sup>

In the 2003 OSCE Strategy Document, the participating states declare their willingness to improve co-operation with all available actors to tackle with security threats, risks and challenges in a more effective way. “The OSCE has developed strong substantive interaction with NGOs whose contributions to the overall efforts of the Organization remain significant”.<sup>400</sup> In other words, the OSCE’s efforts to integrate civil society groups and non-governmental organizations (NGOs) to its activities have been a significant aspect of the OSCE’s approach to security. The OSCE has been always interested in developing co-operative relationships with a wide range of civil society groups. The OSCE’s co-operation with civil society groups and NGOs include exchanging information; providing assistance for good-governance; and finally conflict management activities. The OSCE considers NGOs “as an integral component of a strong civil society”. Furthermore, the OSCE believes that NGOs

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<sup>398</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research Center (CORE)*, Vienna, 2005, p.63 and ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.103.

<sup>399</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, p.103.

<sup>400</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, pp.9-10.

are capable of protecting and improving human rights and fundamental freedoms as well as promoting democracy and the rule of law.<sup>401</sup>

#### **4.4. Bodies, Structures, and Institutions of the Organization for Security and Co-operation in Europe**

This part of the dissertation mainly focuses on the organizational structures of the OSCE in terms of decision-making bodies, OSCE structures, OSCE-related bodies and permanent institutions.

##### **4.4.1. Decision-Making Bodies of the Organization for Security and Co-operation in Europe**

The OSCE provides a forum for consultation and negotiation among the participating states. The main OSCE negotiating and decision-making bodies are: Summits/Ministerial Councils, Permanent Council, and Forum for Security Co-operation.

###### **4.4.1.1. Summits and Ministerial Councils**

Summits are periodic meetings where the Heads of State or Government of the OSCE participating States gather to identify priorities and provide orientation for the Organization at the highest level. Initially, Summits were planned to be held every two years, however it has not been the case. The first CSCE Summit, which was held in Helsinki, was concluded with the signing of the Helsinki Final Act in 1975. Other CSCE/OSCE Summits were held in Paris in 1990, in Helsinki in 1992, in Budapest in 1994, in Lisbon in 1996, in Istanbul in 1999, and finally in Astana in 2010. Many declarations and documents, which have vital importance in the history of the CSCE/OSCE, were produced by these Summit meetings.<sup>402</sup>

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<sup>401</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.59.

<sup>402</sup> ---, 'OSCE, Summits / Ministerial Councils, Summits', available at <http://www.osce.org/mc/43197>, Accessed on 10 June 2013.

“The Ministerial Councils, formerly known as ‘Council of the CSCE’, meets once a year towards the end of every term of chairmanship of the OSCE to discuss relevant topics on the agenda and take appropriate decisions”. The CSCE Ministers of Foreign Affairs was firstly convened in Helsinki on 3-7 July 1973. The Charter of Paris for a New Europe created ‘Ministerial Council’ under the name of ‘Council of Ministers for Foreign Affairs’. Lastly, it was renamed as ‘Ministerial Council by the 1994 CSCE Budapest Summit, confirming its pivotal role in the OSCE region.

The Ministerial Councils hold decision-making and governing power in the OSCE during periods between Summits. The Ministerial Councils are composed of the foreign ministers of the OSCE participating States. The Ministerial Councils are tasked to “help to maintain a link between the political decisions taken at the Summits and day-to-day functioning of the Organization.”<sup>403</sup> “One of the Ministerial Council’s responsibilities is to designate annually the rotating Chair of the OSCE. The Chair provides political leadership, presides over negotiations, represents the organization internationally, and oversees the organization’s activities in conflict prevention, crisis management and post-conflict rehabilitation”.<sup>404</sup>

#### **4.4.1.2. Permanent Council**

The Permanent Council (PC) is one of the main regular political consultation and decision-making bodies of the OSCE. The PC meets weekly in Vienna with a view to discuss the recent developments in the OSCE region and to make necessary decisions.<sup>405</sup> The PC, which is responsible for the day-to-day functioning of the OSCE, is composed of the diplomatic delegates from all the OSCE participating States. The participating States of the OSCE are represented in the PC through a diplomatic delegation headed by an ambassador. The

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<sup>403</sup> ---, ‘OSCE, Summits / Ministerial Councils, Ministerial Councils’, available at <http://www.osce.org/mc/43196>, Accessed on 10 June 2013.

<sup>404</sup> Georgeta Pourchot, ‘The OSCE: A Pan-European Society in the Making?’, *European Integration* Vol.33, No.2, March 2011, p.184.

<sup>405</sup> ---, ‘OSCE, Permanent Council, Overview’, available at <http://www.osce.org/pc/43182>, Accessed on 10 July 2013.

delegations bring security-related issues pertaining to their own State or any other OSCE participating State into the agenda in the Plenary Meetings of the PC and they seek to provide support from other participating States for the raised security-related issues. “Each delegation has an equal right to raise an issue for discussion in the PC”. The issues raised in the PC can be related to all three dimensions of security across the entire OSCE region. The OSCE’s partner States for Co-operation, as observers, can participate in the PC’s weekly meetings.

The participating States have equal status in the OSCE and decisions are taken by consensus within the OSCE. So, it means that no voting is needed on issues but approval from all delegations is necessary to take a decision in the PC. “If one or more delegations oppose a decision, the issue goes back into negotiation. If all delegates agree, the decision becomes politically binding for all participating States. In time of crisis, the PC can meet on ad-hoc basis”.<sup>406</sup>

“OSCE participating States enjoy equal status within the Organization”.<sup>407</sup> As mentioned above, decisions are taken by consensus in the OSCE. However, OSCE participating States agreed to devise an exception to consensus rule in 1992. In the Prague Meeting of the CSCE Council (30-31 January 1992), under the part of “Safeguarding human rights, democracy and the rule of law in the Conclusion document, the participating States decided that

in order to develop further the CSCE’s capability to safeguard human rights, democracy and the rule of law through peaceful means, that appropriate action may be taken by the Council or the Committee of Senior Officials, if necessary in the absence of the consent of the States concerned, in cases of clear, gross and uncorrected violations of relevant CSCE commitments. Such actions would consist of political declarations or other political

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<sup>406</sup> ---, ‘OSCE, Permanent Council, Delegations’, available at <http://www.osce.org/pc/43251>, Accessed on 10 July 2013.

<sup>407</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.



steps to apply outside the territory of the State concerned.<sup>408</sup>

#### **4.4.1.3. Forum for Security Co-operation**

The Forum for Security Co-operation (FSC), as a regular decision-making body of the OSCE, meets weekly in Vienna with a view to discussing the issues and taking decisions concerning the military aspects of security in the OSCE region. The FSC was established at the 1992 CSCE Helsinki Summit with the purpose of strengthening the Organization's focus on military aspects of security. The FSC is basically interested in developing confidence and security building measures (CSBMs). All participating States have equal status in the FSC meetings. 'Security Dialogue', which is always included in the FSC meetings, provides a suitable platform for all the participating States to raise, discuss their security concerns and challenges and to take necessary decisions and measures pertaining to the military aspects of security. The Forum's main tasks consist of "regular consultations and intensive co-operation on military security matters; negotiations on confidence and security-building measures; further reduction of the risks of conflict; and the implementation of agreed measures".

The FSC Chairmanship rotates among the OSCE participating States and each State holds the FSC Chairmanship for four months. The issues with regard to the implementation of commitments adopted by the FSC on military aspects of security are brought into the agenda by FSC Chairmanship. The FSC Chairperson is supported by the previous and succeeding Chairmanships, who together form the 'FSC Troika'. Documents and decisions in the FSC meetings are approved by consensus. The FSC Support Section is mainly tasked to provide support for the OSCE participating States in the implementation of military commitments throughout the OSCE area.<sup>409</sup>

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<sup>408</sup> ---, 'Prague Meeting of the CSCE Council 30-31 January 1992 – Summary of Conclusions', p.16.

<sup>409</sup> ---, 'OSCE, Forum for Security Co-operation, Overview', available at <http://www.osce.org/fsc/43187>, Accessed on 10 June 2013.

#### **4.4.2. Organization for Security and Co-operation in Europe Structures**

The OSCE developed a number of structures as important components of its institutionalization. These are OSCE Secretariat, OSCE Parliamentary Assembly, Court of Conciliation and Arbitration and Minsk Group.

##### **4.4.2.1. Secretary General and Secretariat**

The Secretary General as a chief administrative officer acts as the representative of the Organization. The post of the Secretary General was established by the CSCE Council of Ministers of Foreign Affairs meeting held in Stockholm in 1992. After that, the participating States have enhanced and improved the role, authority and responsibilities of the Secretary General by subsequent decisions. The Secretary General is appointed by the OSCE Ministerial Council for a term of three years. His/her authority is based on the common decisions of the OSCE participating States.<sup>410</sup> The Chairmanship of the OSCE is directly supported by the Secretary General in order to realize its objectives.<sup>411</sup> The Chairmanship is the political driving force in the Organization. The Secretary General plays a supporting role in helping the Chairmanship to achieve its objectives as well as directly supporting the dialogue process. The Secretary General serves as “the guardian of the core values of the Organization and a key element in ensuring the continuity of operations and the sound implementation of the decisions of participating States”.<sup>412</sup>

The Secretary General supervises the whole work of the OSCE Secretariat. The Secretary General also helps to maintain political dialogue among the participating States of the

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<sup>410</sup> ---, ‘OSCE, Secretary General’, available at <http://www.osce.org/sg/78779>, Accessed on 10 June 2013.

<sup>411</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>412</sup> ---, Interview with Lamberto Zannier, OSCE Secretary General, ‘Deepening partnerships’, *OSCE Magazine* Issue Number 3/2011, p.4.

Organization; makes contribution to the conducting OSCE meetings; and finally bring the issues relating to his/her mandate into the agenda.

There are several ongoing proposals for reforming the OSCE with regard to the Secretary General. It is suggested that authority of the Secretary General should be further strengthened and enhanced with the aim of balancing the lack of continuity of annually rotating OSCE Chairmanships.<sup>413</sup>

The OSCE Secretariat, under the direction of the Secretary General, is tasked to provide operational support to the functioning of the Organization.<sup>414</sup> The main role of the Secretariat is to assist the Secretary General.<sup>415</sup> The OSCE Secretariat is based in Vienna. The Secretariat is active in a wide range of fields such as “implementing projects on the ground and monitoring developments that effect the Organization’s work as well as “providing expert analysis and advice with a view to supporting the whole functioning of the Organization.”<sup>416</sup> The activities of the OSCE Secretariat cover “diplomatic liaison, press and public information, legal services, internal auditing, conference and language services, gender issues and contacts with international and non-governmental organizations and with Mediterranean and other Partners for Co-operation.”<sup>417</sup>

The OSCE Secretariat includes various thematic units as follows: “Action against Terrorism Unit; Borders Team; Combating Trafficking in Human Beings (Office of the Special

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<sup>413</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.55-56.

<sup>414</sup> ---, ‘OSCE, Secretariat, Overview’, available at <http://www.osce.org/secretariat/43252>, Accessed on 10 June 2013.

<sup>415</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.55-56.

<sup>416</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>417</sup> ---, ‘OSCE Secretariat, Overview’, available at <http://www.osce.org/secretariat/43252>, Accessed on 10 June 2013.

Representative and Co-ordinator for Combating Trafficking in Human Beings); Conflict Prevention Centre; Office of the Co-ordinator of OSCE Economic and Environmental Activities; External Co-operation; Gender Section; and finally Strategic Police Matters Unit (SPMU)".<sup>418</sup> The Transnational Threats Department was established within the OSCE Secretariat in 2012 with a view to improving the OSCE's work in dealing with security risks, threats and challenges in transnational character. This department serves "as a focal point for co-ordination of activities throughout the Organization to address transnational threats". The department includes OSCE experts and officials from several units included in the Secretariat such as "Action against Terrorism Unit, Borders Team and Strategic Police Matters Unit".<sup>419</sup> The Secretariat works with the support of several departments as the following: "Office of the Secretary General; Department of Management and Finance; Department of Human Resources; Prague Office; and finally Training Section".<sup>420</sup>

Continuity is a serious problem for an organization like the OSCE because of the annually changing Chairmanship. In these cases, "continuity can only be achieved by strengthening the role of those elements of the Organization that remain with it over a longer period of time: the Secretary General and the Secretariat".<sup>421</sup>

The OSCE CiO is, to some extent, limited in performing its tasks for a number of reasons. Firstly, due to the annually rotating Chairmanship, the post of the CiO faces the problem of continuity. Every Chairmanship can have different priorities.<sup>422</sup> In this respect, a stronger

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<sup>418</sup> ---, 'OSCE-Secretariat', available at <http://www.osce.org/secretariat>, Accessed on 10 June 2013.

<sup>419</sup> ---, 'OSCE, 22nd Meeting of the Council of Europe Committee of Experts on Terrorism 12-13 April 2012 Strasbourg', p.1.

<sup>420</sup> ---, 'OSCE, Secretariat, Overview', available at <http://www.osce.org/secretariat/43252>, Accessed on 10 June 2013.

<sup>421</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.57.

<sup>422</sup> ---, 'Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE', 27 June 2005, p.22.

role should be given the OSCE Secretary General in order to ensure “consistency and continuity of OSCE priorities”.<sup>423</sup> A stronger Secretary General can help reduce the annually changing priorities. Secondly, the Chairmanship is lack of capacities required to act efficiently in terms of guiding the Organization “especially when the post is filled by smaller countries with limited resources”. Thirdly, OSCE field missions and permanent institutions “suffer from a general lack of political leadership and co-ordination” within the OSCE. Since the OSCE’s permanent institutions have semi-autonomous character and the OSCE field missions have specific and separate mandates, it is not easy for them to accept “enhanced centralized powers”.<sup>424</sup> Within this framework, “the Secretary General should be given overall responsibility for operational leadership of field missions and the co-ordination of issue-oriented activities”.<sup>425</sup>

The OSCE also suffers from the lack of any institution to control, guide and co-ordinate the whole process within the Organization. The Secretary General is not mandated to serve as a political guidance structure.<sup>426</sup> In this regard, the role of the OSCE Secretary General should be enhanced and strengthened.<sup>427</sup>

According to ‘the Common Purpose towards a More Effective OSCE, Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE’,

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<sup>423</sup> Ibid., p.20.

<sup>424</sup> Ibid., p.22.

<sup>425</sup> Wolfgang Zellner, ‘Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.30.

<sup>426</sup> Ibid., pp.28-29.

<sup>427</sup> ---, ‘Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE’, 27 June 2005, p.22.

the role of the OSCE Secretary General should be further enhanced so as to enable him/her to: be a public face of the Organization, to be able to communicate a long-term, coherent identity of the OSCE and its operations; play a greater role in identifying potential threats to regional security and bring them, after consultation with the CiO, to the attention of participating States; be more actively involved in developing the operational aspects of the OSCE's priorities; play a more active role in the operational management of field operations. As the development of events requires, the Secretary General should report to the PC on field operation-related activities; take the lead on OSCE's operational engagement in crisis situations; play a greater role in planning, by proposing multi-year objectives including a budget perspective; play a more active role in coordinating OSCE activities, including through the hosting of at least one meeting a year with heads of Institutions; and be the central point of contact for other international organizations and NGOs for all aspects of operational issues relevant beyond the mandate of individual OSCE structures and Institutions.<sup>428</sup>

#### **4.4.2.2. Parliamentary Assembly**

In the Cold War period, the CSCE maintained itself as a series of follow-up meetings and conferences in order to develop common norms, principles and commitments; create standards and rules; and finally to review regularly the implementation of the commitments. Following the end of the Cold War era, the participating States were convinced at the 1990 CSCE Paris Summit that the CSCE would need to establish permanent functional institutions and operational instruments in order to respond better to the new security risks, threats and challenges in the newly emerging security environment in the post-Cold War Europe. Following the 1990 CSCE Paris Summit's calling for the establishment of a CSCE Parliamentary Assembly, high-level parliamentary leaders from all CSCE participating States had a meeting with a view to creating a 'CSCE Parliamentary Assembly (PA). At the end of the meeting, 'The Madrid Declaration was issued, determining the basic rules of procedure, working methods, size, mandate and distribution of votes of the Assembly.

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<sup>428</sup> Ibid., pp.22-23.

Recognizing the importance of the “collective expression of the views of the Parliamentary Assembly on security and co-operation in Europe as well as on the future development of the CSCE”, the establishment of the ‘CSCE Parliamentary Assembly’ was declared at the 1992 CSCE Berlin Ministerial Council Meeting. The first formal session of the PA was convened in Budapest in July 1992. Following the Danish Parliament’s invitation, an international Secretariat for the CSCE PA was created in Copenhagen in 1992.

In the 1992 Prague Ministerial Council meeting, with a view to promoting dialogue between the CiO and PA, the participating States declared that the CiO would make report to the PA relating to the OSCE’s whole work and answer parliamentarian’s questions. After that, CSCE/OSCE Chairmanships have been traditionally addressing Assembly and answer the parliamentarian’s questions since the 1992 CSCE Prague Ministerial Council meeting.

All OSCE participating States have always emphasized the importance of the active involvement of parliamentarians in the OSCE activities, events and dialogue. The participating States are also strongly convinced that the CiO should maintain close contacts with the PA through bring PA’s recommendations to the PC’s agenda and to keep the parliamentarians informed regarding the OSCE activities. “The PA’s increasing role in the field of democratic development and election monitoring” has been seen as an influential instrument in the OSCE region by the participating States, symbolizing the parliamentary dimension of the OSCE.<sup>429</sup>

Today, the OSCE PA is mandated to facilitate inter-parliamentary dialogue through providing a political platform for parliamentarians from all OSCE participating States.<sup>430</sup> OSCE PA President is elected for one year and can be reelected for an additional one-year term. The PA President “acts as the highest representative of the Assembly and presides over the meetings of the Assembly”.

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<sup>429</sup> ---, ‘OSCE, Parliamentary Assembly, History’, available at <http://www.oscepa.org/about-osce-pa/history>, Accessed on 15 June 2013.

<sup>430</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

“The Parliamentary Assembly is the parliamentary dimension of the OSCE, whose 57 participating States span the geographical area from Vancouver to Vladivostok. The primary task of the 320 member of the Assembly is to facilitate inter-parliamentary dialogue, an important aspect of the overall effort to meet the challenges of democracy throughout the OSCE area”.

In the preamble of the PA’s Rule of Procedure, several objectives are identified to achieve. Firstly, the PA aims at assessing the implementation of OSCE norms, principles and commitments relating to the human dimension. Secondly, the PA discusses the issues raised in the OSCE meetings such as Ministerial Councils or Summits. Thirdly, the PA works to develop and promote relevant mechanisms and instruments for the prevention and peaceful settlements of conflicts in the OSCE region. Fourthly, the PA tries to be a strong supporter of the efforts towards strengthening and consolidation of democratic institutions in the participating States. Lastly, the PA functions to make substantial contribution to the “development of OSCE’s institutional structures and the improvement of relations and co-operation” between the OSCE institutions and structures.

For the realization of these objectives, the PA uses a wide variety of tools. The PA adopts a number of resolutions and recommendations and produces a ‘Final Declaration’. The PA organizes several seminars and programmes, including ‘an extensive ‘Election Observation Programmes’ with the aim of strengthening and promoting democracy in the OSCE area. Finally, the PA sends its special missions to potential or active crisis areas.<sup>431</sup>

The OSCE PA has three types of committees. The first one is general committees. There are three ‘General Committees’ which correspond to three major baskets of the Helsinki Final Act or three dimensions of the OSCE today. These are: “the General Committee on Political Affairs and Security; the General Committee on Economic Affairs, Science, Technology and Environment; and the General Committee on Democracy, Human Rights and Humanitarian Questions”. The ‘Standing Committee is the second type of committee of the OSCE PA. The

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<sup>431</sup> ---, ‘OSCE, Parliamentary Assembly’, available at <http://www.oscepa.org>, Accessed on 15 June 2013.



Standing Committee is composed of Heads of National Delegations to the PA and the members of the Bureau. The Standing Committee is responsible for preparing the Assembly's work between sessions and for providing a suitable environment for the PA to operate effectively. The Final committee type is Ad Hoc committees. OSCE PA creates Ad Hoc Committees with a view to "addressing specific issues or areas which can benefit from parliamentary attention". The Standing Committee has established several Ad Hoc Committees to focus on several problems in some regions such as Belarus, Moldova and Abkhazia. At the same time, the PA aims to put "the need for greater transparency and accountability in the OSCE region" into the words.<sup>432</sup>

The OSCE PA consists of various special representatives on several thematic issues and regions. These can be listed as follows: "Special Representative on Afghanistan; Special Representative for Central Asia; Special Representative on Gender Issues; Special Representative on Human Trafficking; Special Representative on Mediterranean Affairs; Special Representative on Migration; Special Representative on South Caucasus; Special Representative on South East Europe; and Special Representative on the OSCE Budget".<sup>433</sup>

The CSCE Copenhagen Document, adopted in 1990, established a framework which includes a wide range of criteria and standards for facilitating free, fair, democratic and transparent elections throughout the OSCE region. The OSCE takes the view regarding the election-observation that monitoring elections can have an added value on national electoral process of the OSCE participating States in terms of meeting international standards and living up to the commonly agreed OSCE commitments on elections.<sup>434</sup> In this regard, the OSCE has carried out election observation activities since 1993 as a leading institution within the whole OSCE region. The OSCE, with specialized structures and

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<sup>432</sup> ---, 'OSCE, Parliamentary Assembly, Committees', available at <http://www.oscepa.org/about-osce-pa/committees>, Accessed on 15 June 2013.

<sup>433</sup> ---, 'OSCE, Parliamentary Assembly, Special Representatives', available at <http://www.oscepa.org/about-osce-pa/special-representatives>, Accessed on 15 June 2013.

<sup>434</sup> ---, 'OSCE, Parliamentary Assembly, Election Observation, Democratic Commitments', available at <http://www.oscepa.org/election-observation/democratic-commitments>, Accessed on 15 June 2013.

permanent institutions, has played a significant role in the field of election observation in order to strengthen and promote democracy in the OSCE participating States. The OSCE conducts election-observation activities to assist the participating States in meeting the international standards like free, fair and transparent elections in their national election proceedings.<sup>435</sup> In this regard, the OSCE PA is substantially engaged in election observation activities<sup>436</sup> with a view to contributing to deal with democratic deficit problems across the entire OSCE region.<sup>437</sup> The OSCE PA and the ODIHR, two main institutions acting in the election observation, signed a 'Co-operation Agreement' in 1997 in order to define their respective roles and tasks in the election observation missions. The PA, as an active participant in the election-monitoring processes, co-operates closely with the Parliamentary Assembly of the Council of Europe, the European Parliament and finally the NATO Parliamentary Assembly in observing elections.<sup>438</sup>

#### **4.4.2.3. Court of Conciliation and Arbitration**

The Court of Conciliation and Arbitration was established in 1995 by the Convention and Arbitration. There are thirty-three States Parties to the Convention. The Court serves as a mechanism to find peaceful solutions of disputes between States Parties to the Convention. Reaching peaceful settlements for the disputes between States "by means of conciliation or arbitration" is the major mandate of the Court. These kinds of disputes can include any conflict originating from a territorial integrity problem, maritime delimitation and economic

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<sup>435</sup> ---, 'OSCE, Parliamentary Assembly, Election Observation', available at <http://www.oscepa.org/election-observation>, Accessed on 15 June 2013.

<sup>436</sup> ---, 'OSCE Factsheet, What is the OSCE?', available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>437</sup> ---, 'OSCE, Parliamentary Assembly', available at <http://www.oscepa.org>, Accessed on 15 June 2013.

<sup>438</sup> ---, 'OSCE, Parliamentary Assembly, Election Observation', available at <http://www.oscepa.org/election-observation>, Accessed on 15 June 2013.

and environmental issues. As the Court is not a permanent body, the Court establishes ad hoc based conciliation commissions and arbitral tribunals. The Court consists of recognized experts in the field of international law and these experts are appointed by the States Parties to the Convention.

The Convention on Conciliation and Arbitration provides 'conciliation' as the basic mechanism which proposes terms of settlement to the States Parties to a dispute. Conciliation mechanism can be put into practice by any state and all States Parties related to a dispute. The Conciliation commissions' work results in producing a report and give recommendations to the Parties regarding a dispute. After that, the Parties to a dispute have to decide in thirty days whether or not they accept report and recommendations which are made by the Conciliation Commission. If no agreement appears within thirty days and if the parties concerned with a dispute agree to apply to arbitration, an ad hoc arbitral tribunal can be set up, having legally-binding ruling on the parties related to a dispute. On the other hand, States parties concerned can also agree to apply arbitral proceedings with regard to a dispute between them.<sup>439</sup>

#### **4.4.2.4. Minsk Group**

The OSCE Minsk Group has worked for several years to find a peaceful settlement and lasting political solution to the Nagorno-Karabakh conflict including two OSCE participating States, namely Azerbaijan and Armenia. The Minsk Group is co-chaired by the USA, the Russian Federation and France. In addition to Co-chairmen countries, Belarus, Germany, Finland, Italy, Sweden and Turkey as well as Armenia and Azerbaijan and the OSCE Troika are included in the Minsk Group as the permanent members. The Co-chairmen countries' ambassadors maintain high-level contacts and dialogue with the parties to the Nagorno-Karabakh conflict by making regular visits to the region. They also provide regular

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<sup>439</sup> ---, 'OSCE, Court of Conciliation and Arbitration, Overview', available at <http://www.osce.org/cca/43295>, Accessed on 15 June 2013.

information for the OSCE CiO and other participants of the Minsk Group concerning the activities and processes in joint meetings.<sup>440</sup>

Initially, the Minsk Group was tasked to “providing an appropriate framework for conflict resolution in the way of assuring the negotiation process supported by the Minsk Group; obtaining conclusion by the Parties of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference; and promoting the peace process by developing OSCE multinational peacekeeping forces”.<sup>441</sup> Later, a ‘Personal Representative of the CiO on the Conflict dealt with by the OSCE Minsk Conference’ was appointed by the OSCE CiO on 10 August 1995. On the basis of the Memorandum of Understanding signed with the Georgian government, a separate office for the Personal Representative was created in Tbilisi, serving as the headquarters for the Minsk Group’s activities on Nagorno-Karabakh conflict. With the purpose of facilitating necessary capabilities to carry out operational activities, the Personal Representative has been supported by field assistants located in Baku, Yerevan and Stepanarket/Khankendi.<sup>442</sup>

First of all, the Personal Representative aims to assist the OSCE CiO in order to find a lasting comprehensive political settlement to the Nagorno-Karabakh conflict. The Personal Representative is tasked to represent the OSCE CiO on the subjects relating to the Nagorno-Karabakh conflict and to provide necessary assistance to the CiO in facilitating an agreement to bring an end to the armed conflict. The OSCE CiO provides instructions to the Personal Representative. The Personal Representative also acts to create suitable conditions to carry out an OSCE peace-keeping operation in the area of conflict. The Personal Representative, through presenting reports, keeps the CiO and the Co-

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<sup>440</sup> ---, ‘OSCE, Minsk Group, Overview’, available at <http://www.osce.org/mg/66926>, Accessed on 15 June 2013.

<sup>441</sup> ---, ‘OSCE, Minsk Group, Background’, available at <http://www.osce.org/mg/66872>, Accessed on 15 June 2013.

<sup>442</sup> ---, ‘OSCE, Personal Representative of the OSCE Chairperson-in-Office on the conflict dealt with by the OSCE Minsk Conference, Overview’, available at <http://www.osce.org/prcio/66980>, Accessed on 15 June 2013.

chairmanship of the Minsk Group informed regarding his all activities. The Personal Representative provides assistance to the parties involved in the Nagorno-Karabakh conflict in developing confidence and security-building and humanitarian measures with a view to fostering peace process. In this regard, one initiative is to encourage direct contacts between the conflicting parties. Finally, the Personal Representative is entrusted with developing and maintaining close co-operation with other international institutions such as the UN engaged in conflict management activities.<sup>443</sup>

#### **4.4.3. Organization for Security and Co-operation in Europe-related Bodies**

There are two OSCE-related bodies: 'Joint Consultative Group' and 'Open Skies Consultative Commission'. These bodies are used for the full and effective implementation of the 'Treaty on Conventional Armed Forces in Europe' and the 'Open Skies Treaty' which are the legally-binding treaty regimes aimed at enhancing security and stability in the military field.

##### **4.4.3.1. Joint Consultative Group**

The Joint Consultative Group (JCG) is an OSCE-related body which copes with problems pertaining to the compliance with the provisions of the 'Treaty on Conventional Armed Forces in Europe', signed in 1990 (CFE Treaty). The JCG is tasked to "resolve ambiguities and differences in interpretation, consider measures which can enhance the Treaty's viability and effectiveness, resolve technical questions, and look into disputes that may arise from the Treaty's implementation".

The CFE Treaty, "regarded as the cornerstone of conventional stability and security from the Atlantic to the Urals", provides a 'legally-binding framework' on military force limitations in Europe. The negotiations on CFE Treaty were carried out within the

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<sup>443</sup> ---, 'OSCE, Personal Representative of the OSCE Chairperson-in-Office on the conflict dealt with by the OSCE Minsk Conference, Mandate', available at <http://www.osce.org/prcio/66976>, Accessed on 15 June 2013.

framework of the CSCE. The CFE Treaty was designed to create a military balance between the NATO and the Warsaw Pact countries “at a lower level of armaments”. The Treaty outlined the provisions which established the equal limitations on basic weapons and military equipment such as tanks, artillery pieces, armored combat vehicles, combat aircrafts and finally attack helicopters.

The CFE Treaty has been implemented successfully to enhance military security and stability in Europe and to create a system of verification and transparency with a view to increasing predictability and building confidence on military matters in the whole Europe. The States Parties to the Treaty on CFE were convinced that the CFE Treaty would have to be adapted to the newly emerging security environment in the post-Cold War Europe. In this respect, the States Parties to the original CFE Treaty, during the 1999 OSCE Istanbul Summit, agreed to sign an ‘Agreement on Adaptation of the CFE Treaty’.<sup>444</sup>

#### **4.4.3.2. Open Skies Consultative Commission**

The Open Skies Consultative Commission (OSCC) was established by the ‘Open Skies Treaty’ which was signed in March 1992 and came into force in January 2002. The Open Skies Treaty created “a regime of unarmed aerial observation flights over the entire territory of its 34 signatories”. Treaty aims at promoting mutual understanding and confidence for all the States Parties through providing information pertaining to military or other activities of concern to them irrespective of size.

The Open Skies Treaty can be seen as the most comprehensive international initiative to date in order to increase openness, predictability and transparency relating to military forces and their activities. The basic function of the OSCC is to help to facilitate full implementation of the provisions outlined in the Open Skies Treaty and to achieve the objectives identified in the same Treaty. According to the Article X of the Open Skies Treaty, the basic tasks of the OSCC are to deal with questions pertaining to compliance of Treaty

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<sup>444</sup> ---, ‘OSCE, Joint Consultative Group’, available at <http://www.osce.org/jcg>, Accessed on 15 June 2013.

provisions; find out solutions to ambiguities and differences of interpretation with regard to the Treaty implementation; evaluate and decide on application for accession to the Treaty; and finally “review the distribution of flight quotas annually”. The OSCC includes representatives from each of the 34 States Parties to the Open Skies Treaty. Decisions are taken by consensus in the OSCC. A conference is held for every five years to review the implementation of the provisions included in the Open Skies Treaty. The OSCC has monthly plenary meetings.<sup>445</sup>

#### **4.4.4. Organization for Security and Co-operation in Europe Institutions**

The OSCE has developed a number of functional permanent institutions over the years in order to perform its main tasks and help its participating States to fulfill their commitments adopted within the framework of the Organization.<sup>446</sup> These are ‘Office for Democratic Institutions and Human Rights’ (ODIHR), ‘High Commissioner on National Minorities’ (HCNM), and ‘OSCE Representative on Freedom of the Media’ (RFM). Each permanent functional institution is specialized to perform its basic functions based on particularly different aspects of politico-military and human dimension-related activities. The High Commissioner, the Representative on Freedom of the Media and the Director of the ODIHR are appointed by the Ministerial Council of the OSCE and these institutions inform regularly the PC and CiO concerning their daily activities. “These institutions have separate budgets within the OSCE Unified Budget and enjoy a high degree of autonomy”.<sup>447</sup> Zellner argues that the semi-autonomous permanent institutions developed by the OSCE symbolize the added value of the Organization.<sup>448</sup>

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<sup>445</sup> ---, ‘OSCE, Open Skies Consultative Commission’, available at <http://www.osce.org/oscc>., Accessed on 15 June 2013.

<sup>446</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>447</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.55.

<sup>448</sup> Interview with Wolfgang Zellner, Deputy Director of IFSH/Head of CORE, Hamburg, 10 May 2013.

Brichambaut, former Secretary General of the OSCE, emphasizes the importance of these three institutions as follows:

the autonomous institutions of the OSCE HCNM, ODIHR, and RFM are one of its greatest assets because they are allowed to operate according to their mandates with minimum interference from the participating states in some of the most sensitive areas of the OSCE's remit. They have developed specific expertise in their respective fields which are unique among international organizations. These three institutions deliver some of the most effective work for the organization. They represent a unique experiment in the protection of individual rights by independent but state supported entities in the service of clear values.<sup>449</sup>

#### **4.4.4.1. Office for Democratic Institutions and Human Rights (ODIHR)**

The Office for Democratic Institutions and Human Rights (ODIHR) is the specialized permanent institution of the OSCE engaged in a wide variety of human dimension activities. The ODIHR's main expertise and activities include trafficking in human beings; democratization; elections; the rule of law; human rights and fundamental freedoms, including the rights of persons belonging to national minorities; Roma and Sinti issues; gender equality; media development and freedom; and finally tolerance and non-discrimination issues.

First of all, the ODIHR provides assistance to its participating States in the full and effective implementation of the OSCE's norms, principles and commitments related to the human dimension of security. The ODIHR also monitors the implementation of OSCE human dimension commitments within the participating States by organizing regular events and meetings such as the Human Dimension Implementation Meeting. The ODIHR supports the OSCE field missions "in implementing their human dimension activities, including through training, exchange of experiences, and regional co-ordination". The ODIHR aims at contributing to "early warning and conflict prevention by monitoring the implementation of

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<sup>449</sup> Marc Perrin de Brichambaut, 'The OSCE in perspective, six years of service, six questions and a few answers', *Security and Human Rights* 2012 no.1, p.38.



OSCE human dimension commitments by participating States and providing regular human rights training for government authorities, civil society, and the OSCE staff". Furthermore, the ODIHR "assists OSCE participating States in the implementation of international legal obligations and OSCE commitments on anti-terrorism in compliance with international human rights standards" with a view to protecting human rights in the fight against terrorism.

The ODIHR basically aims to "promote democratic election processes through the in-depth observation of elections and conducts election assistance projects that enhance meaningful participatory democracy". The ODIHR is tasked to "providing expertise and practical support in strengthening democratic institutions, the rule of law, civil society, and democratic governance through long-term projects and programmes". The ODIHR assists OSCE participating States "in implementing their commitments on tolerance and non-discrimination and supports efforts to respond, and combat hate crimes and incidents of racism, anti-Semitism, and other forms of intolerance, including against Muslims". The ODIHR serves "as the Contact Point for Roma and Sinti Issues" and aims to "promote the full integration of Roma and Sinti groups into the societies in which they live". Finally, the ODIHR "implements a gender strategy by developing and adjusting its policies and actions to ensure gender mainstreaming while implementing, in parallel, activities designed to improve the situation of women in the OSCE region".<sup>450</sup>

The ODIHR "as the primary building blocks", consists of five basic departments, focusing on different aspects of human dimension issues outlined within the context of the OSCE. These departments are as follows: Elections Department; Democratization Department; Human Rights Department; Tolerance and Non-discrimination Department; and finally Contact Point for Roma and Sinti Issues.

The Elections Department carries out election-observation activities and technical-assistance projects, "including the review of election-related legislation and the promotion of domestic observer groups throughout the OSCE region". The Democratization

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<sup>450</sup> ---, 'OSCE, ODIHR, About ODIHR', available at <http://www.osce.org/odihr/43595>, Accessed on 22 June 2013.

Department “focuses on the rule of law, equal participation in political and public life, promoting democratic governance, freedom of movement, and providing legislative support”. The Human Rights Department “conducts activities in a broad range of interrelated issues, including the protection of human rights and fundamental freedoms, promoting human rights in the fight against terrorism, publicizing information about the use of the death penalty, monitoring trials, and conducting training and education programmes in the area of human rights”. The Tolerance and Non-discrimination Department, “as the newest part of the ODIHR, was established in 2004 to deal with the challenges and problems concerning the violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, as well as to manifestations of hate and intolerance”. The Contact Point for Roma and Sinti Issues “promotes the inclusion of Roma and related groups in the societies in which they live. It also engages governments on policy issues related to Roma and has also been active both in providing early warning of potential conflicts and in mediating once a conflict has developed”.

Consequently, the ODIHR works to reach a common goal of “improving the links of all individuals in the 57 OSCE participating States”, by promoting the rule of law and democratic elections; creating and strengthening democratic institutions and societies; and finally protecting and improving human rights, fundamental freedoms and minority rights.<sup>451</sup>

#### **4.4.4.2. High Commissioner on National Minorities (HCNM)**

In response to the ethno-political conflicts occurred in the Post-Cold War Europe as a root of instabilities, the post of the ‘OSCE High Commissioner on National Minorities’ (HCNM) was established in 1992 to “identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between the OSCE participating States”. In its mandate, the HCNM is defined as “an instrument of conflict prevention at the earliest

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<sup>451</sup> ---, ‘OSCE, ODIHR, Organizational Structure’, available at <http://www.osce.org/odihr/43580>, Accessed on 22 June 2013.

possible stage”<sup>452</sup> “in regard to tensions involving national minority issues”. Max van der Stoep was appointed as the first High Commissioner of the OSCE in December 1992 and he started to work in January 1993. The Office of the HCNM is based in The Hague.<sup>453</sup>

The HCNM is mandated to “provide ‘early warning’ and, as appropriate, ‘early action’ at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential into a conflict within the OSCE area”. In this regard, the HCNM has a two-fold mission. Firstly, he or she “tries to contain and de-escalate tensions”. Secondly, he or she acts as a ‘tripwire’. It means that when it is not possible to contain and de-escalate ethnic tensions for the High Commissioner with the means available to the HCNM, he or she alerts OSCE participating States.<sup>454</sup> The basic goal of the HCNM is to “develop a process of exchange and co-operation between the parties, leading to concrete steps to de-escalate tensions and to address underlying issues”.<sup>455</sup> The methods of the High Commissioner are not only desk work. The High Commissioner makes specifically country visits in order to have direct encounters both with the authorities and many different relevant parts, including representatives of government, representatives of parliaments, representatives of minorities and experts.<sup>456</sup>

The High Commissioner is guided by its mandate for “determining whether he or she should become involved in a particular situation”. The High Commissioner’s mandate does not

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<sup>452</sup> ---, ‘OSCE, High Commissioner on National Minorities’, available at <http://www.osce.org/hcnm>, Accessed on 22 June 2013.

<sup>453</sup> ---, ‘OSCE, HCNM, Overview’, available at <http://www.osce.org/hcnm/43199>, Accessed on 22 June 2013.

<sup>454</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>455</sup> ---, ‘OSCE, HCNM, Overview’, available at <http://www.osce.org/hcnm/43199>, Accessed on 22 June 2013.

<sup>456</sup> Interview with Ilze Brands Kehris, Director, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

allow him/her to act for the individual cases regarding persons belonging to national minorities. The High Commissioner is restricted to involve in national minority issues which are linked to “any organized acts of terrorism or any person or organization that practices or publicly condones terrorism or violence”. “The High Commissioner is not an instrument for the protection of minorities or a sort of international ombudsman who acts on their behalf; he or she is the High Commissioner on, and not for National Minorities”.<sup>457</sup> In other words, the HCNM is not an institution for national minorities. The High Commissioner does not deal with the individual cases. The High Commissioner does not pay attention to all rights of the national minorities. He or she does not monitor all the developments with regard to the rights of national minorities. The High Commissioner can see some problems with regard to the rights of the national minorities. The High Commissioner, furthermore, can be personally concerned about any issue related to national minorities. However, he or she does not get involved in these situations which do not have any potential to conflict in that society. He gets involved in only those situations that relate to potentially conflict.<sup>458</sup>

If he or she were the High Commissioner for national minorities, he would be like more an ombudsman or somebody to talk on behalf of the minorities. Being a ‘High Commissioner on national minorities’ means striking the right balance between interests of the states and interests of the minorities. In this way, the High Commissioner can more easily take a distance to certain minority claims where he or she sees them unreasonable demands. By being High Commissioner on national minorities enables him or her to easily distance himself from certain maximalist claims made by both States and minorities. This allows him or her considerable flexibility.<sup>459</sup>

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<sup>457</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>458</sup> Interview with Ilze Brands Kehris, Director, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>459</sup> Interview with Lars Ragnar Aalerud Hansen, Personal Adviser to the High Commissioner, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

The High Commissioner operates with the necessary independence. In order to fulfill early warning or conflict prevention functions, the High Commissioner can involve in an ethnic tension without having the approval of the PC and of the State concerned. Although, the High Commissioner acts in an independent way, he or she cannot “function properly without the political support of the participating States”. The PC is the main OSCE body in providing political support to the HCNM to function properly. It is highly important whether or not the participating States in the PC support the efforts of the High Commissioner after the post of the HCNM presents its reports and recommendations to the State concerned and to the PC.<sup>460</sup> The High Commissioner informs the OSCE participating States regarding to its activities by addressing regularly the PC. Political support provided from the participating States of the OSCE is of great importance for the HCNM in order to perform its basic tasks and functions properly. The High Commissioner raises the alarm relating to worrying developments requiring urgent action, with a view to drawing the attention of the international community.<sup>461</sup>

In addition to the principle of independence, Impartiality, confidentiality and co-operation are the basic approaches used by the CSCE/OSCE High Commissioners over the years.<sup>462</sup> The High Commissioner must act with impartiality as a third party when he or she engages with an ethnic tension involving national minority issues. When the High Commissioner is involved in a sensitive issue pertaining to national minorities, he or she “cannot afford to be identified with one party or another”.

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<sup>460</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>461</sup> ---, ‘OSCE, HCNM, Early Warning’, available at <http://www.osce.org/hcnm/43265>, Accessed on 22 June 2013.

<sup>462</sup> ---, ‘OSCE, HCNM, Overview’, available at <http://www.osce.org/hcnm/43199>, Accessed on 22 June 2013.

Confidentiality is another important condition, which means that “the HCNM acts through quiet diplomacy”.<sup>463</sup> “The High Commissioner is expected to assess situations and give advice to governments and other actors in confidence through quiet diplomacy rather than through public exposure”. “The condition of confidentiality helps to promote acceptance of the High Commissioner’s role among participating States; help to avoid risk of escalating tension that might be caused by the High Commissioner’s involvement; and encourages the parties involved to be more co-operative and forthcoming and willing to take up more moderate positions in these confidential conversations, because they know that the discussions will not be made public”.<sup>464</sup> “Conversely, parties may make much stronger statements in public than in confidential conversations, from the presumption that they should be seen to be maintaining a strong position or that they should try to exploit outside attention”.

The High Commissioner regularly informs the PC about his/her activities both in formal and informal ways; discusses recommendations submitted to a government with the PC;<sup>465</sup> makes frequent visits in order to use preventive diplomacy as the effective instrument at the earliest sign of an ethnic tension; seeks to make close contacts face to face with government officials and authorities, national minority representatives as well as representatives of civil society organizations with a view to evaluate the existing situation at the earliest sign of tensions; and finally keeps the OSCE CiO informed through presenting confidential reports, which in turn provides a clear picture of the current situation and helps to draw the CiO’s attention to issues requiring further action.<sup>466</sup>

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<sup>463</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>464</sup> ---, ‘OSCE, HCNM, Early Warning’, available at <http://www.osce.org/hcnm/43265>, Accessed on 22 June 2013.

<sup>465</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>466</sup> ---, ‘OSCE, HCNM, Early Warning’, available at <http://www.osce.org/hcnm/43265>, Accessed on 22 June 2013.

The HCNM, as an instrument for conflict prevention, provides advice and recommendations to the parties concerned through written documents or face-to-face meetings with a view to de-escalating ethnic tensions. These recommendations cover a wide range of proposals and measures such as new legislation, legislative amendments, and institutional reform or a change of practice. The HCNM also gives recommendations to create and improve a political and participatory framework, paving the way for the promotion of good inter-ethnic relations.

The HCNM can sometimes encourage bilateral co-operation between neighboring states. As a mechanism relating to an ethnic tension, developing bilateral co-operation between neighboring States is of great value. "In situations where a state seeks to support and secure the rights of so-called ethnic kin in a neighboring State in a way that is considered harmful by the States where the minorities reside".

The High Commissioner formulates his/her advice and recommendations on the basis of international human rights standards and norms outlined in various international documents such as the 'International Covenant on Civil and Political Rights' and the 'European Convention on Human Rights'. The 1990 Document of the CSCE Copenhagen Meeting consists of politically-binding commitments on the protection and promotion of minority rights. 'The Framework Convention for the Protection of National Minorities', adopted by the Council of Europe in 1995, gave the legal expression to the provisions embodied in the 1990 Copenhagen Document.

In order to strengthen its role as an instrument for conflict prevention, the High Commissioner is involved in various programmes and projects in a wide range of areas such as TV and radio broadcasting in minority languages, education and legal advice. The High Commissioner also participates in the projects, including the training of civil servants, police and journalists with a view to understanding how they operate in a multi-ethnic environment. The OSCE participating States are supported through projects in their efforts to develop ways of reducing inter-ethnic tension.

The High Commissioner works in close co-operation with international experts in developing recommendations and guidelines on certain issues, including educational of and linguistic rights of minorities; minorities' participation in public life; media broadcasting in minority languages and policing practices in multi-ethnic societies. With these recommendations based on various thematic issues, the HCNM aims at "clarifying the content of the relevant international standards and norms and providing practical guidance for States".<sup>467</sup>

There are several thematic work fields offered by the HCNM. Firstly, ensuring educational opportunities for all majority and minority groups, taking into consideration the needs and rights of all ethnic groups, is increasingly seen as one of the most effective and useful ways to prevent the emergence of inter-ethnic tensions. Secondly, language is another important issue dealt with by the HCNM. The Office supports States in developing policies to meet language rights and needs of different ethnic communities. In this regard, access to the media in one's own language deserves a particular attention. Because, it can provide necessary conditions for the minorities for the maintenance of their cultural identity, sharing information and exercising one's right of freedom of expression. Thirdly, the HCNM takes the view that persons belonging to national minorities should exercise fully and equally their basic human rights and fundamental freedoms, creating a suitable environment for minorities to participate effectively in decision-making processes of the countries in which they live. Finally, Policing is another significant thematic work field related to minorities. The HCNM attaches great importance to the police. Because the police have an important implications on the attitudes and public perception of persons belonging to national minorities in terms of "the rule of law in the state and its capacity to act in a just, legitimate and accountable way".<sup>468</sup>

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<sup>467</sup> ---, 'OSCE, HCNM, Conflict Prevention', available at <http://www.osce.org/hcnm/44692>, Accessed on 22 June 2013.

<sup>468</sup> ---, 'OSCE, HCNM, Thematic Work', available at <http://www.osce.org/hcnm/43202>, Accessed on 22 June 2013.



The OSCE adopts the approach that “adequate protection of the rights of persons belonging to national minorities contributes greatly towards a State’s success in minimizing ethnic tension that could create a context for wider conflict”. If any OSCE participating States fails to meet OSCE commitments or international norms and standards on national minority rights, the High Commissioner wants the Government concerned to change its behavior, bearing in mind that “ensuring full rights to the persons belonging to a minority” is the best choice to maintain security and stability.<sup>469</sup>

The High Commissioner’s activities and recommendations are based on the concept of “promoting integration with respect for diversity”. According to this core approach, “an ethnic group must be able to develop its distinctive identity and to participate in the economic, social and political life of the country. The majority group must accept full participation of all citizens in society, governance and the economy”. The HCNM’s advice and recommendations are based on creating a balance between “strengthening the unity of a society and protecting the rights and the identity of the minorities living in these States”.

The High Commissioner assesses each case from a conflict prevention perspective and he/she also constitutes his/her advice and recommendations based on political and practical views. The High Commissioner aims at encouraging the parties concerned to “see the logic and the possibility of internalizing and applying the established norms”. By doing this, the High Commissioner tries to convince States to undertake required measures in legal and political terms with a view to making the conditions available embodied in the standards and norms regarding minorities. The High Commissioner adopts an approach that “each situation has to be assessed on its own merits”.<sup>470</sup>

Although the HCNM is engaged in the short-term conflict prevention, “a long-term perspective is essential if sustainable solutions are to be achieved”. The High

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<sup>469</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>470</sup> ----, ‘OSCE, HCNM, Conflict Prevention’, available at <http://www.osce.org/hcnm/44692>, Accessed on 22 June 2013.

Commissioners' experiences clearly indicate that "more attention should be devoted to the root causes of ethnic tension". The main reasons, which makes ethnic tension happened, need to be addressed in a comprehensive manner by all the parties concerned.<sup>471</sup> In this regard, the HCNM takes the view that the root causes of violent conflicts should be eliminated. Long-term approaches and strategies should be developed and implemented to prevent the outbreak of violent conflicts within the OSCE region. Within this environment, the relevance of the mandate of the HCNM is very clear.<sup>472</sup>

The HCNM co-operates with other international organizations and institutions. The HCNM adopts a co-operative approach because co-operation contributes substantially to making the HCNM activities more effective; enhancing political support to the Office; widening ways of influence; preventing overlap; helping to coordinating the activities; and finally enabling the usage of available staff and financial resources in more efficient ways. Co-operative relationships are maintained via a wide range of instruments such as the exchange of information, co-ordination of certain activities and the organization of joint activities and mutual consultations. There are a number of major governmental and non-governmental organizations as well as civil society institutions the Office of the HCNM maintains co-operative relationships. These organizations and institutions are as follows: "the UN, the Council of Europe, the EU, several civil society institutions, NGOs and finally various donor organizations such as World Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development".<sup>473</sup>

The HCNM is an autonomous institution within the framework of the whole OSCE family. The HCNM is a conflict prevention instrument. It is not a human rights institution. In terms

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<sup>471</sup> ---, 'OSCE, HCNM, Mandate', available at <http://www.osce.org/hcnm/43201>, Accessed on 22 June 2013.

<sup>472</sup> Interview with Ilze Brands Kehris, Director, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>473</sup> ---, 'OSCE, HCNM, Co-operation with other organizations', available at <http://www.osce.org/hcnm/44686>, Accessed on 22 June 2013.

of OSCE terminology, the HCNM belongs to the first dimension. However, the Office is truly a cross-dimensional institution.

There is a general sense that the HCNM is an effectively functioning part of the OSCE. It is small and flexible institution that can have a lot of impact. The problem with the assessment of its performance is that a lot of work has been done under the so-called 'quite-diplomacy umbrella'. Confidentiality and impartiality are the two main principles of the HCNM. The HCNM has done a lot of work directly with the authorities in confidentiality. Therefore, it is very hard to evaluate the effectiveness of the Office in preventing conflicts. Because when it is prevented, conflict is not there. The conflict did not take place.<sup>474</sup>

#### **4.4.4.3. Representative on Freedom of the Media (RFM)**

Bearing in mind that "the freedom of expression and free media are basic human rights", the OSCE Representative on Freedom of the Media (RFM) was established in 1997 to "observe media developments in all OSCE participating States; provides early warning on violations of freedom of expression; and assists OSCE participating States in ensuring full compliance with OSCE norms, principles and commitments pertaining to freedom of expression and free media".<sup>475</sup> To achieve these objectives, the RFM works in close co-operation with the participating States of the OSCE, the permanent functional institutions of the OSCE, the PC and relevant OSCE bodies as well as with national and international media associations. The Representative maintains regular consultations with the CiO and presents regular reports to the PC, bringing the issues into the agenda which requires further attention and action.

In cases which violations of OSCE norms and commitments on media freedom and freedom of expression occur, e.g., "obstruction of media activities and unfavorable working

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<sup>474</sup> Interview with Ilze Brands Kehris, Director, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>475</sup> ---, 'OSCE, Representative on Freedom of the Media, Overview', available at <http://www.osce.org/fom/43203>, Accessed on 22 June 2013.

conditions for journalists”, the Representative is responsible for establishing direct contacts with the participating State or any other parties concerned to ensure full compliance with OSCE media freedom norms and commitments with a view to finding a resolution to the existing problem.

The Representative can acquire information on recent media developments throughout the OSCE region. The participating States and relevant parties such as international institutions, media associations, representatives of media and interested non-governmental organizations can also deliver their requests, comments and suggestions to the Representative with the purpose of promoting and strengthening compliance with OSCE norms, principles and commitments on media freedom and development within the entire OSCE area.

The RFM mandate, as in the mandate of the HCNM, does not allow the Representative to establish any communication with “any person or an organization which practices or publicly condones terrorism or violence”.<sup>476</sup>

#### **4.5. Organization for Security and Co-operation in Europe Field Operations**

The ‘OSCE Field Missions or Operations’ provides assistance and support to the host participating States of the Organization with a view to enable them to meet OSCE norms, principles and commitments on all three dimensions of security.<sup>477</sup> The field missions work to promote and strengthen the host countries’ compliance with the OSCE norms, principles and commitments. OSCE field operations perform a wide range of tasks determined according to their mandates.

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<sup>476</sup> ---, ‘OSCE, Representative on Freedom of the Media, Mandate’, available at <http://www.osce.org/fom/43207>, Accessed on 22 June 2013.

<sup>477</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, p.62.

The OSCE's comprehensive and co-operative approaches to security are very well reflected in the field missions' activities. The field operations are active in a wide variety of issues, including all three dimensions of security, namely politico-military, economic and environmental, and human dimensions in close co-operation and co-ordination with the governments and authorities of the host countries and relevant OSCE structures and institutions as well as other interested regional and international organizations on the ground.<sup>478</sup>

After the end of the Cold War period, ethno-political conflicts erupted in the former Republic of Yugoslavia and former Soviet Union regions. In order to respond better to these ethnic tensions, the CSCE participating States decided to establish 'long-term field operations' as an instrument in the CSCE region. The first CSCE field missions were sent to Kosovo, Sandjak and Vojvodina in the Balkans in 1992.<sup>479</sup> Since then, the OSCE has deployed field operations in different regions of the OSCE area.

In order to establish a field operation in any participating State of the Organization, three basic processes have to be completed within the OSCE framework: 'a Memorandum of Understanding' must be signed between the OSCE and the hosting country; a mandate and a budget must be adopted by the OSCE PC. Mandates for missions are determined for six or twelve months and it is essential to renew their mandate for each additional term. Field missions are headed by "Heads of Mission, Heads of Office, Heads of Centre or Project Coordinators". They are appointed by the OSCE CiO. The Heads of Mission are tasked to represent reports to both the OSCE CiO and the OSCE PC. Heads of Missions are provided with substantial freedom to act in carrying out field mission's daily works. Through freedom of action, the field missions can act in flexible ways and they easily adapt themselves to the new changing conditions in the host countries.<sup>480</sup>

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<sup>478</sup> Martine Huber, 'The Effectiveness of OSCE Missions', *Helsinki Monitor* 2003 no.2, pp.125-126.

<sup>479</sup> Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, British American Security Information Council Research Report, July 2002, p.10.

<sup>480</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.56-57.

The field missions allow the OSCE to carry out its activities on the different levels of ethno-political conflicts emerged in the OSCE region. Some field operations were tasked to act on the field of conflict prevention like in the OSCE missions to Estonia, Latvia and Ukraine. A number of field operations are basically interested in the level of conflict resolution in the OSCE missions to Georgia and Moldova. These missions aim at contributing to all the efforts aimed at achieving lasting, comprehensive and peaceful solutions to the so-called 'frozen conflicts' in the OSCE region. Lastly, various OSCE field missions are deployed for the post-conflict peace-building activities or post-conflict rehabilitation processes like in Croatia, Kosovo and Bosnia and Herzegovina. These missions are basically tasked to perform a broad range of activities such as democratization, media freedom, institution- and capacity-building, inter-ethnic reconciliation as well as the return of refugees. In the case of Bosnia and Herzegovina, the OSCE also engages in arms control issues.<sup>481</sup>

In the fields of post-conflict peace-building and post-conflict rehabilitation processes, the missions are engaged in contributing to the capacity- and institution-building efforts; to successful management of the transition processes; and finally to the development of democratization and the rule of law. Additionally, the field missions are increasingly in need of dealing with certain transnational problems and challenges, requiring to be addressed in more effective and co-operative ways. In order to tackle with newly emerging transnational problems and challenges, various common projects pertaining to policing, border security and management and organized crime started to be conducted by the field missions. If the field operations address adequately newly emerging transnational security concerns of the host countries, the participating States might likely to ask for the continuity of the field mission's activities on the ground.<sup>482</sup>

The potential peace-keeping activities of the OSCE can be seen as so closely linked to the field operations of the Organization. The main principles of the 'OSCE peace-keeping operations' were firstly outlined in the 1992 CSCE Helsinki Summit Document. Peace-

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<sup>481</sup> Ibid., pp.34-35.

<sup>482</sup> Ibid., p.60.

keeping operations were placed under the OSCE activities based on “early warning, conflict prevention, crisis management and peaceful settlement of disputes”. OSCE peace-keeping operations can include “civilian and/or military personnel; from small scale to large-scale operations; from observer/monitoring missions to the larger deployment of forces”. Peace-keeping operations could be deployed to supervise cease-fires, monitor troop withdrawals, support law and order, provide humanitarian aid and assist refugees”.<sup>483</sup>

The OSCE has not decided to establish any peace-keeping operation in any participating State or any region up to the present. However, new developments, changes and understandings on peace-keeping issue have taken place following the end of the Cold War period. While traditional peace-keeping is basically interested in monitoring cease-fires and maintaining public order particularly in military terms, a broader concept of peace-keeping has come into the agenda, “incorporating many civilian aspects such as policing, border security, institution building, civil administration, the return of refugees and internally displaced persons, reconstruction efforts and related fields”. Today, in order to achieve successful peace-keeping operations, traditional peace-keeping tasks and activities have to be combined effectively with these new and comprehensive peace-keeping elements.

While traditional peace-keeping activities focus on classical hard security issues, new peace-keeping tasks are mainly based on soft security-related functions. New peace-keeping forms have been basically discussed for intra-state conflicts rather than for inter-state ones.<sup>484</sup> In this framework, the OSCE has performed these new and broader peace-keeping tasks through its field operations. For instance, the OSCE field missions particularly in the South Eastern Europe have contributed in the field of post-conflict rehabilitation processes through working in a wide range of fields such as “monitoring or training local police forces, promoting reconciliation, strengthening the rule of law and public administration, building democratic institutions, assisting in the return of refugees and internally displaced persons

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<sup>483</sup> Branislav Milinkovic, ‘OSCE peacekeeping: Still waiting to perform!’, *Helsinki Monitor* 2004 no.3, pp.194-195.

<sup>484</sup> *Ibid.*, pp.198-200.

or monitoring the collection of weapons”. For instance, the OSCE Mission in Georgia was mandated to work on some classical peace-keeping tasks, such as “monitoring the border between Georgia and the Russian Federation and gathering information on the military situation and investigating violations of cease-fires in relations to the Georgian-Ossetian conflict”.

The OSCE, performing basic tasks relating to the new peace-keeping concepts, brings an added value with its comprehensive and co-operative approach to security and stability. When taking into account the whole contribution of the OSCE to peace-keeping, one can easily conclude that “the OSCE has already developed a practical role in the broad peacekeeping area as a result of its own expertise, and of its presence in the field where much of this experience has been gained”. On the contrary, to the new peace-keeping tasks conducted by the OSCE through its field missions, it is commonly agreed that due to the opposition of several OSCE participating States, the OSCE is unlikely to undertake a peace-keeping operation entrusted with classical peace-keeping tasks, which requires armed forces and includes military elements.<sup>485</sup>

According to Lynch, the OSCE has accumulated a set of unique operational experience by the means of field operations over the years. The OSCE field missions have been very instrumental in assisting the participating States in terms of institution- and capacity-building for democratization and the rule of law. The field missions have also made substantial contribution to the relevant participating States in the successful management of the transition processes towards democracy and functioning market economy specifically in Eastern Europe, and South Eastern Europe. The OSCE field missions has developed special relationships with civil society groups with a view to supporting them in strengthening and promoting the capacity-building for the rule of law and good governance in the participating States.<sup>486</sup>

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<sup>485</sup> Ibid., pp.199-200.

<sup>486</sup> Dov Lynch, ‘The Basic Challenges Facing the OSCE’, in Daniel Warner (ed), *Consolidating the OSCE*, PSIO Occasional Paper 2/2006, pp.17-18.



The OSCE field missions have played a vital role particularly in the areas of post-conflict peace-building and rehabilitation processes.<sup>487</sup> Tüzel states that the OSCE field missions work as “engines of change” and as “catalysts” for security and stability through a comprehensive and co-operative approach to security in the participating States. This symbolizes “the OSCE’s added value” in comparison with other international and regional institutions, operating for security and stability.<sup>488</sup>

The field operations can enable the OSCE to perform its basic tasks properly and efficiently on the ground, working in close co-operation and co-ordination with the host countries. The OSCE participating States and the Organization are provided with knowledge concerning a specific issue or country by the field missions.<sup>489</sup>

The OSCE field missions are one of the most significant tools developed by the OSCE.<sup>490</sup> They constitute “the operational center of gravity and unique assets of the Organization”.<sup>491</sup> “The OSCE Missions are one of the Organization’s key assets and its most significant comparative advantage”. The field operations serve as the valuable instruments.<sup>492</sup> The OSCE’s field operations can be considered as the most visible field the Organization functions. The field missions allow the Organization to “make a difference on

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<sup>487</sup> Peter Semneby, ‘Ten Lessons for running OSCE field missions in the future’, *Helsinki Monitor* 2005 no.3, p.232.

<sup>488</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions* Vol. VIII No.1, March-May 2003, pp.20-21.

<sup>489</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, pp.59-60.

<sup>490</sup> Marc Perrin de Brichambaut, ‘The OSCE in perspective, six years of service, six questions and a few answers’, *Security and Human Rights* 2012 no.1, p.37.

<sup>491</sup> Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, British American Security Information Council Research Report, July 2002, p.10.

<sup>492</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, Center for OSCE Research (CORE), Vienna, 2005, pp.35-36.

the ground”.<sup>493</sup> Therefore, “the OSCE’s field operations have always been one of its decisive comparative advantages”.<sup>494</sup>

Despite their some valuable contributions on the ground, the OSCE field missions have been strongly criticized with regard to their activities in the host countries. Some CIS countries, including the Russian Federation, Belarus, Kazakhstan and Kyrgyzstan put forward their three basic criticisms on the OSCE field missions in September 2003.<sup>495</sup> Firstly, the OSCE field missions have been accused of geographical asymmetry. It refers to the point that the OSCE participating States are separated “into States with field missions and those without”. Second criticism to the field operations is related to the “substantive asymmetry, which refers to a perceived imbalance between the OSCE’s three dimensions in favor of the human dimension”,<sup>496</sup> while neglecting the politico-military and economic and environmental dimensions-related security concerns of the host countries. In other words, it is claimed that the OSCE field missions have had disproportionate and imbalanced approach<sup>497</sup> by focusing excessively on the human dimension issues. Finally, the OSCE field missions are criticized on the basis that they have been interfering in internal affairs of the host countries. In this regard, some participating States, as the hosting countries, have been dissatisfied with the Mission’s interference in their domestic affairs.<sup>498</sup> They claim that the OSCE field operations have been interfering in internal affairs of the host participating

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<sup>493</sup> Randolph Oberschmidt and Wolfgang Zellner, ‘OSCE at the Crossroads’, *Center for OSCE Research Center (CORE) Working Paper 2*, Hamburg, 2001, p.19.

<sup>494</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, 2009, Hamburg, p.30.

<sup>495</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, p.61.

<sup>496</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.35-36

<sup>497</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions* Vol. VIII No.1, March-May 2003, pp.21-22.

<sup>498</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, pp.61-62.

States without any proper consultation with the authorities of the host countries. The field missions have mainly focused on monitoring activities and criticism with regard to the human dimension-related issues instead of providing assistance and expertise for the full and effective implementation of the OSCE commitments. In this way, it is claimed that the field operations, “in their present form, have lost their initial meaning as a mechanism for assisting countries”.<sup>499</sup>

In recent years, the number of the OSCE’s field operations has tended to be reduced. According to Evers, this trend arises from three basic developments. Firstly, “important Western participating States are reducing their extra-budgetary financial contributions and their deployment of seconded personnel”. This result is linked to the constraints on budgets by induced economic and financial crisis. Secondly, the EU has been undertaking growing responsibility in South-Eastern Europe, which resulted in the reduction of the OSCE’s staff and resources in the region. Thirdly, some OSCE participating States do not want the field presences to be deployed in their countries. The recent example of this trend is the closure of the OSCE Office in Minsk on 11 January 2011.<sup>500</sup>

The field missions are deployed as a result of a co-operative understanding between the host countries and the OSCE with the aim of providing assistance and expertise to the host States in terms of increasing their capacities to live up to OSCE norms, principles and commitments. The field operations also assist the participating States in dealing with the difficulties and challenges stemming from the transition processes. However, several disagreements emerge between the host government authorities and the OSCE regarding the functioning of the field missions. The problems basically originate from “the difficulties

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<sup>499</sup> ---, ‘Interview with Russian Ambassador-Russian Federation is strong advocate of OSCE cause’, *OSCE Magazine*, May 2004, pp.18-20.

<sup>500</sup> Frank Evers, ‘The OSCE Summit in Astana Expectations and Results’, *Center for OSCE Research (CORE) Working Paper 22*, October 2011, Hamburg, p.19.

in reconciling the expectations of host governments from the OSCE field missions and the realm in which field missions see the focus of their work”.<sup>501</sup>

Maintaining a close and active co-operation and co-ordination between the OSCE field operations and the host participating States is very important in the conduct of the missions’ daily activities. Main activities, including major projects on the ground and the appointment of Heads of Missions, should be carried out in consultations with the authorities of the host countries. More local personnel should be employed in the OSCE field operations.<sup>502</sup>

According to Semneby, building confidence and setting common goals between the OSCE field mission and the host country determine the effectiveness of the field operations. In order to ensure a high-level of synergy and co-operation and to prevent the overlaps, the field missions are in need of co-coordinating their activities with other regional and international organizations. The field missions function properly and effectively in providing that they are strongly provided with the administrative support from the OSCE Secretariat and OSCE permanent institutions and with the political support from the participating States.<sup>503</sup>

According to Huber, there are three basic external factors affecting considerably the OSCE field missions’ performance. They are: “the willingness of host authorities to co-operate; the reaction of the host society to the presence of the OSCE; and finally the interest and stabilizing role of external powers”.<sup>504</sup> Huber argues that “the effectiveness and impact of a

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<sup>501</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions* Vol. VIII No.1, March-May 2003, pp.21-22.

<sup>502</sup> Wolfgang Zellner, ‘Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.30.

<sup>503</sup> Peter Semneby, ‘Ten Lessons for running OSCE field missions in the future’, *Helsinki Monitor* 2005 no.3, p.232.

<sup>504</sup> Martine Huber, ‘The Effectiveness of OSCE Missions’, *Helsinki Monitor* 2003 no.2, pp.125-126.

mission critically depend on its ability to manage the opportunities and limitations inherent in a particular conflict setting as well as the limitations inherent in the organization itself.<sup>505</sup>

Dunay asserts that in order to fulfill their basic tasks and responsibilities, the OSCE field operations should work in close and active co-operation with the hosting countries.<sup>506</sup> Instead of confronting with the host country's authorities who fail to meet the OSCE norms, principles and commitments, the OSCE field missions should make much more efforts not to interfere in internal affairs of the participating States while they try to perform its basic activities effectively. Dunay also points out that "if missions pursue a course of confrontation with the government of the host country, as some did in the past, they are operating outside the proper bounds of a co-operative security structure and will be unable to contribute to the OSCE's goals in the long run".<sup>507</sup>

2005 Reform Report outlined the following recommendations for strengthening the effectiveness of the OSCE field missions:

mandates must ensure that the objectives of the mission are clear and agreed between the OSCE and the host State; mandates should normally not be fixed for more than one year and could be renewable depending on the specific tasks and on the outcome of consultations with the host States; to improve guidance and facilitate the regular evaluation of the work of field operations, realistic benchmarks should be established for measuring progress and duration of implementation of the mandate; in order to strengthen accountability and political oversight, Heads of Mission should personally present a report at least twice a year to the PC; the Secretary General should take the lead role in the operational guidance of field activities; Heads of Missions should submit regular and spot written reports to the Secretary General with a copy to the CIO; field operations should receive more specialized support, particularly in relation to all phases of capacity-building

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<sup>505</sup> Ibid., p.125.

<sup>506</sup> Pal Dunay, *The OSCE in crisis*, Chaillot Paper, No.88, Institute for Security Studies, April 2006, p.60.

<sup>507</sup> Ibid., p.62.

projects, from OSCE institutions, including more effective use of short-term staff visits; special attention should be paid to the issue of local staffing, particularly in order to build up national capacity to deal with issues covered by OSCE field activities, address salary discrepancies, and encourage staff rotation; and finally to take into account the broad spectrum of new threats and challenges and their cross-dimensional nature, the OSCE could consider developing a new type of thematic mission that could look at a specific issue in one country, or to ensure coherence in the work in a broader regional or sub-regional context.<sup>508</sup>

The OSCE has deployed several field operations with different forms in the host participating States, covering south-Eastern Europe, Eastern Europe, Caucasus and Central Asia.

#### **4.5.1. Field Missions in South-Eastern Europe**

OSCE field missions or field presence in South-Eastern Europe are present in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Serbia and Macedonia.

##### **4.5.1.1. Organization for Security and Co-operation in Europe Presence in Albania**

An 'OSCE Presence in Albania' was created by the OSCE PC Decision on 27 March 1997 (Decision No.160) with a view to restoring the law and order which broke down in Albania at the beginning of 1997. The OSCE PC updated the Presence's mandate in December 2003 (PC Decision No.558). The Head of Presence which is responsible for all policy and operational matters in the Presence's activities, leads the OSCE Presence in Albania. The Presence has four basic thematic departments to perform its main tasks: 'Democratization'; 'Rule of Law and Human Rights'; 'Governance in Economic and Environmental Issues'; and 'Security Co-operation' Departments.<sup>509</sup> The Presence produces regular reports pertaining

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<sup>508</sup> ---, 'Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE', 27 June 2005, pp.23-24.

<sup>509</sup> ---, 'OSCE, OSCE Presence in Albania, Overview', available at <http://www.osce.org/albania/43312>, Accessed on 5 August 2013.

to the progress achieved in Albania and its mandate implementation. The implementation and review of its mandate is annually carried out. Prolongation of the Presence's mandate is based on a decision which is taken by the OSCE PC.<sup>510</sup>

The OSCE Presence in Albania is basically tasked to “promote democratization, the rule of law and human rights, as well as to consolidate democratic institutions in conformity with OSCE principles, standards and commitments”. The main work fields of the Presence cover a wide range of security-related issues such as legislative and judicial reform, property reform, electoral reform, regional administrative reform, parliamentary capacity-building, anti-trafficking and anti-corruption policies including support to the implementation of relevant national strategies; media development, promotion of good governance, the development of civil society, rule of law/human rights, gender issues, economic and environmental governance and finally police assistance.<sup>511</sup>

In order to achieve these objectives, the Presence aims at assisting and supporting the Albanian authorities and civil society representatives, working in close co-operation and co-ordination with the Albanian Government and other state-based institutions and organizations in Albania. “This assistance aims to achieve full conformity with relevant international standards and OSCE principles, norms and commitments”. In performing its basic tasks, the Presence works in close and active co-operation with the interested OSCE institutions and bodies as well as other international organizations and institutions engaged in Albania with a view to “ensuring maximum effectiveness and avoiding duplication”.<sup>512</sup>

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<sup>510</sup> ---, ‘OSCE, OSCE Presence in Albania, Mandate’, available at <http://www.osce.org/albania/43313>, Accessed on 5 August 2013.

<sup>511</sup> ---, ‘OSCE, OSCE Presence in Albania, Overview’, available at <http://www.osce.org/albania/43312>, Accessed on 5 August 2013.

<sup>512</sup> ---, ‘OSCE, OSCE Presence in Albania, Mandate’, available at <http://www.osce.org/albania/43313>, Accessed on 5 August 2013.

#### **4.5.1.2. Organization for Security and Co-operation in Europe Mission to Bosnia and Herzegovina**

The OSCE Mission to Bosnia and Herzegovina (BiH) was established in 1995 under the General Framework Agreement for Peace in BiH, also known as the Dayton Agreement. The OSCE Mission is mainly tasked to provide assistance and expertise to BiH

in meeting its OSCE commitments and in progressing towards its stated goal of Euro-Atlantic integration by strengthening security and stability through completion of peace-building within the Dayton framework and developing inclusive political discourse and democratically accountable institutions that respect diversity, promote consensus and respect the rule of law.

The Mission, working in a comprehensive and integrated manner, aims at supporting BiH in its efforts in rebuilding a multi-ethnic and democratic society in the country. The OSCE helps BiH manage successfully the transition period towards democracy. In order to achieve these goals, the Mission established seven thematic programmes with the aim of creating and promoting democratic institutions and societies in BiH. These thematic programmes are as follows: “community engagement, parliamentary support, education, human rights, the rule of law, governance and security cooperation”.<sup>513</sup>

Apart from these thematic issues, the OSCE Mission to BiH focuses on the issues of parliamentary oversight of the BiH Security Sector, building institutional capacity within the Security Sector, judicial and legal reform, economic and social rights and equality, compliance assistance and finally arms control.<sup>514</sup> In addition, the Mission also works to promote civil society building; support the education reform process; protect and improve

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<sup>513</sup> ---, ‘OSCE, OSCE Mission to Bosnia and Herzegovina’, available at <http://www.oscebih.org/Default.aspx?id=1&lang=EN>, Accessed on 5 August 2013

<sup>514</sup> ---, ‘OSCE Mission to Bosnia and Herzegovina Factsheet’.



the human rights across the whole country as well as to strengthen the country's capabilities in creating a sustainable and stable security and defense environment.<sup>515</sup>

#### **4.5.1.3. Organization for Security and Co-operation in Europe Mission in Kosovo**

The CSCE sent its first long-term field missions to Kosovo, Sandjak and Vojvodina in the Balkans in 1992. The Kosovo Verification Mission (KVM) was deployed between October 1998 and March 1999 to verify the Federal Republic of Yugoslavia's compliance with UN Security Council Resolutions relating to Kosovo. The KVM was tasked to "verify the ceasefire, monitor movement of forces, and promote human rights and democracy-building". Following the deterioration of the security environment in Kosovo, the KVM ceased to exist on 9 June 1999 and then a 'Transnational OSCE Task Force' was created for Kosovo by the PC's decision.<sup>516</sup>

The current OSCE Mission in Kosovo was established by the OSCE PC decision No. 305 on 1 July 1999 and the Mission's mandate was extended annually.<sup>517</sup> The OSCE Mission in Kosovo, as the largest OSCE field operation within the whole OSCE region, is mandated with "institution and democracy building and promoting human rights and the rule of law".<sup>518</sup>

The Mission is engaged in three main activity fields in Kosovo: support democratic institutions and good governance; promotion of human and community rights; and improvement of security and public safety. In order to provide further assistance to the institutions based in Kosovo to promote these institutions' adherence to human rights and

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<sup>515</sup> ---, 'OSCE, OSCE Mission to Bosnia and Herzegovina', available at <http://www.oscebih.org/Default.aspx?id=1&lang=EN>, Accessed on 5 August 2013.

<sup>516</sup> ---, 'OSCE, OSCE Mission in Kosovo, Overview', available at <http://www.osce.org/kosovo>, Accessed on 5 August 2013.

<sup>517</sup> ---, 'OSCE, OSCE Mission in Kosovo, Mandate', available at <http://www.osce.org/kosovo/43381>, Accessed on 5 August 2013.

<sup>518</sup> ---, 'OSCE, OSCE Mission in Kosovo', available at <http://www.osce.org/kosovo>, Accessed on 5 August 2013.

good governance standards, the Mission pursues an active monitoring policy, covering “monitoring, analyzing, reporting and recommending remedial action for observed shortcomings” in Kosovo. The Mission also provides further training and advice to the institutions in required areas.<sup>519</sup>

The OSCE Mission in Kosovo, as the largest international civilian presence in Kosovo, performs a broad range of activities determined to its mandate. These activity fields cover: the protection of human and community rights, including returns and reintegration of displaced persons; safety and freedom of movement; property rights; non-discrimination; participation in public life; access to education and other services, and language and culture preservation; municipal governance reform; rule of law and human rights monitoring within the municipalities, courts and the police; support to and further development of independent institutions working with human rights, rule of law and elections; judiciary and administrative justice; oversight and civic participation; supporting anti-trafficking efforts; enhancing Assembly procedures and the oversight role over the executive, as well as all the communities’ participation therein; further development of the public safety sector, including the police, customs and correctional services; strengthening print and broadcast media regulators; media freedom; combating organized crime; women and youth empowerment; and finally providing access to and quality of higher education for all communities.<sup>520</sup>

The Mission in Kosovo is included in a new co-operative relationship with other international organizations. The OSCE involved in an UN-led operation as an integral part in 1999. The OSCE Mission in Kosovo started to fulfill a monitoring role for early warning and reporting in Kosovo in 2009. The OSCE Mission in Kosovo works in close and active co-operation with other major international organizations and institutions operating in

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<sup>519</sup> ---, ‘OSCE, OSCE Mission in Kosovo, Overview’, available at <http://www.osce.org/kosovo>, Accessed on 5 August 2013.

<sup>520</sup> ---, ‘OSCE, OSCE Mission in Kosovo’, Mandate, available at <http://www.osce.org/kosovo/43381> and ---, ‘OSCE, OSCE Mission in Kosovo, Overview’, <http://www.osce.org/kosovo>, Accessed on 5 August 2013.

Kosovo, covering the “UN High Commissioner for Refugees, the UN Office of the High Commissioner for Human Rights, the Council of Europe and the EU”. The Mission has also close co-operation with non-governmental organizations for stronger participation of the civil society groups in Kosovo. Finally, the Mission has been interested in maintaining closer links with the Kosovo Force (KFOR), the NATO-led peacekeeping force.<sup>521</sup>

#### **4.5.1.4. Organization for Security and Co-operation in Europe Mission to Montenegro**

The Republic of Montenegro became an independent State after the referendum on its State-legal status held on 21 May 2006 and a Declaration of Independence adopted by its Parliament on 3 June 2006. The Republic of Montenegro was officially admitted to the OSCE as its 56<sup>th</sup> participating State on 22 June 2006. The OSCE Mission to Montenegro was established on 29 June 2006 by the OSCE PC Decision No.732.<sup>522</sup>

The OSCE Mission to Montenegro is mandated to fulfill a wide range of tasks. The Mission, first of all, aims at promoting and encouraging the implementation of OSCE norms, principles and commitments relating to all three dimensions of security, namely politico-military, economic-environmental and human dimensions. In addition, the Mission is tasked to enhance co-operation with Montenegro with all available means within the OSCE framework. Secondly, the Mission engages in facilitating contacts; coordinating activities and strengthening information exchange with the OSCE CiO, and OSCE permanent institutions as well as with other OSCE field missions, including particularly those operating in South-Eastern Europe region. The Mission also carries out co-operation with other international organizations and institutions. Thirdly, the OSCE Mission to Montenegro aims at working in close co-ordination, consultation and co-operation with universities, research institutions, NGOs and local officials and organizing various events the OSCE participates in.

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<sup>521</sup> ---, ‘OSCE, OSCE Mission in Kosovo, Overview’, available at <http://www.osce.org/kosovo>, Accessed on 5 August 2013.

<sup>522</sup> ---, ‘OSCE, OSCE Mission to Montenegro, Overview’, available at <http://www.osce.org/montenegro/44406>, Accessed on 7 August 2013.

Finally, the Mission fulfills other tasks deemed appropriate by the CiO or other OSCE institutions and agreed on between the Republic of Montenegro and the OSCE.<sup>523</sup>

The OSCE, according to its mandate, assists and supports the Republic of Montenegro in terms of “achieving the strategic goal of European and Euro-Atlantic integration”. To accomplish this target, the Mission focuses on various security-related matters including all the three aspects of security. These areas can be summarized as follows: democratization processes; gender equality issues; anti-trafficking efforts; legislative reform and institution-building in the fields of combating organized crime and corruption; the Office of the National Co-ordinator for Anti-Trafficking; the Commissariat for Refugees and Displaced Persons; and finally environmental protection and economic development.<sup>524</sup>

The Mission’s activities on democratization cover strengthening democratic governance and promoting human rights and equal opportunities.<sup>525</sup> Rule of law based efforts focus on judicial reform, administration of criminal justice, combating organized crime and corruption, strengthening human rights institutions, prison reform and finally human rights education.<sup>526</sup> Through law enforcement activities the Mission aims to improve community policing, Police accountability, organized crime, border policing, crime scene investigation and forensics, police education and development, and finally strategic development.<sup>527</sup> In

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<sup>523</sup> ---, ‘OSCE, OSCE Mission to Montenegro’, Mandate, available at <http://www.osce.org/montenegro/44409>, Accessed on 7 August 2013.

<sup>524</sup> ---, ‘OSCE, OSCE Mission to Montenegro, Overview’, available at <http://www.osce.org/montenegro/44406>, Accessed on 7 August 2013.

<sup>525</sup> ---, ‘OSCE, OSCE Mission to Montenegro, Democratization’, available at <http://osce.org/montenegro/44414>, Accessed on 7 August 2013 and ---, ‘OSCE, OSCE Mission to Montenegro, Overview’, available at <http://www.osce.org/montenegro/44406>, Accessed on 7 August 2013.

<sup>526</sup> ---, ‘OSCE, OSCE Mission to Montenegro, Rule of law/Human rights’, available at <http://www.osce.org/montenegro/44415>, Accessed on 7 August 2013.

<sup>527</sup> ---, ‘OSCE, OSCE Mission to Montenegro, Law enforcement’, available at <http://osce.org/montenegro/44416>, Accessed on 7 August 2013.

the field of media, the Mission tries to strengthen media legislation, institution and capacity development; and to promote professional standards and freedom of the media.<sup>528</sup> The OSCE Mission to Montenegro co-operates closely with the Council of Europe in Montenegro with a view to ensuring respect for human and minority rights, supporting and improving legislative reforms, supporting institution and capacity-building and finally enhancing regional co-operation. The Mission also works in close co-ordination and co-operation with UN agencies and EU institutions in Montenegro.<sup>529</sup>

#### **4.5.1.5. Organization for Security and Co-operation in Europe Mission to Serbia**

The OSCE PC established a new 'OSCE Mission to the Federal Republic of Yugoslavia' on 11 January 2001 with a view to assisting the authorities and providing expertise in the areas of democratization, protection of human rights and minorities and media development. The OSCE PC changed the Mission's name as the 'OSCE Mission to Serbia and Montenegro' following the adoption of the Constitutional Charter of the State Union of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003. Finally, after the Republic of the Montenegro became an independent State and was officially admitted to the OSCE as the 56<sup>th</sup> participating States, the OSCE PC renamed the Mission the 'OSCE Mission to Serbia' on 29 June 2006.

The current mandate of the OSCE Mission to Serbia allows the Mission to provide assistance and expertise to the Republic of Serbia in creating "independent, accountable and effective democratic institutions". In this regard, the basic work fields of the Mission are rule of law, human rights, media development, law enforcement and environment. The Mission also works to encourage regional co-operation and reconciliation and support civil society groups with the aim of contributing to the creation and maintenance of a sustainable, secure and stable society for all citizens reside in Serbia.

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<sup>528</sup> ---, 'OSCE, OSCE Mission to Montenegro, Media', available at <http://osce.org/montenegro/44417>, Accessed on 7 August 2013.

<sup>529</sup> ---, 'OSCE, OSCE Mission to Montenegro, Overview', available at <http://www.osce.org/montenegro/44406>, Accessed on 7 August 2013.

The Mission's Democratization Department is mainly interested in supporting Serbia in terms of creating a viable functioning democracy based on the rule of law and human and minority rights.<sup>530</sup> The main priority areas of the Law Enforcement Department are police accountability, organized crime, community policing, police education and development, strategic planning and development and public relations and communication.<sup>531</sup> The Rule of Law/Human Rights Department focuses on several issues such as judicial reform, organized crime, anti-corruption activities, war crimes trials, prison reform, human rights institutions and finally legal document translation.<sup>532</sup> The Media Department maintains activities on media legislation, media freedom and development, media programmes, strengthening local and regional media and finally enhancing communication between the media and state authorities.<sup>533</sup> The Mission's activities on security-building consist of destruction of small arms, communication network and finally other appropriate activity fields.<sup>534</sup> Finally, the Mission's activities are assisted by the Fund Administration in terms of supporting the Mission's thematic departments in their work and the professional improvement of personnel and finally making the working conditions better.<sup>535</sup>

The Mission, working in close co-operation and co-ordination with the Serbian state authorities, aims at ensuring and promoting Serbia's conformity with OSCE norms,

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<sup>530</sup> ---, 'OSCE, OSCE Mission to Serbia, Overview', available at <http://www.osce.org/serbia/43337>, Accessed on 7 August 2013.

<sup>531</sup> ---, 'OSCE, OSCE Mission to Serbia, Law enforcement', available at <http://www.osce.org/serbia/43345>, Accessed on 7 August 2013.

<sup>532</sup> ---, 'OSCE, OSCE Mission to Serbia, Rule of law/Human rights', available at <http://www.osce.org/serbia/43342>, Accessed on 7 August 2013.

<sup>533</sup> ---, 'OSCE, OSCE Mission to Serbia, Media', available at <http://www.osce.org/serbia/43351>, Accessed on 7 August 2013.

<sup>534</sup> ---, 'OSCE, OSCE Mission to Serbia, Security-building', available at <http://www.osce.org/serbia/43362>, Accessed on 7 August 2013.

<sup>535</sup> ---, 'OSCE, OSCE Mission to Serbia, Overview', available at <http://www.osce.org/serbia/43337>, Accessed on 7 August 2013.

principles and commitments. To achieve this goal, the Mission provides assistance and expertise not only to the Serbian government and state authorities but also interested individuals, organizations and groups in a wide range issues. For instance, the Mission co-operates closely with the Office of the 'UN High Commissioner for Refugees' to facilitate the return of refugees to and from neighboring countries and from other countries of residence as well as of internally displaced persons to their homes in Serbia.<sup>536</sup>

#### **4.5.1.6. Organization for Security and Co-operation in Europe Mission to Skopje**

The OSCE Mission to Skopje was originally established in 1992 with the aim of contributing to the prevention of the tension and conflict in the Former Socialist Republic of Yugoslavia.<sup>537</sup> The OSCE Mission to Skopje has been expanded substantially in terms of size since the 'Ohrid Framework Agreement' came into force in 2001, bringing an end to the conflict in Macedonia which lasted seven months. The Ohrid Framework created guarantees to protect the rights of all ethnic communities reside in Macedonia.<sup>538</sup>

The Mission particularly has focused on strengthening and promoting the essential pillars of the Ohrid Framework Agreement since 2001.<sup>539</sup> Monitoring and supporting the implementation of the Ohrid Framework Agreement remains a key priority for the OSCE Mission to Skopje, particularly with special attention to the basic issues such as education,

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<sup>536</sup> ---, 'OSCE, OSCE Mission to Serbia, Mandate', available at <http://www.osce.org/serbia/43339>, Accessed on 7 August 2013.

<sup>537</sup> ---, 'OSCE, OSCE Mission to Skopje', available at <http://www.osce.org/skopje>, Accessed on 7 August 2013.

<sup>538</sup> ---, 'OSCE, OSCE Mission to Skopje, Overview', available at <http://www.osce.org/skopje/43341>, Accessed on 7 August 2013.

<sup>539</sup> Ibid.

decentralization, equitable representation, language and non-discrimination<sup>540</sup>, promoting the improvement of inter-ethnic relations and finally early warning and overall security.<sup>541</sup>

The Ohrid Framework Agreement signed on 13 August 2001, brought an end to the seven month conflict in Macedonia. The Agreement identifies the basic steps to be undertaken for ensuring “the functioning of democratic structures, the advancement towards Euro-Atlantic institutions and the development of a civil society respecting ethnic identity”. According to the provisions outlined in Annex C of the Agreement and based on several OSCE PC decisions, a number of specific fields are added to the Mission’s original mandate of 2001. They include redeployment of police to the former crisis areas; assistance to the Government to increase representation of minority communities in public administration, military and public enterprises; strengthening of the institutions of local self-government; relevant projects in the fields of rule of law and media development; and finally providing constant support to the HCNM’s engagement in the field of education.<sup>542</sup> Basic work fields of the Mission are democratic governance, rule of law including judicial and legislative reform, inter-ethnic relations, police development and finally monitoring.

The OSCE Mission to Skopje is supported by two internal departments: ‘Human Dimension’ and ‘Public Safety and Community Outreach’. The Human Dimension Department further includes three units based on ‘Democratic Governance’, ‘Rule of Law’, and ‘the Co-ordination Unit Inter-ethnic Relations’. The Public Safety and Community Outreach Department is tasked to perform the Mission’s early-warning function. The Public Safety and Community Outreach Department is composed of the Monitoring Unit and the Police Development Unit whose basic tasks are to deal with field developments related to security, inter-community issues and local trend which might have a potential to influence the security and stability in Macedonia.

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<sup>540</sup> Ibid.

<sup>541</sup> ---, ‘OSCE, OSCE Mission to Skopje, Mandate’, available at <http://www.osce.org/skopje/43346>, Accessed on 7 August 2013.



Mission's activities generate from its original mandate and the OSCE PC decisions based on the Ohrid Framework Agreement. The original mandate allowed the Mission to "monitor developments along the borders with Serbia and in other areas which may suffer from spillover of the conflict in former Yugoslavia, in order to promote respect for territorial integrity and the maintenance of peace, stability and security; and to help prevent possible conflict in the region". To achieve these goals, the Mission in Skopje works to maintain dialogue and co-ordination with host government's officials; communicate with the representatives of political parties, individuals and institutions in Macedonia; organize field trips to get a clear understanding pertaining to the level of stability and the risk of conflict; and finally provide assistance and expertise for facts-finding in the case of incidents.

The Mission works in close co-operation with other local and international organizations, operating in Skopje, e.g. the EU Delegation and the NATO. The main priority areas of this co-operation include long-term reform processes in the fields of judiciary, professionalization of the police, and public administration.<sup>543</sup>

#### **4.5.2. Field Missions in Eastern Europe**

OSCE field mission or project co-ordinator in Eastern Europe is active in Moldova and Ukraine.

##### **4.5.2.1. Organization for Security and Co-operation in Europe Mission to Moldova**

A 'Mission to Moldova' was established in 1993 by the OSCE "to support efforts to find a peaceful solution to the Transdnestr Conflict between the central government of the Republic of Moldova and the breakaway region authorities of Transdnestr region". The OSCE Mission in Moldova started to work in Chisinau in April 1993. An Office was also opened in Tiraspol, Transdnestrian administrative center, in February 1995. The main objective of the OSCE Mission to Moldova is to "facilitate the achievement of a lasting

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<sup>543</sup> ---, 'OSCE, OSCE Mission to Skopje, Overview', available at <http://www.osce.org/skopje/43341>, Accessed on 7 August 2013.

comprehensive political settlement of the Transdnistrian conflict in all its aspects, consolidating the independence and territorial integrity of the Republic of Moldova along with an understanding on a special status for the Transdnistrian region”.<sup>544</sup> In 1999, the Mission’s mandate was broadened to include “facilitating the removal and destruction of Russian ammunition and armament from the region and to ensure the transparency of this process”.<sup>545</sup>

The Mission, according to its mandate, is involved in providing assistance and expertise on human dimension-related issues, consisting of human and minority rights, democratization, media freedom and development and combating trafficking in human beings.<sup>546</sup> The Mission also makes efforts for establishing contacts with all parties to the Transdnistrian conflict, local authorities and population, making the OSCE’s presence in Moldova more visible.<sup>547</sup> The basic work fields of the OSCE Mission to Moldova are as follows: arms control and disarmament, conflict resolution and negotiation, human rights, democratization, media freedom, anti-trafficking and finally gender equality.<sup>548</sup>

#### **4.5.2.2. Organization for Security and Co-operation in Europe Project Co-ordinator in Ukraine**

The first CSCE/OSCE Mission to Ukraine started its work on 24 November 1994. The first Mission was tasked to act on conflict prevention and crisis management in the Autonomous Republic of Crimea, Ukraine. The OSCE Mission to Ukraine was terminated in 1999 after the

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<sup>544</sup> ---, ‘OSCE, OSCE Mission to Moldova, Mandate’, available at <http://www.osce.org/moldova/43359>, Accessed on 10 August 2013.

<sup>545</sup> ---, ‘OSCE, OSCE Mission to Moldova, Overview’, available at <http://www.osce.org/moldova/43356>, Accessed on 10 August 2013.

<sup>546</sup> Ibid.

<sup>547</sup> ---, ‘OSCE, OSCE Mission to Moldova, Mandate’, available at <http://www.osce.org/moldova/43359>, Accessed on 10 August 2013.

<sup>548</sup> Ibid.

Mission completed its works successfully according to its mandate. In 1999, Ukraine and the OSCE decided to establish 'a new form of co-operation'.<sup>549</sup> 'The OSCE Project Co-ordinator in Ukraine' was established by the OSCE PC decision (No.295) on 1 June 1999 and the signing of a memorandum of Understanding (MoU) on 13 July 1999 between the OSCE and Ukrainian government. This memorandum was ratified by the Ukrainian Parliament on 10 February 2000.

According to the MoU, the OSCE Project Co-ordinator in Ukraine is tasked to carry out "planning, implementation and monitoring of projects between the OSCE and its institutions and the relevant Ukrainian authorities". These projects can be related to all three dimensions of security and can include governmental and non-governmental bodies. The main target of this kind of new co-operative relationship is to providing support to Ukraine in adapting the country's structures and legislation to the basic requirements of a modern and functioning democracy.

The OSCE Project Co-ordinator in Ukraine aims at promoting OSCE norms, principles and commitments in the country with the help of the implementation of common projects. Project Co-ordinator in Ukraine also aims to play a constructive role in encouraging co-operation and dialogue with Ukrainian authorities with a view to promoting Ukraine's integration in political, economic and social terms.<sup>550</sup> The OSCE Project Co-ordinator focuses, as the basic work fields, on politico-military economic and environmental and human dimension aspects of security, including democratization, good governance, the rule of law, human rights, combating trafficking and domestic violence.<sup>551</sup>

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<sup>549</sup> ---, 'OSCE, OSCE Project Co-ordinator in Ukraine, Overview', available at <http://www.osce.org/ukraine/43363>, Accessed on 10 August 2013.

<sup>550</sup> ---, 'OSCE, OSCE Project Co-ordinator in Ukraine, Mandate', available at <http://www.osce.org/ukraine/43364>, Accessed on 10 August 2013.

<sup>551</sup> ---, 'OSCE, OSCE Project Co-ordinator in Ukraine', available at <http://www.osce.org/ukraine>, Accessed on 10 August 2013.

### **4.5.3. Field Missions in South Caucasus**

OSCE project co-ordinator or field office in the South Caucasus is present in Azerbaijan and Armenia.

#### **4.5.3.1. Organization for Security and Co-operation in Europe Project Co-ordinator in Baku**

The OSCE PC decided to establish an 'OSCE Office in Baku' on 16 November 1999. The Office started to work on 17 July 2000 according to its mandate and the signing of the Memorandum of Understanding between the OSCE and the Government of the Republic of Azerbaijan. The OSCE PC decided to transform the OSCE Office in Baku into the 'OSCE Project Co-ordinator in Baku' as of 1 January 2014. The mandate of the OSCE Project Co-ordinator in Baku covers a wide range of issues, including all three dimensions of security.<sup>552</sup>

The OSCE Project Co-ordinator in Baku is mandated to perform several tasks based on the OSCE PC's decision on changing the character of the OSCE Mission in Azerbaijan. The main tasks and responsibilities of the Project Co-ordinator are to promote the implementation of OSCE norms, principles and commitments in the country through co-operation between the OSCE and the Government of Azerbaijan; provide contacts, co-ordination and exchange of information between the OSCE CiO, other OSCE institutions and the Government of Azerbaijan; establish and maintain dialogue and contacts with inter-governmental and non-governmental organizations, local authorities, universities and research institutions; and finally fulfilling other tasks, which can be seen appropriate by the CiO or other OSCE institutions and agreed on the OSCE and the Government of Azerbaijan.<sup>553</sup>

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<sup>552</sup> ---, 'OSCE, OSCE Project Co-ordinator in Baku', available at <http://www.osce.org/baku>, Accessed on 10 February 2014.

<sup>553</sup> ---, 'OSCE, OSCE Project Co-ordinator in Baku', Mandate, available at <http://www.osce.org/baku/43375>, Accessed on 15 August 2013.

#### **4.5.3.2. Organization for Security and Co-operation in Europe Office in Yerevan**

'The OSCE Office in Yerevan' was created by the OSCE PC decision No.314 on 22 July 1999. The Office started to work on 9 February 2000 with the Armenian Parliament's ratification of the 'Memorandum of Understanding' signed between the OSCE and the Armenian Ministry of Foreign Affairs with regard to the status and activities of the OSCE Office in Yerevan.

The OSCE Office in Yerevan aims at contributing to the creation and maintenance of democratic institutions and societies; to the implementation of OSCE norms, principles and commitments; and to the creation of more strong civil society in the country. The Office has a broad mandate which includes all three dimensions of security. The Mission carries out its work independently from the 'Minsk Group', which is basically concerned with finding a peaceful lasting political solution to the Nagorno-Karabakh conflict.<sup>554</sup>

The OSCE Office in Yerevan is mandated to perform a wide range of tasks such as: providing assistance and expertise to the relevant State authorities in promoting the implementation of OSCE norms, principles and commitments by making close and active co-operation between the OSCE and the Republic of Armenia. The areas for co-operation may cover politico-military, economic-environmental and human dimension aspects of security; producing contact, co-ordination and exchange of information with the OSCE CiO and other OSCE structures and institutions; establishing and maintaining contacts and dialogue with local authorities, universities, research institutions as well as international and non-governmental organizations and institutions; and finally fulfilling other possible tasks which can be evaluated as appropriate by the CiO or other OSCE institutions and agreed on between the OSCE and the Government of Armenia.<sup>555</sup>

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<sup>554</sup> ---, 'OSCE, OSCE Mission in Yerevan, Overview', available at <http://www.osce.org/yerevan/43387>, Accessed on 15 August 2013.

<sup>555</sup> ---, 'OSCE, OSCE Mission in Yerevan, Mandate', available at <http://www.osce.org/yerevan/43384>, Accessed on 15 August 2013.

The main activity fields of the Office in Yerevan are legislative reform, including electoral reform; dealing with trafficking, migration and corruption; capacity-building of the State structures; economic and environmental activities including the assistance in implementing international conventions on economic and environmental security; democratic control of armed forces; democratization; good governance and human rights; media development and freedom; gender equality issues; and finally police assistance programme.<sup>556</sup>

#### **4.5.4. Field Missions in Central Asia**

OSCE field centers, field office or project co-ordinator are active in Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.

##### **4.5.4.1. Organization for Security and Co-operation in Europe Centre in Ashgabat**

‘OSCE Centre in Ashgabat’ was established by the OSCE PC decision (No.244) on 23 July 1998 with a view to intensifying and promoting co-operative relationships between the OSCE and Turkmenistan. The OSCE Centre in Ashgabat started to launch its activities in January 1999.<sup>557</sup> The Centre carries out its work in accordance with the OSCE’s comprehensive approach to security, incorporating the politico-military, economic-environmental and human dimensions along with a special emphasis on regional co-operation.<sup>558</sup>

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<sup>556</sup> ---, ‘OSCE, OSCE Mission in Yerevan, Overview’, available at <http://www.osce.org/yerevan/43387>, Accessed on 15 August 2013 and ---, ‘OSCE, OSCE Office in Yerevan’, available at <http://www.osce.org/yerevan>, Accessed on 15 August 2013.

<sup>557</sup> ---, ‘OSCE, OSCE Centre in Ashgabat’, available at <http://www.osce.org/ashgabat>, Accessed on 20 August 2013.

<sup>558</sup> ---, ‘OSCE, OSCE Centre in Ashgabat, Overview’, available at <http://www.osce.org/ashgabat/43279>, Accessed on 20 August 2013.

Being active in all three dimensions of security in Turkmenistan<sup>559</sup>, the Centre tries to contribute, first of all, to encouraging and promoting the implementation of OSCE norms, principles and commitments and creating an appropriate environment for co-operation between the OSCE and the Government of Turkmenistan, including all three dimensions of security with attaching a special importance on regional context. Secondly, the Centre aims to facilitate contacts and exchange of information with the CiO, other OSCE institutions and OSCE participating States in Central Asia. Thirdly, the Centre is concerned with establishing and maintaining contacts and dialogue with local authorities, universities, research institutions, and NGOs as well as with international organizations operating in Turkmenistan. Fourthly, the Centre works to provide assistance in organizing regional events like regional seminars or visits which includes OSCE's active participation.<sup>560</sup> Finally, the Centre is engaged in developing and implementing common projects and programmes to share the OSCE's common values, standards and expertise with Turkmenistan.<sup>561</sup> Furthermore, the OSCE Centre in Ashgabat can focus on various work fields, which can be seen as appropriate by the CiO or other OSCE institutions and agreed on between the OSCE and Turkmenistan.<sup>562</sup>

#### **4.5.4.2. Organization for Security and Co-operation in Europe Centre in Astana**

'The OSCE Centre in Astana' was originally established as the 'Centre in Almaty' in 1998. The OSCE Centre in Almaty was tasked to enable Kazakhstan to comply with OSCE norms, principles and commitments; assist the Government of Kazakhstan by facilitating contacts

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<sup>559</sup> ---, 'OSCE, OSCE Centre in Ashgabat', available at <http://www.osce.org/ashgabat>, Accessed on 20 August 2013.

<sup>560</sup> ---, 'OSCE, OSCE Centre in Ashgabat', available at <http://www.osce.org/ashgabat/43281>, Accessed on 20 August 2013.

<sup>561</sup> ---, 'OSCE, OSCE Centre in Ashgabat, Overview', available at <http://www.osce.org/ashgabat/43279>, Accessed on 20 August 2013.

<sup>562</sup> ---, 'OSCE, OSCE Centre in Ashgabat', available at <http://www.osce.org/ashgabat/43281>, Accessed on 20 August 2013.

and information exchange between the OSCE structures, institutions and the Government of Kazakhstan.<sup>563</sup>

The OSCE PC changed the name of the Centre in Almaty as the 'OSCE Centre in Astana' on 21 June 2007 (PC Decision No.797). On the basis of its new mandate, the OSCE Centre in Astana aims to promote the implementation of OSCE norms, principles and commitments and encouraging co-operation with Kazakhstan in all three dimensions of security in accordance with the OSCE's comprehensive and co-operative approach to security. Secondly, the Centre works to provide contacts and exchange of information between the OSCE executive structures and permanent institutions and State authorities of Kazakhstan. Thirdly, the Centre aims at working in close co-operation with international and non-governmental organizations including particularly environment and human rights NGOs as well as civil society groups. Fourthly, the Centre is concerned with establishing and maintaining contacts with central and local authorities, universities and research institutions in Kazakhstan. Fifth, the Centre provides assistance to Kazakhstan in organizing regional events like regional seminars and visits to the country in which the OSCE involves. Finally, the Centre assists Kazakhstan in increasing the awareness of the OSCE activities in the country and providing training for Kazakh State authorities.<sup>564</sup>

#### **4.5.4.3. Organization for Security and Co-operation in Europe Centre in Bishkek**

'The OSCE established 'the Centre in Bishkek', Kyrgyzstan, on 23 July 1998 to contribute to the further integration of Kyrgyzstan to the OSCE community.<sup>565</sup> According to its mandate and in close co-ordination with the States officials of Kyrgyzstan, the Centre in Bishkek carries out its activities on six strategic priority areas: border security and management;

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<sup>563</sup> ---, 'OSCE, OSCE Centre in Kazakhstan', available at <http://www.osce.org/astana>, Accessed on 20 August 2013.

<sup>564</sup> ---, 'OSCE, OSCE Centre in Kazakhstan, Mandate', available at <http://www.osce.org/astana/43269>, Accessed on 20 August 2013.

<sup>565</sup> ---, 'OSCE, OSCE Centre in Bishkek', available at <http://www.osce.org/bishkek>, Accessed on 20 August 2013.



rule of law; good governance; legislation; environmental protection; and finally regional co-operation.

The OSCE Centre in Bishkek supports Kyrgyzstan to meet the OSCE norms, principles and commitments including all three dimensions of security in line with the OSCE's comprehensive approach to security. The Centre puts a special emphasis on regional context and co-operation. The Centre works to provide Kyrgyzstan with close contacts and exchange of information with the OSCE CiO, other OSCE structures and institutions as well as with participating States of the OSCE in Central Asia. The Centre is engaged in establishing and maintaining close contacts with local authorities, universities, research institutions and international organizations. The Centre assists Kyrgyzstan in initiating regional events like regional seminars and visits to the country with the active participation of the OSCE. Finally, the Centre can act to perform other tasks which could be identified as appropriate by and agreed on between the OSCE and the Government of Kyrgyzstan.<sup>566</sup>

The Centre focuses on the following issues as its basic work fields: politico-military, economic-environmental and human dimension activities; policing activities including community security initiative; and finally OSCE Academy in Bishkek.<sup>567</sup> In close co-operation and co-ordination with national and international partners, the Centre involves in common projects, addressing a broad range of issues pertaining to all three dimensions of security. The largest projects in terms of their budget are carried out in the fields of human rights promotion, electoral reform, prison reform, municipal improvements, labor migration and employment, police reform, customs training, the OSCE Academy in Bishkek, anti-terrorism, improving the investment on climate and finally natural disaster preparedness.<sup>568</sup>

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<sup>566</sup> ---, 'OSCE, OSCE Centre in Bishkek, Mandate', available at <http://www.osce.org/bishkek/43299>, Accessed on 20 August 2013.

<sup>567</sup> ---, 'OSCE, OSCE Centre in Bishkek', available at <http://www.osce.org/bishkek>, Accessed on 20 August 2013.

<sup>568</sup> ---, 'OSCE, OSCE Centre in Bishkek, Overview', available at <http://www.osce.org/bishkek/43298>, Accessed on 20 August 2013.

#### 4.5.4.4. Organization for Security and Co-operation in Europe Office in Tajikistan

‘The OSCE Office in Tajikistan’ was established by the OSCE PC Decision of 852 on 19 June 2008.<sup>569</sup> The OSCE was firstly engaged in Tajikistan in February 1994 while the country was facing a civil conflict which lasted from 1992 to 1997. The OSCE Presence in Tajikistan was initially mandate to “facilitate dialogue between regional and political forces; promote respect for human rights; foster and monitor Tajikistan’s adherence to OSCE norms and principles; and help the country develop its legal and democratic institutions and processes”. The OSCE Mission worked in close co-operation with UN Mission of Observer’s in Tajikistan and acted as a guarantor of the ‘Tajik Peace Agreement’ signed in June 1997.

With a view to contributing to the maintenance of peace process, the OSCE Mission in Tajikistan was tasked to provide assistance in conducting the Tajik Peace Agreement’s protocols, including political issues, refugee return and military matters. With the holding the first multi-party parliamentary elections in February 2000, the OSCE’s work with regard to the implementation of Peace Agreement in Tajikistan was concluded. The Mission changed its focus in Tajikistan and started to intensify its efforts on the post-conflict rehabilitation process and the development of democratic political institutions. ‘The OSCE Centre in Dushanbe’ was established in 2002 with a new extended mandate, including economic and environmental aspects of security.<sup>570</sup> Finally, the OSCE PC renamed the Presence as the ‘OSCE Office in Tajikistan’ on 19 June 2008 (PC Decision of 852) with a strong mandate.<sup>571</sup>

The OSCE Office in Tajikistan carries out a wide range of activities, including all three dimensions of security. In the politico-military domain, the Office works on democratization; police assistance and reform; assisting the Government of Tajikistan in

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<sup>569</sup> ---, ‘OSCE, OSCE Office in Tajikistan’, available at <http://www.osce.org/tajikistan>, Accessed on 20 August 2013.

<sup>570</sup> ---, ‘OSCE, OSCE Office in Tajikistan, Overview’, available at <http://www.osce.org/tajikistan/43264>, Accessed on 20 August 2013.

<sup>571</sup> ---, ‘OSCE, OSCE Office in Tajikistan’, available at <http://www.osce.org/tajikistan>, Accessed on 20 August 2013.

fighting against terrorism and violent extremism; border management and security; improving security of the country's arms stockpile; and finally developing confidence- and security-building measures. In the field of economic and environmental activities, the Office focuses on fighting against corruption; energy security; water resources management; good governance in cross-border trade; providing assistance and support to 'the Tajik Government in developing its environmental legislation, policy formulation and implementation. The main priority areas of the OSCE Office in Tajikistan in the human dimension area are: assisting Tajikistan in meeting OSCE and international norms and commitments based on human rights, the rule of law and democratization; providing assistance and support for the protection, promotion and implementation of human rights and fundamental freedoms; gender equality; media freedom and development; democratic elections and judicial reform; and finally fighting against trafficking in human being.<sup>572</sup>

#### **4.5.4.5. Organization for Security and Co-operation in Europe Project Co-ordinator in Uzbekistan**

An 'OSCE Liaison Office in Central Asia' was established in Tashkent in 1995 in order to set up a close link between the OSCE and five Central Asian States, namely Uzbekistan, Kazakhstan, Kyrgyzstan, Turkmenistan and Tajikistan. As a consequence of the OSCE's broadened presence in Central Asia through establishing Offices and Centres since 1998, the Liaison Office intensified its activities on Uzbekistan. The OSCE PC changed the name of the Liaison Office in Central Asia as the 'OSCE Centre in Tashkent' through its decision of 14 December 2000.

'The OSCE Project Co-ordinator in Uzbekistan' was created by the OSCE PC "as a new form of co-operation between the OSCE and the Republic of Uzbekistan with a view to further develop and consolidate project activities of the OSCE in Uzbekistan". The OSCE Project Co-ordinator in Uzbekistan, first of all, aims to assist Uzbekistan in promoting the implementation of OSCE norms, principles and commitments. The Project Co-ordinator also

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<sup>572</sup> ---, 'OSCE, OSCE Office in Tajikistan, Mandate', available at <http://www.osce.org/tajikistan/43297>, Accessed on 20 August 2013.

works to enhance and maintain active and close co-operation between the OSCE and the Government of Uzbekistan. The Project Co-ordinator, furthermore, provides assistance in the arrangement of several OSCE activities and events and it serves as a platform for providing exchange of information between the relevant OSCE bodies and institutions and participating States of the OSCE in Central Asia.<sup>573</sup>

The OSCE Project Co-ordinator in Uzbekistan, working in close co-operation and co-ordination with national and international partners, involves in various project activities whose majorities are basically implemented jointly by State institutions, civil society groups, business associations, and educational institutions. The Project Co-ordinator can sometimes conduct joint projects in a regional framework, including the participation of other participating States of the OSCE in Central Asia.<sup>574</sup>

The major work subjects of the Project Co-ordinator in Uzbekistan include arms control issues, border security and management, combating with trafficking on human being; economic and environmental activities; good governance; the rule of law; human rights; media freedom and development; and finally policing.<sup>575</sup> Additionally, the Co-ordinator focuses on strengthening legislation; organizing training courses, seminars, conferences and study visits; and providing advice on improving the performance of State authorities, government agencies and civil society organizations in Uzbekistan.<sup>576</sup>

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<sup>573</sup> ---, 'OSCE, OSCE Project Co-ordinator in Uzbekistan', available at <http://www.osce.org/uzbekistan>, Accessed on 20 August 2013.

<sup>574</sup> ---, 'OSCE, OSCE Project Co-ordinator in Uzbekistan, Overview', available at <http://www.osce.org/uzbekistan/43303>, Accessed on 20 August 2013.

<sup>575</sup> ---, 'OSCE, OSCE Project Co-ordinator in Uzbekistan', available at <http://www.osce.org/uzbekistan>, Accessed on 20 August 2013.

<sup>576</sup> ---, 'OSCE, OSCE Project Co-ordinator in Uzbekistan, Overview', available at <http://www.osce.org/uzbekistan/43303>, Accessed on 20 August 2013.

#### 4.6. Organization for Security and Co-operation in Europe Partnership for Co-operation

Having convinced “security in the OSCE region is inseparably linked to that of its neighbors and can be strengthened through dialogue and the sharing of OSCE norms, commitments and expertise”, the CSCE/OSCE participating States have established official special relationships with the countries from the Mediterranean and Asian regions since the Helsinki Final Act in 1975. These relations have been developed under the title of the ‘OSCE Partnership for Co-operation’.<sup>577</sup> “The participating States of the OSCE are committed to strengthening security co-operation with the Mediterranean and Asian Partners for Co-operation as a means of enhancing regional stability and transferring the benefits of the OSCE’s historical experience, as appropriate, to other continents”.<sup>578</sup>

Algeria, Egypt, Israel and Tunisia, as the Mediterranean Partner States, were associated with the CSCE process since the Helsinki Final Act in 1975. Jordan became a Mediterranean Partner State in 1998. The CSCE/OSCE also started to develop special relations with a number of Asian States in the early 1990s. Japan became a Asian Partner State in 1992. After that, the Republic of Korea (1994), Thailand (2000), Afghanistan (2003) and Australia (2009) became Asian Partner States for Co-operation within the OSCE framework. Mongolia became an Asian Partner State in 2004 and was officially admitted to the OSCE as the 57<sup>th</sup> participating States in 2012.<sup>579</sup>

According to Zannier, the current Secretary General of the OSCE, “co-operation is an integral part of the OSCE”. The OSCE aims at fostering security through “dialogue, mutual assistance, exchange and building trust” among the participating States of the Organization. The OSCE tries to achieve security through co-operation. Within this context, developing

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<sup>577</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>578</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.62-63.

<sup>579</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

and maintaining co-operative relations with Partner States have been always a significant part of the overall OSCE work. Zannier also states that “partnerships with other regional organizations are essential, because of the globalization of security challenges and because developments in neighboring regions can impact the security of the OSCE region”.<sup>580</sup>

The importance of establishing and maintaining co-operative relationships with the Partner States have been always emphasized in all basic CSCE/OSCE official documents. First of all, in the Helsinki Final Act signed in 1975, the participating States declared their strong determination that “security in Europe is to be considered in the broader context of world security and is clearly linked with security in the Mediterranean area as a whole and that accordingly the process of improving security should not be confined to Europe but should extend to other parts of the world and in particular to the Mediterranean area”.<sup>581</sup> The 1975 Helsinki Final Act includes a chapter entitled ‘Questions relating to security and co-operation in the Mediterranean’, “reflecting not only the region’s shared security concerns, but also its historical, cultural, economic and political ties with the OSCE”. This chapter symbolized the strong determination of the CSCE participating States on co-operation with the Partner countries from the Mediterranean. Since the Helsinki Final Act “the link between security in Europe and in the Mediterranean” has been emphasized in all milestone CSCE/OSCE documents. Active involvement of the Mediterranean Partner States in the OSCE adds a Mediterranean perspective to security.<sup>582</sup>

In the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the OSCE Maastricht Ministerial Council in 2003, being aware of the fact that new security threats and challenges originate increasingly from the adjacent regions to the OSCE area, the participating States call for the Mediterranean and Asian

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<sup>580</sup> ---, Interview with Lamberto Zannier, OSCE Secretary General, ‘Deepening partnerships’, *OSCE Magazine* Issue Number 3/2011, p.5.

<sup>581</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>582</sup> ---, ‘OSCE Handbook’, OSCE Press and Public Information Section, Vienna, 2007, pp.104-105.

Partners for Co-operation to implement OSCE norms, principles and commitments voluntarily. The participating States also express their determination to enhance co-operation with OSCE Partners for Co-operation with a view to working in close co-operation and co-ordination in the fields of common interest and concern.<sup>583</sup> The 2007 Madrid Ministerial Council Declaration on the OSCE Parties for Co-operation states that the OSCE aims at fostering the partner States to “increase their interaction with the participating States and the OSCE executive structures in all three dimensions”. The participating States also express their support to “the efforts of the Partners for Co-operation to promote the OSCE’s norms, principles and commitments voluntarily in their regions”. Finally, in the 2010 Astana Commemorative Declaration, the participating States, reaffirming that “security of the OSCE area is inextricably linked to that of adjacent areas, notably in the Mediterranean and in Asia”, express their intention to make much more efforts for increasing the interaction with the Mediterranean and Asian Partners for Co-operation.

In order to join in OSCE as a Partner State, a formal request is made to the OSCE Chairmanship. During the consultation process, various factors are taken into account by all the OSCE participating States such as: “existing close relations between the applicant and the OSCE; sharing of the OSCE’s principles, values and objectives; commonality of security interests; intention to participate actively in the Organization’s work; and value of the partnership to the OSCE”. Partnership status is granted through a formal consensus decision by all OSCE participating States.

The Partnership Fund was created in 2007 with a view to providing support to the co-operation based on practical activities and strengthening and encouraging the engagement with the Mediterranean and Asian Partners for Co-operation. The Partnership Fund can be used for organizing several specific events such as seminars, workshops, internships, visits, briefings, training courses and finally the distribution of OSCE handbooks and guidelines with the purpose of promoting the implementation of OSCE norms, principles and commitments in the Partner States. Both the OSCE participating States and the OSCE Partners for Co-operation provide financial contributions to the Partnership Fund. Several

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<sup>583</sup> Ibid., p.106.

projects are carried out by the means of the Partnership Fund. Partnership Fund can be in a broad range of issues, consisting of border security and management, countering terrorism, combating trafficking in human beings, tolerance and non-discrimination, gender issues, self-regulation, electoral assistance, migration management, environmental challenges, and ways to transfer OSCE experience to other regions.

An active, close and inclusive political dialogue has been maintained between the participating States of the OSCE and the Partner States for Co-operation for several years. The OSCE Partnership for Co-operation creates a dialogue platform for both the participating States and Partner States to facilitate exchange of information, ideas and experiences regarding the recent developments with respect to the all three dimensions of security, namely politico-military, economic-environmental and human dimensions. This dialogue process allows the participating States and Partner States to develop new ideas in a co-operative manner in dealing with common security risks, concerns and challenges. OSCE Partner States have been involved in the OSCE activities and “they are almost completely integrated in the work of the Organization”.

OSCE Partner States for Co-operation, following an invitation, can participate in the basic OSCE meetings, covering Summits, Review Conferences as well as annual Ministerial Councils. OSCE official documents are accessible for the Partner States. Partner States have been invited to the meetings of the OSCE PC and FSC since 2007, allowing them to make an active contribution to the OSCE dialogue. High-level meetings are regularly organized between the Mediterranean and Asian Partner States, the OSCE Troika, Secretary General of the OSCE and the OSCE PA on the margins of the OSCE Ministerial Council Meetings. Partner States participate in the major OSCE annual events, including all three dimensions of security, such as Annual Security Review Conference, the Economic and Environmental Forum and the Human Dimension Implementation Meeting. Partner States maintain close and active dialogue and contacts through addressing the OSCE decision-making bodies and participating in workshops and seminars. The OSCE CiO and the Secretary General visit the Partner States.



A 'Contact Group with the Mediterranean Partners' was created in 1994. A 'Contact Group with the Asian Partners' was established in 2003. Informal Contact Groups with the Mediterranean and Asian Partners convene in Vienna at the Ambassadorial level in order to maintain dialogue. The Contact Groups have started to convene annually since 2007. Technical meetings are arranged with the participation of the delegations of participating States and Partner States based in Vienna to maintain daily dialogue within the framework of the OSCE Partnership for Co-operation.

The political dialogue is supplemented by practical works developed between the OSCE and Partner States for Co-operation. The OSCE is interested in providing assistance and expertise to the Partner States in order to "promote the OSCE's values, facilitate the exchange of good practices and assist the Partners in implementing OSCE commitments upon request". The representatives from the Partner States for Co-operation can be involved in the election monitoring activities carried out by the ODIHR. The Mediterranean and Asian Partners for Co-operation can make visits to the regions where the OSCE field missions operate. Public officials, students and civil society representatives from the Partner States for Co-operation can meet with OSCE experts and officials to take briefings, exchange information and develop new ways for further co-operation. The participating States encourage the Partner States to take part in exchanging information with regard to the military security within the CSBMs framework.

Annual conferences, organized with the Mediterranean and the Asian Partners for Co-operation, serve as a platform for the OSCE to maintain co-operative relations with its Partners. Both OSCE participating States and Partner States benefit very much from these meetings in terms of exchanging views, perceptions and experiences concerning the current security situations in the OSCE area and in the Partner States. These annual conferences also include high-level bilateral meetings and events organized for civil society representatives and experts.

When Partner States co-operate with the OSCE participating States, they have different priorities or concerns pertaining to all three dimensions of security.<sup>584</sup> In other words, “they are not equally interested in all of the aspects of security that the OSCE pursues”.<sup>585</sup> The Mediterranean and the Asian Partner States for Co-operation focus on different specific topics which are relevant for their security interests. In carrying out close co-operative contacts, the Mediterranean Partner States are specifically interested in the security-related issues such as anti-terrorism activities, border security and management, environmental security challenges, migration management and tolerance and non-discrimination. The Asian Partner States for Co-operation attaches special importance to the issues such as CSBMs, experiences in addressing transnational threats, border management, transportation, dealing with trafficking in human beings, building democratic institutions and finally administering elections within the general framework of the OSCE’s comprehensive approach to security.<sup>586</sup>

Among the Mediterranean and the Asian Partner States of the OSCE, Afghanistan deserves a special emphasis. Because, the participating States are strongly convinced that “security challenges stemming from Afghanistan have a direct impact on the stability and security of the OSCE area, and particularly on its Central Asian participating States”.<sup>587</sup> The OSCE participating States have always emphasized that “they are seriously concerned with the evolving political and security situation in Afghanistan”. They have also declared that “sustainable stability in the country is of utmost importance for the whole OSCE region”.<sup>588</sup>

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<sup>584</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>585</sup> Monika Wohlfeld, ‘The OSCE contribution to democratization in North African countries’, *Security and Human Rights* 2011 no.4, p.389.

<sup>586</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>587</sup> Alice Ackermann, ‘The OSCE and transnational security challenges’, *Security and Human Rights* 2009 no.3, p.238.

<sup>588</sup> *Ibid.*, p.239.

The OSCE participating States are determined to assist Afghanistan in strengthening border security and management; in dealing with terrorism; in combating against trafficking in small arms, light weapons, drugs (narcotic products) and human beings.<sup>589</sup> Furthermore, “weak institutions, a deficit in the rule of law, organized crimes and corruption” are other security threats and challenges, facing Afghanistan over the years. These issues have direct impacts on the security and stability of Afghanistan as well as the participating States of the OSCE, including particularly Central Asian countries.<sup>590</sup>

The OSCE has supported Central Asian participating States to strengthen their capacities against the security risks and threats stemming from Afghanistan in the field of three dimensions of security. Some of the concrete efforts undertaken by the OSCE to strengthen Central Asian participating States include “support for political dialogue, border security and management, anti-corruption programmes, and water and energy issues, as well as democratic institution-building activities”.<sup>591</sup>

The OSCE participating States adopted a decision based on its engagement with Afghanistan at the 2007 OSCE Madrid Ministerial Council Meeting.<sup>592</sup> The OSCE, through its decision, basically aims to provide support and assistance to Afghanistan in its own efforts to deal with security risks and challenges based on all three dimensions of security in accordance with the Organization’s comprehensive and co-operative approaches to security.<sup>593</sup> The decision based on Afghanistan specifies three basic OSCE activity field to

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<sup>589</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>590</sup> Alice Ackermann, ‘The OSCE and transnational security challenges’, *Security and Human Rights* 2009 no.3, p.239.

<sup>591</sup> *Ibid.*, p.240.

<sup>592</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

<sup>593</sup> Alice Ackermann, ‘The OSCE and transnational security challenges’, *Security and Human Rights* 2009 no.3, p.238.

focus on: “border security and management; policing; combating trafficking”.<sup>594</sup> To achieve the objectives outlined in the decision, the OSCE started to carry out several projects relating to Afghanistan in close co-ordination and co-operation with other regional and international organizations. With the purpose of “strengthening the security of borders between Central Asian participating States and Afghanistan”, the OSCE, working in close co-operation with Afghanistan, has focused on a number of issues such as “fostering cross-border and law enforcement co-operation, building capacity and training Afghan staff in border security and management, policing, anti-narcotics and custom services”.

The ODIHR supported the Afghan government in national parliamentary and presidential elections in 2004, 2005, 2009, 2010 and 2014. Furthermore, representatives and officials from Afghanistan engage in a broad range of OSCE activities, meetings and events. The Partnership Fund has been used for creating networking opportunities and practical co-operation between the OSCE and Afghanistan.<sup>595</sup>

#### **4.7. Conclusion**

This chapter focused on the main characteristics and functions of the OSCE, organizational structure of the OSCE, OSCE field operations and OSCE partnership mechanism for co-operation. Despite initially designed as a conference process, with the end of the Cold War, the OSCE entered a rapid institutional transformation process, establishing permanent institutions, decision-making bodies, structures and operational instruments and capabilities in order to respond better to the new security risks, threats and challenges in the newly emerging security environment of the post-Cold War era. By 1 January 1995, the OSCE started to act as a regional security organization.

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<sup>594</sup> Ibid., p.242.

<sup>595</sup> ---, ‘Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation’, 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

Having a comprehensive, co-operative and indivisible approach to security in an integrated whole since 1975, the OSCE serves as a multilateral form for dialogue and negotiation on security and co-operation in a broad geographic region. The OSCE has decision-making bodies and structures in the center. The OSCE could create semi-autonomous permanent institutions which operate according to their mandates in their specific fields with minimum interference from the participating states. The OSCE has deployed field operations in the host participating States since 1992, which are considered as one of the most comparative advantages or added value of the Organization on the ground. The OSCE has also developed a well-established partnership mechanism for co-operation. However, the OSCE has some important weaknesses and shortcomings in institutional terms. Firstly, the budget of the OSCE is very low and it tends to be reduced. Financial resources allocated to the OSCE activities are not enough. Secondly, the OSCE lacks any legal capacity or legal personality under the international law. The Organization does not have a founding treaty in accordance with international law. This creates serious problems and disadvantages for the Organization and its staff. Thirdly, the commitments and decisions of the OSCE are politically binding, not legally binding. The OSCE cannot enforce the participating States' compliance with their commitments. Fourth, the numbers of the OSCE field operations have reduced in recent periods. Furthermore, the participating States have disagreed on the functioning of the field missions. Fifth, there is a continuity problem with the OSCE in institutional domain. Due to the annually changing Chairmanship structure, the OSCE suffers from annually changing priorities of the participating States which in turn weakens the effectiveness of the Organization.

The OSCE adopts a comprehensive and co-operative approach to security. However, the OSCE's comprehensive approach to security is being undermined by the unbalanced development of three dimensions over the years. Although the OSCE takes the view that all three dimensions are equal importance in terms of achieving security and stability in the long-term, human dimension has overdeveloped at the expense of the politico-military and economic-environmental dimension. In other words, politico-military and economic-environmental dimensions are not being sufficiently addressed in comparison with the human dimension within the OSCE framework. Co-operative security approach and the concept of the indivisibility of security have been also eroded with the suspension of the

CFE Treaty by the Russian Federation in 2007. The CFE Treaty is generally considered as the cornerstone of the European conventional security architecture. The OSCE has failed to revitalize the negotiations and discussions to reactivate the original CFE Treaty or to find an agreement for the ratification of the 1999 Adapted CFE Treaty by the all-State parties.

Consequently, the OSCE has consolidated itself as a security organization with its structures, decision-making bodies, permanent institutions, field operations and partnership mechanism for co-operation as well as other instruments. However, implementing a comprehensive security program in a co-operative manner has been considerably restrained by some institutional and operational weaknesses and shortcomings of the Organization.

The next three chapters of the dissertation will analyze the three dimensions of the OSCE, namely politico-military, economic-environmental and human dimensions, respectively, in order to portray the impact or performance made by the OSCE through its activities over three dimensions of security.

## **CHAPTER 5**

### **POLITICO-MILITARY DIMENSION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

The fifth chapter mainly focuses on the politico-military dimension of the OSCE. Politico-military dimension is one of the main components of the OSCE's comprehensive security approach along with the economic-environmental and human dimensions. Although the importance of the military security issues have declined in importance as a result of the emergence of the new security environment in the Post-Cold War period, they remain relevant in today's security environment. Therefore, the OSCE always deals with security issues which have politico-military character. In this respect, the fifth chapter, firstly, tries to explain the politico-military dimension of the OSCE in terms of threat perceptions, commitments and structures. And then, it presents the OSCE activities in the field of politico-military dimension. The OSCE activities cover both military aspects of and non-military aspects of security in the politico-military dimension. Therefore, the dissertation categorizes the politico-military dimension as two different parts. While the military aspects of the politico-military dimension addresses arms control and disarmament issues and Confidence and Security Building Measures (CSBMS), the non-military aspects of politico-military dimension include combating terrorism; conflict prevention and resolution; border management; military reform and co-operation; and finally Policing activities.

#### **5.1. Definition of Politico-Military Dimension of the Organization for Security and Co-operation in Europe**

The politico-military dimension of security "is not only an integral part of the OSCE's comprehensive and co-operative approach to security, but also has far reaching

consequences for European and indeed global security”<sup>596</sup> particularly with the arms control treaty regimes and Confidence- and Security- Building Measures (CSBMs).

In order to effectively tackling with the security risks and threats arising from the politico-military field, the OSCE participating States declare their strong determination in the Charter for European Security, adopted during the OSCE Istanbul Summit Meeting in 1999, that “full implementation, timely adaptation and when required, further development of arms control agreements and CSBMs are key contributions to our political and military stability”. The participating States also announce that they would make every necessary efforts to improve and enhance the effectiveness of the existing documents where needed and to develop additional and new tools where necessary.<sup>597</sup> The Charter for European Security announces that “the politico-military aspects of security remain vital to the interests of participating States. They constitute a core element of the OSCE’s concept of comprehensive security”.<sup>598</sup>

OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the 2003 Maastricht Ministerial Council, states that “lack of openness and transparency in politico-military matters can have serious negative consequences. Failure to comply in a full and timely manner with existing arms control, disarmament, non-proliferation and confidence- and security-building agreements and instruments may further affect common security significantly”.<sup>599</sup>

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<sup>596</sup> ---, ‘OSCE History and Background of Confidence and Security Building Measures in the OSCE’, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), 2004, Accessed on 1 September 2013.

<sup>597</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.8.

<sup>598</sup> ---, ‘OSCE History and Background of Confidence and Security Building Measures in the OSCE’, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), 2004, Accessed on 1 September 2013.

<sup>599</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.2.



The OSCE has attached great importance for addressing specific threats having politico-military character in its region. The OSCE has developed common commitments, documents and instruments in the politico-military field to adapt itself to the changing security environment in the Euro-Atlantic and Eurasian regions. The participating States believe that security risks, threats and challenges based on traditional inter-State relations are still relevant and valid issues on the European security agenda today. In this regard, the OSCE has been engaged with dealing with the problems and threats originating from heavy military concentration and capabilities in Europe. So, the implementation of the commitments, mechanisms and instruments by the participating States are of utmost importance for European security and stability in terms of politico-military security.

The politico-military dimension of security within the framework of the OSCE basically aims at enhancing security and stability by promoting openness, transparency and predictability in the military field.<sup>600</sup> The politico-military dimension, so-called 1<sup>st</sup> Dimension, also includes regular consultation, dialogue and close co-operation with regard to the military security among the participating States of the Organization.<sup>601</sup> The CSCE/OSCE has developed norms, principles, commitments, instruments and mechanisms over the years in order to fulfill its basic tasks and functions in the politico-military field of security.

The politico-military aspects of security within the OSCE include several activity fields. They are as follows: arms control-disarmament; confidence and security building measures; international terrorism: conflict prevention and resolution; border security and management; military reform and co-operation; and finally Policing activities.

According to Lynch, 'preventive diplomacy' is the basic principle used by the OSCE in carrying out its activities in the politico-military dimension of security. It means "developing

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<sup>600</sup> ---, 'OSCE History and Background of Confidence and Security Building Measures in the OSCE', available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), 2004, Accessed on 1 September 2013.

<sup>601</sup> Monika Wohlfeld, 'Reconceptualization of Security in the CSCE and OSCE', *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, p.646.

and deploying diplomatic and other instruments to identify early on and prevent conflicts between and within States. This, in essence, is a *raison d'être* of the Organization. OSCE efforts in the political-military sphere flow from this objective". The OSCE's preventive diplomacy approach has three basic elements. First, the OSCE provides a platform for permanent dialogue, allowing all the participating States of the Organization to exchange their views with regard to all three dimensions of security and bring their own security concerns to the agenda. This permanent dialogue among the participating States "constitutes a rich network that can provide the participating States with the ability to identify problems and possible ways to defuse them at a very early stage. Such permanent dialogue, combined with the principle of consensus governing the decision making process, has the benefit of encouraging full participation and a strong sense of ownership of the Organization", particularly for the smaller participating States in the OSCE. Second, the OSCE has developed several structures, permanent institutions and field operations over the years. Lynch argues that "OSCE preventive diplomacy benefits from a rich network of different institutions acting at multiple levels to assist the States, and identify potential problems and provide recommendations". Third, OSCE's preventive diplomacy approach is put into practice in accordance with the OSCE's comprehensive or multidimensional approach to security.<sup>602</sup>

The negotiations and discussions on 'The Treaty on Conventional Arms Control in Europe' (CFE Treaty), 'the Open Skies Treaty' and 'the Vienna Document' including CSBMs were conducted under the CSCE/OSCE framework. These treaties and regimes are generally considered as "the cornerstones of European Security".<sup>603</sup> "These multilateral instruments and mechanisms constitute the backbone of the European conventional architecture and operate under the umbrella of the OSCE". The CFE Treaty and the Open Skies Treaty, including legally binding commitments, have been designed to contribute to the creation

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<sup>602</sup> Dov Lynch, 'The Politico-Military Dimension of the OSCE', *Peace and Prosperity in Northeast Asia* Vol I, 2008, pp.214-216.

<sup>603</sup> Ömer Burhan Tüzel, 'The OSCE: QUO VADIS?', *Perceptions* Vol. VIII No.1, March-May 2003, p.5.

and maintenance of security, stability and peace in the Euro-Atlantic area.<sup>604</sup> The CSCE/OSCE has provided assistance and support for the full and effective implementation of the Treaty on CFE and the Open Skies Treaty since their inception.<sup>605</sup> These two treaties serve to increase transparency, openness and predictability in the field of military security.<sup>606</sup>

Apart from the CFE Treaty, Vienna Document, and the Open Skies Treaty, the Code of Conduct (1994), the 'Document on Small Arms and Light Weapons' (2000) and the 'Document on Stockpiles of Conventional Ammunition' (2003) are other basic normative documents adopted by the OSCE within the framework of the politico-military dimension of security.<sup>607</sup>

The OSCE has been an active player in preventing the proliferation of weapons of mass destruction (WMD) and transferring the conventional arms, small arms and light weapons. The OSCE provides support and assistance to its participating States in their efforts for the proliferation of weapons of mass destruction and small and light weapons with a view to making a substantial contribution to the military transparency, openness and predictability.

The OSCE, with all available means, tries to dealing with the issues of proliferation of man-portable air defense systems (MANDPAS). In this respect, the FSC works to promote "the application of effective and comprehensive export controls in respect of MANPADS, as well as encouraging States to seek assistance in destroying excess MANDPAS, and ensuring the security and integrity of national stockpiles to guard against theft or illicit transfer".

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<sup>604</sup> ---, 'The Organization for Security and Co-operation in Europe (OSCE)', available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 10 June 2012.

<sup>605</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.2.

<sup>606</sup> Ibid., p.9.

<sup>607</sup> Ibid., p.2.

The OSCE works in the arms and material stockpiles with a view to eliminating security risks and challenges originating from surplus stockpiles of conventional ammunition and explosives in the OSCE region. Some OSCE field missions are tasked to coordinate common projects related to the arms and material stockpiles with the purpose of using available resources more efficiently.<sup>608</sup>

The Forum for Security Co-operation (FSC), as the basic regular decision-making body in the politico-military security, was created at the 1992 CSCE Helsinki Summit with a view to providing a platform for maintaining negotiations and consultations with respect to the military security and stability throughout the OSCE region. The FSC is basically tasked to provide “regular consultations and intensive co-operation on military security matters, negotiations on confidence- and security-building measures, further reduction of the risks of conflict, and implementation of agreed measures in the military domain”.<sup>609</sup>

The FSC supports and monitors the participating States in terms of their compliance with the OSCE norms, principles and commitments based on arms control-disarmament and CSBMs issues. The FSC meets weekly in Vienna, takes politically binding decisions and adopts official documents by consensus.<sup>610</sup> The FSC enables the OSCE participating States to raise and discuss their security concerns. The FSC maintains security dialogue and develop initiatives with the aim of strengthening politico-military security and stability across the entire OSCE area.

The FSC aims at promoting security and confidence in the OSCE region. In order to do this, the FSC performs a series of tasks related to the military field. Firstly, the FSC is mainly interested in Confidence- and Security-Building Measures (CSBMs) developed by the

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<sup>608</sup> Ibid., p.8.

<sup>609</sup> ---, ‘Factsheet of the OSCE Forum for Security Co-operation, What is the Forum for Security Co-operation?’, 13 May 2011, available at <http://www.osce.org/fsc/77535?download=true>, Accessed on 20 May 2012.

<sup>610</sup> ---, ‘OSCE Arms Control’, available at [http://www.auswaertiges-amt.de/EN/Aussenpolitik/Friedenspolitik/OSZE/OSZE\\_node.html](http://www.auswaertiges-amt.de/EN/Aussenpolitik/Friedenspolitik/OSZE/OSZE_node.html), Accessed on 21 February 2013.

CSCE/OSCE since 1975. The CSBMs consist of information exchanges, means for compliance and verification, and different forms of military co-operation. The central focus of the CSBMs adopted within the CSCE/OSCE framework is to build-up confidence among the participating States; to promote transparency, openness and predictability in the military planning and activities; and finally to prevent conflicts. The OSCE adopts a co-operative approach to the politico-military dimension of security, as in the other dimensions of security, allowing preventing misunderstandings and promoting security, peace and stability in the whole OSCE area. “The CSBMs also serve as early warning indicators of potential conflict situations”.

‘The Vienna Document’, firstly developed in 1990, is the basic CSBMs under the CSCE/OSCE umbrella. The Vienna Document obliges information-sharing on military forces, equipment and defense planning and includes inspection and evaluation visits on armed forces of any OSCE participating State. 90 inspections and 45 evaluation visits on average for each year are arranged by the participating States of the Organization. The Vienna Document with available instruments and mechanism can be used for “preventing or decreasing tensions and reducing the risk of unexpected military situations” that might create tensions and instabilities within the whole OSCE region. Furthermore, the Vienna Document includes various sub-regional and bilateral measures to build confidence among the participating States in a regional context. ‘A Communications Network’ was created by the participating States with the purpose of achieving full and effective implementation of the Vienna Document through “providing a reliable and secure means of transferring military information”. The FSC Support Section is tasked to serve as the Communications Network.<sup>611</sup>

In order to combat security threats and challenges arising from the outside the OSCE area, the participating States aim at fostering OSCE’s Partner States for Co-operation to participate in the process of exchanging information within the CSBMs framework

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<sup>611</sup> ---, ‘Factsheet of the OSCE Forum for Security Co-operation, What is the Forum for Security Co-operation?’, 13 May 2011, available at <http://www.osce.org/fsc/77535?download=true>, Accessed on 20 May 2012.

developed by the OSCE. The OSCE also aims to create opportunities and improve ways for transferring the common norms, principles and commitments to the neighboring countries.<sup>612</sup>

Secondly, the FSC works in fighting the illicit spread of small arms and conventional ammunition within the OSCE region. In order to respond effectively to the newly emerging transnational security threats and challenges, the OSCE has been engaged in dealing with the “threat posed by illicit small arms and light weapons as well as excess and unsafe stockpiles of conventional ammunition” since 2000. In this regard, the OSCE adopted the ‘Document on Small Arms and Light Weapons’ (SALW) in 2000, including a broad range of “norms, principles and measures relating to the production, transfer, storage, collection or seizure and destruction of weapons”. According to this document, the participating States are required to share information with regard to the “their annual imports and exports of SALW as well as the number of small arms seized and destroyed”. The FSC provides necessary regulations on related issues in order to support the implementation of the Document on SALW.

After the end of the Cold War era, conventional ammunitions started to pose a serious threat to security and stability in Europe. The FSC started to focus on the safe, secure and successful management of the stockpiles of conventional ammunition and explosives with a view to dealing with these risks and challenges. In this respect, the ‘OSCE Document on Stockpiles of Conventional Ammunition’ was adopted in 2003 which “outlines criteria for identifying surplus stockpiles of conventional ammunition, explosive material or detonating devices”.

Following the newly emerging security environment and the reduction of military expenditures in the post-Cold War period, some OSCE participating States have been in need of financial and technical assistance to manage their stockpiles and ammunition and to tackle with their surpluses in a safely manner. The OSCE’s strong determination on these

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<sup>612</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.9.

issues resulted in the creation of a mechanism by the FSC, allowing the participating States to request assistance and support in “collecting small arms, improving stockpile management and security, and destroying small arms and ammunition”.

The OSCE has provided not only technical and managerial assistance and expertise but also considerable financial resources to the interested participating States for their efforts on the management of conventional stockpiles and ammunition. In this respect, the OSCE, through FSC activities, undertakes complex and high-risk projects with a view to making substantial contribution to the maintenance of security and stability in all the participating states of the Organization.

Thirdly, the OSCE though the FSC has always attached great importance to the democratic civilian control of armed forces, security forces and security sectors. In this respect, the ‘Code of Conduct on Politico-Military Aspects of Security’ was adopted in 1994 during the CSCE Budapest Summit meeting, symbolizing a milestone in the history of security sector governance. According to the Code of Conduct Document, the participating States are obliged to “provide for democratic oversight of their armed, internal, and paramilitary and intelligence forces as well as the police”. It is also essential for the participating States to “ensure that their armed forces remain politically neutral and to guarantee that the human rights of security forces personnel are respected”.

The Code also includes basic principles in governing the inter-state relations and calls all the participating States for the full and successful implementation of the arms control agreements and all CSBMs developed within the CSCE/OSCE framework. All participating States of the OSCE regularly represent annually reports based on their national practices which demonstrate their implementation of the provisions included in the Code of Conduct Document.<sup>613</sup>

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<sup>613</sup> ---, ‘Factsheet of the OSCE Forum for Security Co-operation, What is the Forum for Security Co-operation?’, 13 May 2011, available at <http://www.osce.org/fsc/77535?download=true>, Accessed on 20 May 2012.

The Code of Conduct on Politico-Military Aspects of Security, as “norm- and standard setting document”, established “political norms governing the conduct of armed forces in both peace and crisis situations”. The Code of Conduct Document is a basic framework agreement which paves the way “democratic and civilian control over the armed forces as well as respect of the international humanitarian law and proportionate and adequate use of force”. The Document requires the adaptation of national legislation of the participating States to live up to the norms, principles and commitments outlined in the Code.<sup>614</sup>

According to Lynch, the political significance of the Code of Conduct Document arises from the fact that “the OSCE participating States, for the first time, agreed to base internal regulations for their armed forces on agreed international guidelines”. The main idea behind the Code is, firstly, “the need for civilian and parliamentary control over the armed forces and, secondly, to ensure the protection and respect for human rights within the armed forces”.

The Code of Conduct Document has a comprehensive and cross-dimensional character, linking the politico-military dimension of security with the economic-environmental and human dimension aspects of security. According to the Code, the participating States are obliged to ensure that “the recruitment or call-up of personnel for service in military, paramilitary or security forces is consistent with human rights and fundamental freedoms”. Lynch states that “the Code should be seen as a vital and integral part of the OSCE approach to comprehensive security and to developing a framework for political-military cooperation”.<sup>615</sup>

Finally, the FSC supports the participating States in their efforts to prevent and deal with the proliferation of weapons of mass destruction, consisting of “nuclear, chemical and biological weapons, as well as the technology used for their delivery”. In this respect, the

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<sup>614</sup> ---, ‘OSCE History and Background of Confidence and Security Building Measures in the OSCE’, 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

<sup>615</sup> Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia* Vol I, 2008, pp.216-217.



FSC works to enable the participating States to share their experiences and lessons-learnt pertaining to their implementation of international commitments in the field of the non-proliferation of WMD. The FSC Support Section included in the OSCE Secretariat, since 2011, has been engaged in providing assistance and support to the participating States in terms of forming their national action plans and adapting their national legislation in order to “implement the UN Security Council Resolution 1540 on Non-Proliferation of Weapons of Mass Destruction”.<sup>616</sup>

In addition to the FSC, , the OSCE participating States agreed to establish an ‘Annual Security Review Conference’ (ASRC) at the 2002 OSCE Porto Ministerial Council Meeting with a view to “reviewing regularly all the activities undertaken by the OSCE and its participating States regarding the non-military aspects of security within the context of the politico-military dimension ”. The ASRC provides recommendations to the OSCE PC and to the FSC on several issues which might require further attention.<sup>617</sup>

The politico-military dimension of the OSCE is constituted by two parts, namely military aspects of security and non-military aspects of security. The main activity fields of the OSCE with respect to the military aspects of security include arms control and disarmament and Confidence and Security Building Measures. The activity fields of the OSCE with regard to the non-military aspects of security include combating terrorism, conflict prevention and resolution, border security and management, military reform and co-operation and finally Policing.

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<sup>616</sup> ---, ‘Factsheet of the OSCE Forum for Security Co-operation, What is the Forum for Security Co-operation?’, 13 May 2011, available at <http://www.osce.org/fsc/77535?download=true>, Accessed on 20 May 2012.

<sup>617</sup> ---, ‘Victor-Yves Ghebali, The decisions of the 2002 Porto Ministerial Council Meeting: Technically relevant but overly ambitious’, *Helsinki Monitor* 2003 no.2, pp.136-137.

## **5.2. Military Aspects of Security in the Politico-Military Dimension**

The main activity fields of the OSCE with regard to the military aspects of security include arms control and disarmament and Confidence and Security Building Measures (CSBMs). With these activities, the OSCE aims to enhance transparency and predictability in the military field; to build confidence among the participating States; and to reduce the risk of conflict or war in its region. In this respect, the OSCE supports the implementation of the legally binding treaty regimes on arms control and disarmament and develops CSBMs.

### **5.2.1. Arms Control and Disarmament**

After the end of the Cold War period, the OSCE started to attach a special importance to arms control and disarmament issues in its region under the umbrella of the politico-military dimension. The OSCE, working in close co-operation with other international and regional organizations and interested actors, carries out its arms control and disarmament-related activities with a view to contributing to the realization of more stable and peaceful security environment particularly in its region or, in a wider sense, across the whole world.

<sup>618</sup> The FSC, as the basic regular decision-making body of the OSCE is tasked to act in the military aspects of security, works to provide support, assistance and expertise to the participating States through initiatives aimed at “developing documents regulating transfers of conventional arms and establishing principles governing non-proliferation”.<sup>619</sup>

Hoyer argues that “disarmament and arms control must be central to any discussion of European security”. It is strongly agreed that the existing arms control regimes and

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<sup>618</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>619</sup> ---, ‘OSCE, Arms Control’, available at <http://www.osce.org/what/arms-control>, Accessed on 1 December 2013.

agreements should be strengthened and adapted to the newly emerging security environment and conditions in the OSCE region.<sup>620</sup>

Today, the proliferation of Weapons of Mass Destruction (WMD), including nuclear, biological and chemical ones and their delivery means constitute a serious threat and challenge to the security and stability of all the participating States of the OSCE and seriously threaten the international security and stability. In dealing with the WMD, the OSCE basically aims at encouraging and supporting all participating States in their efforts towards the non-proliferation of WMD. In tackling with the proliferation of WMD, “maintaining the legal framework and the basic parameters of the international legally binding non-proliferation regimes is of vital significance. Strengthening the full and effective implementation of the international non-proliferation instruments and regimes is equally important”. Within this context, the OSCE also support its participating States to accept and implement international agreements and documents aimed at preventing the proliferation of WMD.<sup>621</sup>

A huge amount of surplus weapons have started to pose a serious threat to European security and stability following the end of the Cold War era. In this regard, the OSCE, through all relevant institutions, structures and field missions, has focused on providing assistance to its participating States in order to prevent and stop the spread of these kinds of weapons as well as to destroy them in a safely manner within politico-military dimensions of security.

‘The Treaty on Conventional Armed Forces in Europe’ (The Treaty on CFE or the CFE Treaty) established the most important and comprehensive legally binding conventional arms control regime in the world. The CFE Treaty was signed on 19 November 1990 and entered

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<sup>620</sup> Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.116.

<sup>621</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

into force on 9 November 1992.<sup>622</sup> The CFE Treaty is generally referred as “the cornerstone of the European conventional security architecture”.<sup>623</sup> The CFE Treaty is not an official part of the OSCE. However, the negotiations and discussions with regard to the CFE Treaty have always been carried out within the framework of the CSCE/OSCE up to the present.<sup>624</sup> The CFE Treaty includes legally binding provisions which “provide a system of limitations for equipment holdings and ensures military transparency through mandatory notification of certain military activities and equipment holdings”. Information exchange and regular verification in the military field have been maintained within the framework of the legally-binding conventional arms control regime established by the CFE Treaty.<sup>625</sup> “The CFE Treaty, through setting up ceilings, has ensured significant reductions in five categories of conventional arms and equipment, namely battle tanks, armored combat vehicles, artillery systems, combat aircraft and attack helicopters and imposed certain numerical limitations on states parties both at strategic and regional levels”.<sup>626</sup> “During the dissolution of the Warsaw Treaty and the collapse of the Soviet Union, the CFE Treaty proved to be a highly effective instrument for distributing military equipment among the former members of the Warsaw Pact and the successor states to the Soviet Union”.<sup>627</sup>

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<sup>622</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.12.

<sup>623</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>624</sup> Wolfgang Zellner, ‘From Corfu to Astana: The way to the 2010 OSCE summit’, *Security and Human Rights* 2010 no.3, pp.238-239.

<sup>625</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.12.

<sup>626</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>627</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.20.

“The CFE regime is designed for several purposes in consolidating the security and stability of the Euro-Atlantic region”. The CFE Treaty regime provides “comprehensive security guarantees to all states in the CFE Zone of application in equal and satisfactory terms in accordance with the principle of ‘indivisibility of security’ in the OSCE region”. In other word, the CFE Treaty does not provide different level of security guarantees for different regions in the CFE Zone. “Security concerns of all States Parties to the Treaty are taken into consideration in accordance with the principle of indivisibility of security”.<sup>628</sup>

“Thanks to the CFE Treaty, Europe embarked on an unprecedented disarmament process after the Cold War”.<sup>629</sup> The CFE Treaty, as ‘the cornerstone of European security’ has been effectively implemented by the States Parties to the Treaty with a view to “increasing military transparency, predictability and transparency” across the entire OSCE region. “The CFE Treaty has played a vital role in maintaining regional stability and security of the Caucasus, Black Sea and northern Europe particularly during the period of historical transformations of the Euro-Atlantic area”.<sup>630</sup> In this regard, the CFE Treaty, as legally-binding conventional arms control instrument, has contributed substantially to the creation and maintenance of a ‘co-operative security regime’ in Europe after the end of the Cold War era.<sup>631</sup>

Following the end of the Cold War period, negotiations and discussions have been maintained on the issue of adapting the CFE Treaty to the changing realities, conditions and dynamics which have been shaped by the newly emerging security environment in the

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<sup>628</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>629</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.12.

<sup>630</sup> ---, ‘Arms Control and Disarmament’ Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>631</sup> Solveig Richter and Wolfgang Zellner, ‘A New Helsinki for the OSCE?’, *SWP Comments* 31 December 2008, p.6.

post-Cold War Europe. Consequently, 'the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe' was signed by all States Parties to the original CFE Treaty during the OSCE Istanbul Summit Meeting of 1999. While the original CFE Treaty sets up collective limits for two military blocs in the bipolar structure of the Cold War era, Adapted CFE Treaty creates outlines national and territorial ceilings. Other participating States of the OSCE in the "geographic area between the Atlantic Ocean and the Ural Mountains" could access to the Adapted Treaty when the Adapted CFE Treaty would come into force. "Until all 30 States Parties have ratified the Agreement, the original CFE Treaty remains in effect".<sup>632</sup> The Adapted CFE Treaty has been only ratified by the Russian Federation, Ukraine, Belarus and Kazakhstan so far. As a result, the Adapted CFE Treaty has not come into force.

The Adapted CFE Treaty has not been ratified by the members of NATO Alliance due to the unfulfillment of the politically-binding commitments made by the Russian Federation at the 1999 OSCE Istanbul Summit to withdraw its armed forces and military equipment stationed in Georgia and Moldova, namely two former Soviet Union republics.<sup>633</sup> These so-called 'Istanbul commitments' have been generally considered as a precondition for the ratification of the Adapted CFE Treaty by Western countries, particularly members of NATO alliance.<sup>634</sup> As a result, "the Adapted CFE Treaty has not entered into force due to disagreement between NATO and Russian Federation regarding the withdrawal of Russian military presence from Georgia and Moldova".

The Russian Federation suspended unilaterally the implementation of the original CFE Treaty in December 2007 and based its unilateral decision to the national security concerns

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<sup>632</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.12.

<sup>633</sup> Ulrich Kühn, 'From Capitol Hill to Istanbul: The Origins of The Current CFE Deadlock', *Center for OSCE Research (CORE) Working Paper 19*, Hamburg, December 2009, p.1.

<sup>634</sup> Solveig Richter and Wolfgang Zellner, 'A New Helsinki for the OSCE?', *SWP Comments 31* December 2008, p.6.

originating from the NATO enlargement. 29 State Parties continue to implement the obligations of the Treaty. The NATO allies have undertaken two initiatives ('parallel action plan' and 'consultations at 36') in order to overcome the existing deadlock. These initiatives have failed. This situation created an uncertainty with regard to the future of the CFE regime and all European conventional security system in a wider sense".<sup>635</sup> Zellner states that "a failure of the CFE regime, this cornerstone of cooperative security, would necessarily damage the OSCE which is equally built on the basis of a cooperative security approach".<sup>636</sup>

"The CFE Treaty establishes an outstanding level of military transparency, to which no other part of the world even comes close".<sup>637</sup> "With its legally binding limitation, information and verification regime, the CFE Treaty in particular is a vital component of European security architecture and constitutes a milestone in the development of the concept of co-operative security or co-operative security approach".<sup>638</sup> However, with the unilateral suspension of the original CFE Treaty by Russia in December 2007, it is not possible any longer to sustain "transparency and verification through data exchange and on-site inspections" within the framework of the CFE Treaty. The lack of any restrictions implemented for conventional arms control started to pose a serious threat to security in terms of accelerating the armaments level in the OSCE region particularly at sub-regional levels. Consequently, the CFE Treaty, 'as a vital instrument for promoting military transparency, openness and predictability and for establishing trust among all the States Parties', has not been implemented since December 2007.

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<sup>635</sup> ---, 'Arms Control and Disarmament', Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>636</sup> Wolfgang Zellner, 'From Corfu to Astana: The way to the 2010 OSCE summit', *Security and Human Rights* 2010 no.3, pp.238-239.

<sup>637</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.21.

<sup>638</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.116.

Another important issue in the field of arms control and disarmament within the OSCE region revolves around the Small Arms and Light Weapons (SALW). After the end of the Cold War, the proliferation and illegal trade of SALW started to pose a serious threat to security and stability of the OSCE participating States. “The excessive accumulation and uncontrolled spread of SALW pose a significant threat to peace and security as well as to the social and economic development of many countries. There is also a close relationship between illicit trade in SALW and terrorism”.<sup>639</sup>

The illicit spreading of small arms and light weapons particularly in the conflict zones and post-conflict areas of the OSCE region constitutes a growing and tangible risk and challenge to the security and stability of all the participating States of the Organization. The illicit proliferation of these weapons also prevents the full and effective implementation of the conflict prevention and post-conflict rehabilitation activities initiated by the OSCE.<sup>640</sup> In addition, accession to small arms and light weapons is very easy in comparison with other arms and weapons and they can be easily transferred. “The illicit trade of these weapons is connected with the spread of terrorism, regional conflicts, failing states and organized crime”.<sup>641</sup>

Particularly, spreading and uncontrolled usage of Man-Portable Air Defence Systems (MANDPAS) is a significant and alarming threat to the security and stability of the OSCE participating States. Civil aviation, peace-keeping operations, anti-terrorist operations and crisis management activities are negatively influenced by the use of MANDPAS. Civilians have been considerably damaged with the use of MANDPAS by several terrorist groups and organizations. In this respect, it is of great importance that stricter export and import controls on these weapons should be established and stockpile security should be

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<sup>639</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>640</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187.

<sup>641</sup> Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia* Vol. I, 2008, p.219.



promoted by both all countries and relevant international institutions. Additionally, exchanging information and experiences among the participating States of the OSCE should be encouraged in order to deal with the illicit trade and uncontrolled proliferation of MANDPAS.<sup>642</sup>

On the one hand, the proliferation and illicit trade of SALW constitute a serious security concern to all participating States of the OSCE particularly in the regions including ongoing conflicts and post-conflict rehabilitation and peace-building processes. On the other hand, the major producers and exporters of SALW across the entire OSCE region are the participating States of OSCE.<sup>643</sup> “The OSCE comprises many of the world’s largest small arms suppliers, but also includes a number region which has been seriously affected by the spread of small arms”.<sup>644</sup> Within this context, the participating States are strongly convinced that the OSCE has to be responsible for tackling with the threats and challenges emanating from the proliferation and illegal trade of SALW.<sup>645</sup>

Within the environment outlined above, ‘the OSCE Document on Small Arms and Light Weapons’ (SALW) was adopted in November 2000 within the framework of politico-military dimension of the OSCE. The Document on SALW produced by the OSCE is the most comprehensive multilateral agreement adopted by an international organization to date. The Document mainly aims to contribute to the combating efforts against the proliferation and illicit trade of SALW. In order to control the spread of SALW, the Document established

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<sup>642</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>643</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187. and Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia*, Vol I, 2008, p.219.

<sup>644</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

<sup>645</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187. and Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia*, Vol I, 2008, p.219.

standards for manufacture, marking, export control and stockpile security of these weapons.<sup>646</sup>

“The OSCE Document on SALW is a politically binding agreement which contains norms, principles and measures covering each stage in the life of a weapon: production, transfer, storage, collection or seizure and destruction. On the basis of the Document, participating States have agreed to share information, on a one-off basis, on issues concerning: national marking systems; national procedures for the control of manufacturing; national legislation and current practice in export policy, procedures and documentation, and control over brokering; small arms destruction techniques; and small arms stockpile security and management programmes. In addition, participating States have committed themselves to exchange annually data on exports to and imports from other OSCE participating States, as well as on small arms deemed as surplus and/or seized and destroyed on their territory in the previous calendar year”.<sup>647</sup>

With the purpose of building trust among the participating States and encouraging common action in addressing the threats and challenges originating from the illicit spreading and trade of SALW, the OSCE created a regime, allowing the participating States of the Organization to exchange information with regard to their national policies, export and import controls and the ways for destroying these weapons. Furthermore, upon their request and according to their specific requirements, the participating States can benefit from the assistance provided by the other participating States of the OSCE in the management and destruction of SALW.<sup>648</sup>

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<sup>646</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187.

<sup>647</sup> Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia*, Vol. I, 2008, pp.219-220.

<sup>648</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187.

In order to facilitate the full and effective implementation of the standards and commitments outlined in the Document on SALW, the OSCE has been developing and implementing various normative-based measures, including “politically binding agreements on export controls in the OSCE area”. In addition to this, the OSCE provides assistance to the participating States through several projects “aimed at improving stockpile controls of SALW and destroying surplus weapons”.<sup>649</sup>

The FSC also produced ‘the Handbook of Best Practices on SALW’ with the purpose of supporting the OSCE participating States in their efforts for implementing the commitments and standards adopted within the OSCE framework. The Handbook provides a comprehensive framework for “the all stages of a gun's life, starting with manufacture and finishing with destruction and disarmament, demobilization and reintegration”. The Handbook consists of several recommendations aimed at enabling the participating States to improve their national policies.<sup>650</sup> The Handbook serves as the useful instrument to support the governments of the participating States, international institutions and non-governmental organizations in combating the proliferation and illicit trafficking of SALW.<sup>651</sup>

‘The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects’, adopted in 2001, is the major international document pertaining to the SALW. In order to effectively combat with the threats and risks originating from the spreading and illegal trafficking of SALW, “the full and comprehensive implementation of the UN Programme of Action” is highly important. Adapting the UN Programme of Action to the newly emerging security conditions in the

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<sup>649</sup> Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia*, Vol. I, 2008, p.220.

<sup>650</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21<sup>st</sup> Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.187.

<sup>651</sup> Pal Dunay, ‘The OSCE’s Sleeping Beauty: The Politico-Military Dimension Waits for the Magic Kiss’, *OSCE Yearbook 2005*, Baden Baden, 2005, pp.252-253.

OSCE region is also equally important in fighting against the security risks and challenges based on the proliferation and uncontrolled usage of SALW.<sup>652</sup>

In the field of arms control and disarmament, the OSCE FSC adopted another significant document titled as 'OSCE Document on Stockpiles of Conventional Ammunition' in 2003. The main target of the Document is to support and help the OSCE participating States in their efforts for storing safely and destroying the large amount of stockpiles of conventional ammunition.<sup>653</sup> Since 2003 several former Soviet Union countries such as Belarus, Armenia, Tajikistan, Ukraine, Kazakhstan and the Russian Federation have requested assistance from the OSCE in destroying the surplus conventional ammunition in their territories.<sup>654</sup>

According to Lynch, "it has been estimated that there are up to 300 million tons of surplus conventional ammunition in the ex-Soviet territories by 2008". These stockpiles of conventional ammunition constitute considerable security risks and challenges to the security of the OSCE participating States as well as across the whole environment in the OSCE region. Therefore, the OSCE aims to support its participating States in their efforts towards meeting the security concerns with regard to the surplus stockpiles of conventional ammunition. To achieve this, the OSCE carries out concrete assistance projects with a view to contributing to the improvement of national capacities of the participating States "for a better stockpile management and security". In accordance with its comprehensive approach to security, the OSCE has made efforts in dealing with the conventional ammunition within the framework of politic-military dimension of security.<sup>655</sup>

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<sup>652</sup> ---, 'Arms Control and Disarmament', Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>653</sup> Dov Lynch, 'The Politico-Military Dimension of the OSCE', *Peace and Prosperity in Northeast Asia*, Vol. I, 2008, p.220.

<sup>654</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.21.

<sup>655</sup> Dov Lynch, 'The Politico-Military Dimension of the OSCE', *Peace and Prosperity in Northeast Asia*, Vol. I, 2008, p.221.

### 5.2.2. Confidence- and Security Building-Measures (CSBMs)

A comprehensive set of Confidence- and Security- Building Measures (CSBMs) have been developed within the CSCE/OSCE frameworks since the Helsinki Final Act in 1975. CSBMs are aimed at increasing transparency, openness and predictability in the military activities undertaken by the participating States of the OSCE.<sup>656</sup> CSBMs are designed to contribute to the efforts for building trust and confidence among the participating States through promoting greater openness, transparency and predictability in the field of military planning and military activities. This co-operative approach to military security adopted by the OSCE enables the participating States to “avoid misunderstandings” among them with respect to the military planning and activities, which in turn can make a considerable contribution to the accomplishment of security, stability and peace within the whole OSCE region.<sup>657</sup>

On the other hand, CSBMs have been developed by the OSCE with the purpose of reducing the possibility of armed conflict and military confrontation by increasing greater openness and transparency on military issues. At the same time, the CSBMs provide an important complementary framework for the arms control and disarmament regimes and agreements within the framework of the politico-military dimension of security.<sup>658</sup>

The CSBMs are quite useful tools in terms of reducing the risk and dangers of armed conflict and preventing miscalculation or misunderstanding of military planning and activities

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<sup>656</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

<sup>657</sup> ---, ‘OSCE Forum for Security Co-operation, Confidence and security building’, available at <http://www.osce.org/fsc/44569>, Accessed on 5 January 2014.

<sup>658</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

carried out by participating States. Therefore, the OSCE has been actively involved in developing CSBMs with the purpose of enhancing security in the entire OSCE region.<sup>659</sup>

The FSC serves as the regular decision-making body of the Organization within the politico-military dimension of security. The FSC basically provides a platform for negotiations and discussions in the politico-military aspects of security. The FSC is also responsible for supervising “the implementation of CSBMs by all participating States”. In order to do this, ‘Annual Implementation Assessment Meeting’ is designed within the FSC framework with the aim of evaluating, through bringing experts from all the participating States, “the overall level of implementation of CSBMs during the previous year”.<sup>660</sup>

CSBMs incorporate “exchanges of military information; verification of compliance with agreed commitments (for example notification of prior military activities) as well as different forms of military co-operation”. CSBMs can be also used as the early warning and conflict prevention indicators of potential conflict situations.<sup>661</sup>

The Helsinki Final Act states that CSBMs are designed for “contributing to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information”.<sup>662</sup> In the Cold War period, the main focus of the CSBMs developed by the CSCE process was to contribute to the efforts made for “reducing or eliminating the causes of mistrust, fear, tensions and hostilities” which accelerated the conventional and nuclear arms race between the two military alliances. The initial CSBMs

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<sup>659</sup> ---, ‘Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe’, Stockholm, 19 September 1986, p.16.

<sup>660</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

<sup>661</sup> ---, ‘OSCE Forum for Security Co-operation, Confidence and security building’, available at <http://www.osce.org/fsc/44569>, Accessed on 5 January 2014.

<sup>662</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

basically focused on hard security or military security issues with the purpose of “reducing the risk of a sudden, unexpected attack launched by one military bloc against another”.<sup>663</sup> These CSBMs aimed at focusing on inter-State relations with a view to “reducing the potential outbreak of military confrontation”.<sup>664</sup> Classical CSBMs include very specific issues such as “military data exchanges, pre-notification of military movements or military exercises with force levels over a certain limit, agreements limiting the deployment of troops and certain types of armaments in a particular area, mechanisms to verify compliance with such limitations”.<sup>665</sup>

The first CSBMs regarding to the military security were outlined in the Helsinki Final Act of 1975. Secondly, ‘the Conference on Confidence- and Security Building Measures and Disarmament’ was convened in Stockholm on 17 January 1984 and concluded on 19 September 1986. At the end of the conference, ‘the Document of the Stockholm Conference on Confidence- and Security Building Measures and Disarmament in Europe’ was produced. It was stated in this document that the basic target of the Conference is,

as a substantial and integral part of the multilateral process initiated by the CSCE, to undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations as well as in their international relations in general.<sup>666</sup>

In the Document of Stockholm Conference, the CSCE participating states reconfirmed their strong determination on “refraining from threat or use of force against the territorial

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<sup>663</sup> ---, ‘OSCE Guide on Non-military Confidence-Building Measures (CBMs)’, available at [www.osce.org/cpc/91082](http://www.osce.org/cpc/91082), Accessed on 5 January 2014, pp.13-14.

<sup>664</sup> Ibid., p.5.

<sup>665</sup> Ibid., pp.14-16.

<sup>666</sup> ---, ‘Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe’, Stockholm, 19 September 1986, p.1.

integrity or political independence of any State, or in any other manner inconsistent with the purposes of the UN and the provisions of the Declaration on Principles Guiding Relations between Participating States”. Additionally, they declared that they would try to make much more efforts to “put into practice the principle of refraining from the threat or use of force” particularly in the relations among them and in their international relations in a wider sense.<sup>667</sup>

The participating States adopted the view that “non-compliance with the obligation of refraining from the threat or use of force constitutes a violation of international law”. Refraining from threat or use of force is of utmost importance in the realization and maintenance of international peace, security and stability. They also stressed their strong conviction on the necessity of the peaceful settlements of disputes in the CSCE region. In this respect, they were strongly determined to make much more efforts for developing all necessary methods and ways for the peaceful settlement of disputes.

The participating States reiterated their strong commitment to the full and effective implementation of all the provisions, norms and principles included in the Helsinki Final Act with a view to promoting peace, security and stability and enhancing co-operative relationships throughout the whole world. They declared their strong determination to “put into practice all the principles included in the Declaration on Principles Guiding Relations between Participating States irrespective of their political, economic or social systems as well as of their size, geographical location or level of economic development”.<sup>668</sup>

Stockholm Conference identified various main provisions pertaining to the different stages of military planning and activities carried out by the participating States in the CSCE region. These are: “the designation of the military activity; the general purpose of the military activity; the names of the States involved in the military activity; the level of command, organizing and commanding the military activity; finally the start and end of the military

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<sup>667</sup> Ibid., p.2.

<sup>668</sup> Ibid., p.3.



activity”.<sup>669</sup> The participating States agreed on giving notification for their military activities, which would take place in the zone of application for CSBMs.<sup>670</sup>

Stockholm Conference also identified the basic standards and rules for the observation of certain military activities in any participating State. In this respect, upon an invitation by the host State, military and/or civilian observers from all the participating States of the CSCE can observe notifiable military activities in accordance with the provisions outlined in the Document of Stockholm Conference. Maximum two observers can be sent up to observe the military activity.<sup>671</sup>

On the basis of the CSBMs developed by the Stockholm Conference, each participating State was obliged to exchange an annual calendar of its military activities subject to prior notification with all other participating States of CSCE in the application zone of CSBMs. According to the provisions outlined in the Document of Stockholm Conference, each participating State would exchange information with all other participating States on the issue of military activities, “subject to prior notification involving more than 40,000 troops, which it plans to carry out in the second subsequent calendar year”. Such communication would provide detailed information with regard to “the general purpose, time frame and duration, area, size and States involved”.<sup>672</sup>

The Stockholm Conference marks an important stage in the historical evolution of the CSBMs developed under the OSCE umbrella. It improved “the political obligation to abide by the provisions; lowered thresholds and a longer time frame for the prior notification of

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<sup>669</sup> Ibid., p.6.

<sup>670</sup> Ibid., p.4.

<sup>671</sup> Ibid., pp.8-9.

<sup>672</sup> Ibid., pp.11-12.

military activities, obligatory notifications of military activities and invitations of observers; provisions on annual calendars and constraints on finally compulsory on-site inspection”.<sup>673</sup>

‘The Vienna Document’ was adopted in 1990 by the CSCE participating States as one of the major confidence- and security-building measures document in the CSCE/OSCE history. After the end of the Cold War period, the Vienna Document was updated in 1992, 1994, 1999 and finally 2011 in order to respond better to the newly emerging security risks, threats and challenges in the CSCE/OSCE region as well as in order to be adapted to the emerging security environment in the military field.

The Vienna Document, with all updated versions, includes a broad range of requirements for the OSCE participating States. The participating States are obliged to provide annually exchange and verification of information regarding their military forces, equipment and activities as well as their defense planning.<sup>674</sup> The Vienna Document also allows the participating States to carry out inspections and evaluation visits “on the territory of any participating State that has armed forces”.<sup>675</sup> Furthermore, the Vienna Document outlines some provisions of information with regard to “annual defense budgets, budget plans, and the dissemination of military doctrines and defense policies”.<sup>676</sup>

According to the Vienna Document, the participating States are required to

provide each other with information about their military forces annually, including about manpower and major conventional weapon- and equipment systems, as well as

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<sup>673</sup> ---, ‘OSCE History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

<sup>674</sup> ---, ‘What are the military facility visits’, available at <http://www.osce.org/home/116100>, Accessed on 10 March, 2014.

<sup>675</sup> ---, ‘OSCE to send military and civilian personnel to Ukraine’, available at <http://www.osce.org/sg/116093>, Accessed on 10 March 2014.

<sup>676</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

deployment plans and military budgets; notify each other ahead of time about major military activities such as exercises; accept up to three inspections of their military sites per year; invite other States to observe certain military activities and/or demonstration of new types of major weapons and equipment systems. It also encourages States to consult and co-operate in case of unusual military activity or increasing tensions. The Vienna Document encourages participating States, for example, to voluntarily host military visits to dispel concerns".<sup>677</sup> On average, participating States undertake 90 inspections and 45 evaluation visits each year.<sup>678</sup>

In the 1999 OSCE Istanbul Summit, Vienna Document was considerably adapted to the new security dynamics in the post-Cold War Europe. 'Vienna Documents 1999 of the Negotiations on Confidence- and Security-Building Measures' includes a broad range of issues pertaining to the military field such as "annual exchange of military information; defense planning; risk reduction; contacts; prior notification of certain military activities; observation of certain military activities; annual calendars; constraining provisions; compliance and verification; regional measures; annual implementation assessment meeting; and final provisions".<sup>679</sup>

Under the title of the Annual Exchange of Military Information included in the 1999 Vienna Document,

the participating States agreed on sharing information concerning the organization of the military of each State, its manpower and the major weapon and equipment systems in use. In the area of Defense Planning, it was agreed to report on participating States' intentions in the medium- to long-term as regards size, structure, training and equipment of their armed forces, including information on defense policy, doctrines and budgets. The Chapter on Risk Reduction contains three mechanisms,

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<sup>677</sup> ---, 'What are the military facility visits', available at <http://www.osce.org/home/116100>, Accessed on 10 March, 2014.

<sup>678</sup> ---, 'OSCE Forum for Security Co-operation, Confidence and security building', available at <http://www.osce.org/fsc/44569>, Accessed on 5 January 2014.

<sup>679</sup> ---, 'OSCE, Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures', Istanbul, 16 November 1999.

which are an important aspect of co-operative security, namely: 'The Mechanism for Consultation and Co-operation as regards Unusual Military Activities'; 'The Mechanisms for Co-operation as regards Hazardous Incidents of a Military Nature' and 'Voluntary Hosting of Visits to Dispel Concern about Military Activities'. These mechanisms are supplemented by an array of measures outlining procedures regarding visits to air bases, military contacts and co-operation, and demonstrations of new weapon systems. Moreover, the participating States agreed to give prior notification in writing of certain military activities and to invite observers from all other participating States to certain notifiable military activities. The Vienna Document also includes procedures regarding annual calendars of and constraining provisions for military activities by the participating States.

The 1999 Vienna Document includes a new chapter on Regional Measures, addressing "the importance of regional aspects of security within the OSCE and encourages participating States to complement the CSBM regime with measures tailored to specific regional needs".<sup>680</sup> Under the title of regional measures included in the 1999 Vienna Document,

the participating States are encouraged to undertake, including on the basis of separate agreements, in a bilateral, multilateral or regional context measures to increase transparency and confidence. Taking into account the regional dimension of security, participating States, on a voluntary basis, may therefore complement OSCE-wide confidence- and security-building measures through additional politically or legally binding measures, tailored to specific regional needs. On a voluntary basis, numerous measures provided for in the Vienna Document, in particular, could be adapted and applied in a regional context. Participating States may also negotiate additional regional CSBMs. The framework for the negotiation of measures relating to regional military confidence-building and co-operation should be determined by the preferences of the States involved and the nature of the measures to be agreed upon. Such measures should: be in accordance with the basic OSCE principles, as enshrined in its documents; contribute to strengthening the security and stability of the OSCE area, including the concept of the indivisibility of security; add to existing transparency and

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<sup>680</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.10.

confidence; complement, not duplicate nor replace, existing OSCE-wide CSBMs or arms control agreements; be in accordance with international laws and obligations; be consistent with the Vienna Document; not be detrimental to the security of third parties in the region.<sup>681</sup>

The Vienna Document, enabling the participating States to carry out inspections and evaluation visits in the territory of any participating States of the OSCE, has made a substantial contribution to the creation and maintenance of military security and stability in Europe following the end of the Cold War period. The Vienna Document has been very instrumental in terms of creating a high level of confidence among the participating States of the OSCE within the politico-military dimension of security.<sup>682</sup>

The Treaty on Conventional Armed Forces in Europe (CFE Treaty), signed in 1990, is one of the most significant part of the CSBMs in the field of arms control and disarmament. CFE Treaty, “introducing a system of ceilings for heavy weapons in Europe” establishes a legally-binding conventional arms control regime between the two military alliances of the Cold War era. In order to respond better to the changing needs of the States Parties to the Treaty, the CFE Treaty was adapted during the 1999 OSCE Istanbul Summit. However, the Adapted CFE Treaty has not been ratified by all States Parties so far. As a result, the Adapted CFE Treaty has not come into force yet due to the disagreements between the Russian Federation and NATO Alliance. Finally, the Russia decided to suspend the implementation of the Original CFE Treaty by 2007.<sup>683</sup>

The Treaty on Open Skies, signed in 1992 and entered into force in 2002, is another major CSBM regimes in promoting military openness, transparency and predictability; and in enhancing security and stability as well as in building up confidence among the States

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<sup>681</sup> ---, ‘OSCE-Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures’, p.42.

<sup>682</sup> Dov Lynch, ‘The Politico-Military Dimension of the OSCE’, *Peace and Prosperity in Northeast Asia* Vol. I, 2008, pp.218-219.

<sup>683</sup> ---, ‘OSCE Guide on Non-military Confidence-Building Measures (CBMs)’, available at [www.osce.org/cpc/91082](http://www.osce.org/cpc/91082), Accessed on 5 January 2014, pp.12-13.

Parties to the Treaty in the application of zone. The Treaty on Open Skies creates a legally-binding regime for “unarmed observation flights over the territories of its States Parties”. The Treaty on Open Skies includes “detailed provisions for conducting observations flights. It specifies quotas for observation flights (based on reciprocity between individual States or a group of States), the notification points of entry for observation flights for each State, and the technical details of sensors to be used for observation flights as well as the inspection of those sensors”.<sup>684</sup> Consequently, the Treaty on Open Skies is designed “as a major confidence-building instrument and an important and unique mechanism for facilitating the monitoring of compliance with existing or future arms control agreements”.<sup>685</sup>

As a result, the CSBMs developed by the CSCE/OSCE over the years have “greatly contributed to making participating States aware of the military situation within their geographical region and throughout the whole area of application.”<sup>686</sup>

### **5.3. Non-Military Aspects of Security in the Politico-Military Dimension**

In the politico-military domain, the OSCE is active in non-military or non-traditional security issues as well as military ones. The activity fields of the OSCE with regard to the non-military aspects of security include combating terrorism, conflict prevention and resolution, border security and management, military reform and co-operation and finally Policing.

#### **5.3.1. Combating Terrorism**

Terrorism is increasingly seen as one of the most serious common threats and challenges to the security and stability of all over the world. Because terrorism has a transnational

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<sup>684</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.13.

<sup>685</sup> ---, ‘Arms Control and Disarmament’, Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on 20 December 2013.

<sup>686</sup> ---, ‘OSCE, History and Background of CSBMs in the OSCE’, Document FSC, 1 January 2004, available at [www.osce.org/fsc/40035](http://www.osce.org/fsc/40035), Accessed on 1 September 2013.

character, it cannot be dealt with by only one state or organization. It needs a multilateral response. Effective and close international co-operation is highly required in terms of combating terrorism as a transnational threat.<sup>687</sup>

Similarly, the OSCE takes the view that terrorist acts constitute a growing security concern for all the OSCE participating States. Terrorism constitutes one of the most significant challenges to security and stability, which in turn creates instabilities in the whole OSCE region. In the foreseeable future, it seems to be that terrorism is likely to pose a serious threat to security, stability and peace as well as prosperity of the OSCE participating States. Terrorism aims at undermining the common values, principles and norms on which the OSCE and other relevant international organizations are built up. One of the basic purposes of terrorist actions is to undermine State power “through using asymmetric methods to bypass traditional security and defense systems”. Terrorism is a common and transnational threat and challenge to security and stability, having easily negative consequences on all societies within the OSCE region. Thus, effective and active international co-operation is key in the fight against terrorism. The basic priority which should be given by all the international community must be intensifying efforts towards preventing and combating terrorist acts across the whole world.

Today, it is widely accepted that fighting against terrorism requires a comprehensive and co-operative approach.<sup>688</sup> All participating States are also strongly convinced that they must develop a common and comprehensive understanding for the prevention and countering terrorism which can enable the OSCE to focus on the main roots of terrorist acts.<sup>689</sup> In this regard, “social, economic and political context in which terrorism occurs” should be equally

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<sup>687</sup> ---, ‘Factsheet of the OSCE Action against Terrorism Unit’, 13 July 2009, available at <http://www.osce.org/secretariat/13578?download=true>, Accessed on 20 May 2013.

<sup>688</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.2.

<sup>689</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.6.

addressed.<sup>690</sup> The importance and necessity of combating terrorism in a comprehensive and co-operative manner have been emphasized in nearly all major CSCE/OSCE documents and interested decisions since the Helsinki Final Act in 1975.<sup>691</sup> Combating terrorism constitutes one of the major priority areas in the Organization's efforts for security and stability under the umbrella of the politico-military dimension of security.<sup>692</sup>

A comprehensive approach in the fight against terrorism, incorporating all three dimensions of security, namely the politico-military, the economic-environmental and the human dimensions of security, can be very instrumental. On the basis of its comprehensive approach to combating terrorism and in order to contribute considerably to the world-wide efforts in fighting against terrorism, particularly since 2001, the OSCE has been engaged in a wide range of terrorism-related activities, including combating extremism on the internet and suppressing terrorist financing, enhancing legal co-operation in criminal matters with regard to terrorism, promoting more secure travel documents, protecting critical infrastructure from potential terrorist attacks, finally training border staff and finally protecting human rights and fundamental freedoms in the fight against terrorism. The OSCE's experiences and expertise on conflict management activities including early warning and conflict prevention constitute an added value for the Organization itself in combating terrorism.<sup>693</sup>

The OSCE has always attached great importance to the efforts towards dealing with terrorism as a serious threat to security and stability across the whole Europe. The OSCE aims at providing assistance and expertise to its participating States in their efforts to deal

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<sup>690</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.2.

<sup>691</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.24-25.

<sup>692</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, pp.5-6.

<sup>693</sup> ---, 'OSCE, Combating Terrorism', available at <http://www.osce.org/what/terrorism>, Accessed on 20 May 2013.



with terrorism through its anti-terrorism-related activities and specialized structures like the 'Action against Terrorism Unit'.<sup>694</sup>

The OSCE carries out counter-terrorism activities with a special emphasis on the several key areas such as policing, trafficking in human beings and border security and management. The OSCE also aims to provide assistance to the capacity building efforts of its participating States in the field of combating terrorism. Preventing terrorist organizations from "gaining access to SALW and other conventional weapons as well as WMD and associated technologies" constitutes one of the most significant purposes of the OSCE in the fight against terrorism.

The OSCE aims at providing support to the global legal framework maintained through UN conventions, protocols and UN Security Council resolutions in a wider sense for dealing with terrorism. In this respect, the OSCE has been engaged in building a comprehensive framework through its decisions, action plans and structures as well as various terrorism-related activities.<sup>695</sup>

'OSCE Action against Terrorism Unit' (ATU) was established within the OSCE Secretariat in 2002 as "the co-coordinating focal point and facilitator of OSCE counter-terrorism activities".<sup>696</sup> ATU is mandated to support participating States in their activities to combat the threat of terrorism and the conditions that may foster and sustain it.<sup>697</sup> The ATU works to provide assistance and expertise to the participating States in their efforts for "implementing anti-terrorism commitments and enhancing the overall capacities to

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<sup>694</sup> ---, 'Factsheet of the OSCE Action against Terrorism Unit', 13 July 2009, available at <http://www.osce.org/secretariat/13578?download=true>, Accessed on 20 May 2013.

<sup>695</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, pp.5-6.

<sup>696</sup> ---, 'Factsheet of the OSCE Action against Terrorism Unit', 13 July 2009, available at <http://www.osce.org/secretariat/13578?download=true>, Accessed on 20 May 2013.

<sup>697</sup> Marc Perrin de Brichambaut, 'The OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.184.

prevent and combat terrorism”. In order to achieve this, the ATU is basically tasked with developing joint projects and specific programmes; identifying terrorism-related threats and risks: and finally contributing to the “formulation and implementation of a long-term, comprehensive approach to countering terrorism, compliant with human rights and international law”. The ATU acts in close co-operation with other relevant international, regional and sub-regional organizations as well as with the national delegations of the OSCE participating States based in Vienna.

OSCE counter-terrorism mandate and the legal framework for the activities of the ATU originate from the universal anti-terrorism conventions and protocols as well as the relevant UN Security Council resolutions, in particular UNSCR 1373, stating that “to co-operate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts”. In addition to this universal legal framework, the OSCE, over the years, has developed various commitments and principles with regard to combating terrorism with a view to strengthening specific counter-terrorism mandates of the Organization. In this respect, the ‘2001 Bucharest Plan of Action’ and the ‘2002 Porto Charter on Preventing and Combating Terrorism’ are the basic guiding documents produced by the OSCE in the fight against terrorism. Furthermore, OSCE’s counter-terrorism mandate have been always expanded and strengthened by the relevant decisions taken during the OSCE Ministerial Council meetings. OSCE commitments pertaining to the fight against terrorism articulate that “counter-terrorism measures are to be conducted in accordance with international law, in particular international human rights law, refugee law and humanitarian law”.

The ATU conducts a broad range of programmes, projects and activities in the field of counter-terrorism. First, recognizing the fact that “no counter-terrorism activity can be effective if it is not based on a strong legal framework”, the ATU aims at promoting and strengthening the international legal framework in the fight against terrorism. In this respect, the ATU works to assist and encourage the OSCE participating States to ratify and implement the universal anti-terrorism conventions and protocols in full and effective manners. In order to support the participating States, the ATU, working in close co-operation with the ‘UN Office on Drugs and Crime’ (UNODC) has been engaged in

organizing several national and sub-regional meetings with the purpose of contributing to the ratification processes of the international anti-terrorism conventions, treaties and protocols by the OSCE participating States.

The OSCE participating States takes the view that many terrorism-related crimes have transnational character. Therefore, cross-border co-operation is of vital importance in terms of “investigating and prosecuting perpetrators successfully”. Within this context, the ATU works to contribute to the widening of international legal co-operation in criminal matters concerning terrorism through organizing various training workshops in close co-operation with UNODC.

Second, the ATU supports participating States in their efforts towards enhancing and strengthening passport and travel document security. In this regard, the ATU has been organizing national expert visits and various workshops with regard to travel document security since 2003, comprising “the implementation of electronic passports and ICAO Handling and Issuance standards”. The ATU works to ensure the full and effective implementation of OSCE commitments with regard to the Interpol’s database of lost and stolen travel documents. Various training activities for national border control authorities are organized by the ATU with the aim of strengthening and enhancing their capacities in order to “detect and prevent the use of counterfeit travel documents”. Thus, the ATU plays an important role in terms of preventing the movement of terrorists in the OSCE region.

Third, the ATU carries out numerous counter-terrorism activities through encouraging public-private partnerships (PPPs) between state authorities, the business sector and civil society. The participating States adopt the view that although the main responsibility for preventing and combating terrorism belongs to States, business community and civil society can also contribute to the co-operative efforts in the fight against terrorism. For instance, several events have been organized by the OSCE, “focusing on the role of civil society and the media in the fight against terrorism, as well as the role of PPPs in protecting critical infrastructures”.

Fourth, the OSCE participating States are of opinion that Internet, “as a strategic device and a tactical facilitator for terrorists”, started to be used for a broad range of targets such as “identifying, recruiting and training new members, collecting and transferring funds, organizing terrorist acts, and illicit terrorist violence”. Additionally, computer systems and the Internet can be easily used for creating cyber-attacks. Cyber-attacks constitute a growing and serious concern to the security of the OSCE participating States. Within this context, the ATU tries to carry out specific projects and to participate in various programmes for dealing with the usage of the Internet and computer systems for terrorist purposes. At the same time, the ATU is interested in developing new counter measures in order to combating the use of the Internet for several terrorist aims. Since 2004, the ATU has organized various special events aimed at contributing to the efforts towards preventing the use of the Internet for several terrorist purposes. These events include exchange of experiences and lessons-learnt as well as national best practices among the participating States.

Fifth, the ATU works to provide assistance to the participating States in their endeavors for strengthening container and supply chain security through organizing training workshops and expert meetings. With the aim of contributing to the prevention of any possible terrorist attack to the supply chain, the ATU seeks to encourage the work of a number of organizations and structures, performing specific activities in the field of container and supply chain security like the ‘World Customs Organization (WCO) and its Framework of Standards to Secure and Facilitate International Trade’. The ATU, in close co-operation with other relevant international and regional actors, is mainly interested in developing of a “concept for a comprehensive and integrated approach to improve the security of the entire supply chain from origin to destination”.

Sixth, the ATU puts a special emphasis on dealing with violent extremism and radicalization which can be resulted in terrorism. In the fight against terrorism, it is of utmost importance to prevent the new individuals from joining the terrorist organizations. In this respect, the ATU tries to become an integral part of the ongoing discussions regarding exchange of best practices and experiences and possible new steps in order to deal with effectively violent extremism and radicalization which can create good opportunities for further terrorist

actions. The participating States are strongly convinced that the OSCE should focus on how the Organization might address better the issues of violent extremism and radicalization through developing a comprehensive approach.

Seventh, protecting critical energy infrastructures remains one of the most important priorities of the ATU. Having recognized that “critical energy infrastructures, such as nuclear power plants or refineries can be particularly vulnerable to terrorist attacks and that their disruption or destruction could have a serious impact on the health, safety, security and economic well-being of citizens”, the ATU aims to strengthen and enhance co-ordination and co-operation with the purpose of protecting more effectively the critical energy infrastructures. The ATU seeks to create opportunities for practical co-operations with other relevant actors, operating for protecting critical energy infrastructures. The ATU also serves to promote the exchange of information and best-practices between the relevant parties with a view to respond better to the risks and challenges, originating from terrorism.

Eighth, OSCE Counter-Terrorism Network is a key instrument in terms of providing and encouraging the sharing of information for the counter-terrorism practitioners. A monthly ‘OSCE Counter-Terrorism Network Newsletter’ is published by the ATU. This Newsletter includes the most relevant counter-terrorism developments in the OSCE region. The Newsletter is delivered to Counter-Terrorism Network Contact Points in the OSCE participating States, relevant international and regional organizations and OSCE permanent institutions as well as OSCE field missions. One can easily observe that the Counter-Terrorism Network and its newsletter provide practical and helpful information to the relevant parties in the fight against terrorism.

Ninth, the ATU works to provide assistance to the participating States of the OSCE to identify the newly emerging terrorist risks and challenges and to respond more effectively to the existing and newly emerging terrorist threats in the OSCE region. In this respect, the ATU has been engaged in organizing expert meetings on different thematic issues such as MANDPAS, civil aviation and suicide terrorism as well as urban transport security.

Finally, the ATU has regular and active co-operative relationships with other relevant international, regional, sub-regional organizations and specialized agencies as well as various UN structures. Co-operating actively for fighting against terrorism is of vital importance because today any single State or international organization with its limited capabilities cannot deal with terrorism effectively and efficiently. Having recognized the importance of making “realistic assessments of their respective comparative advantages and abilities to fill any gaps and avoid unnecessary duplication”, the ATU works to pave the way for exchange of information and intensive dialogue pertaining to the counter-terrorism related activities among all the relevant actors, operating in the field of combating terrorism. The ATU organizes various roundtable meetings with the participation of working-level counter-terrorism practitioners from the OSCE participating States. The ATU aims at enhancing co-operation and co-ordination between the interested actors in the fight against terrorism.<sup>698</sup>

The OSCE has been increasingly focusing on combating terrorism particularly since 2001. ‘The Bucharest Plan of Action for Combating Terrorism’ was adopted on 4 December 2001 during the OSCE Bucharest Ministerial Council meeting. The Action Plan states that terrorism constitutes a serious concern to international security and stability. The OSCE is willing to contribute substantially to the regional and global anti-terrorism efforts maintained under the umbrella of the UN system as the international legal framework for combating terrorism. In the Action Plan, the OSCE participating States declare their strong commitment to use all required resources and instruments in order to implement their obligations specified within the framework of existing international terrorism conventions and protocols. The participating States also emphasize the importance of constant co-operation with other relevant international and regional organizations in the fight against terrorism. Furthermore, the participating States decided to focus on developing national, bilateral and multilateral initiatives in combating terrorism.

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<sup>698</sup> ---, ‘Factsheet of the OSCE Action against Terrorism Unit’, 13 July 2009, available at <http://www.osce.org/secretariat/13578?download=true>, Accessed on 20 May 2013.

The main objective of the Bucharest Plan of Action for Combating Terrorism' is to "establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law, including the international law of human rights and other relevant norms of international law". In addition, the Action Plan serves as a framework for further steps to enhance existing activities, encourage co-operation and interaction among the participating States and finally improve new tools for dealing with terrorism more effectively in the medium and long term. The Action Plan emphasizes the importance of continuous efforts in combating terrorism.<sup>699</sup>

The Bucharest Plan of Action for Combating Terrorism identifies the basic objectives and means of the OSCE in countering terrorism through using all relevant OSCE institutions, structures and mechanisms as well as instruments. These are as follows:

increasing efforts to promote and assist for institution building, in building democratic institutions and to strengthening the rule of law and state authorities; promoting human rights, tolerance and multi-culturalism; supporting tolerance towards people of other convictions and beliefs through the use of the media; promoting measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the Media; encouraging pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity; promoting broad public access to media as well as monitor hate speech; addressing negative socio-economic factors; preventing violent conflict and promoting peaceful settlement of disputes; strengthening national anti-terrorism legislation; supporting law enforcement and fighting organized crime; suppressing the financing of terrorism; and finally preventing movement of terrorists.<sup>700</sup>

The Action Plan points out that effectively combating terrorism requires "full and timely implementation of all necessary and relevant measures" adopted within the OSCE

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<sup>699</sup> ---, 'The Bucharest Plan of Action for Combating Terrorism', 4 December 2001, p.1.

<sup>700</sup> Ibid., pp.3-5.

framework. To achieve this goal, FSC, as the basic decision-making body of the OSCE in the politico-military domain, would be used in terms of strengthening the fight against terrorism.

The Action Plan states that the OSCE can contribute to fighting against terrorism through putting into practice its comprehensive understanding of security. The Organization, through its all specialized institutions, mechanisms and instruments, can address effectively several political, social, economic and other related factors which help to create favorable conditions for terrorist acts.<sup>701</sup>

According to the Action Plan, the OSCE, through its basic strengths and comparative advantages, can make considerable contributions to the world-wide efforts in the fight against terrorism. The main comparative advantages of the OSCE in comparison with other international organizations are as follows: OSCE's inclusive membership gathering 57 participating States from three continents; its multidimensional approach to security, encompassing politico-military, economic-environmental and human dimensions; its accumulation of knowledge on early warning, conflict prevention, post-conflict rehabilitation and post-conflict democracy and peace building activities; and finally its huge experience of its field operations on the ground. The OSCE operates in a broad range of activity fields such as policing, border security and management and legislative and judicial reform which are closely related to numerous counter-terrorism measures.<sup>702</sup>

Combating terrorism requires a comprehensive and global approach throughout the world. Recognizing the UN as the main framework for global fight against terrorism, the Action Plan states that maintaining close and active co-operation and co-ordination at all levels for the formulation of an international coalition against terrorism is of utmost importance in terms of facilitating concrete results in the fight against terrorism. The Action Plan emphasizes the strategic importance of co-operation which should be maintained between

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<sup>701</sup> Ibid., pp.2-3.

<sup>702</sup> Ibid., p.1.



all the relevant actors in the fight against terrorism such as international, regional and sub-regional organizations, NGOs and civil society groups, focusing on counter-terrorism activities as well as all OSCE participating States and relevant OSCE structures and institutions.<sup>703</sup>

The second basic document of the OSCE on combating terrorism, 'OSCE Charter on Preventing and Combating Terrorism', was adopted on 7 December 2002, at the OSCE Porto Ministerial Council meeting. In the Charter, the participating States declare their strong commitment to fighting against terrorism in a comprehensive and co-operative manner. Having recognized the fact that terrorism poses a serious concern and challenge to international and regional security, stability and peace, the participating States continue to take the view that combating terrorism effectively requires comprehensive, co-ordinated and global approach.<sup>704</sup>

The Charter states that a common and comprehensive approach must be adopted by the OSCE in preventing and combating terrorism. The OSCE has capacity and expertise to provide assistance to the participating States through using its all specialized structures, institutions and instruments. The OSCE should also carry out its counter-terrorism activities through encompassing all three dimensions of security. The participating States declare that all relevant counter-terrorism measures must be undertaken and implemented in full accordance with the basic human rights and fundamental freedoms, the rule of law and international law as well as international humanitarian law. In the process of combating terrorism, the participating States should undertake all necessary measures aimed at protecting the basic human rights and fundamental freedoms.

The Charter articulates that all relevant UN conventions, protocols and UN Security Council resolutions relating to terrorism are the basic primary blocks of the international legal

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<sup>703</sup> Ibid., pp.5-6.

<sup>704</sup> ---, 'OSCE Charter on Preventing and Combating Terrorism', OSCE Ministerial Council Porto 2002, 7 December 2002, p.1

framework for combating terrorism.<sup>705</sup> In this respect, the participating States emphasize the importance of the full and effective implementation of all relevant international conventions, protocols and agreements on the fight against terrorism. These international conventions and protocols constitute the key instruments in terms of preventing, suppressing, investigating and prosecuting terrorist acts.

The participating States are strongly convinced that the OSCE should several conditions which can facilitate the execution of terrorist activities. In this respect, the OSCE should work to promote democracy, the rule of law, human rights and tolerance in the participating States. The OSCE should also make much more efforts for encouraging inter-cultural and interreligious dialogue, the full participation of all citizens in political life. Finally, the Organization should focus on preventing discrimination and intolerance and combating poverty in the societies of the OSCE participating States.

The Charter points out that media should be positively used as a significant instrument “in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism”. The participating States also agreed to work for the full and effective implementation of border controls and controls on the issuance of identity papers and travel documents with a view to preventing the movement of terrorist individuals or groups within the territories of the OSCE participating States.

The Charter states that as there is a close link between terrorism and transnational security threats and risks such as illegal drug trafficking, money laundering, organized crime and trafficking in human-beings, close co-operation and co-ordination between all the relevant actors is highly required for the fight against terrorism. At the same time, dealing with transnational threats and challenges also requires a co-operative approach in order to respond better to the newly emerging security environment following the end of the Cold War era.

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<sup>705</sup> Ibid., p.2.

According to the Charter, all relevant instruments developed within the framework of the politico-military dimension of the OSCE should be fully and effectively put into practice in order to strengthen the Organization's responses to the threat to terrorism. Particularly arms control and disarmament regimes and agreements, as integral components of co-operative security, can contribute considerably to combating terrorism through "reducing the risk of territories gaining access to weapons and materials of mass destruction and their delivery means".<sup>706</sup>

The OSCE works in close and active co-operation with other specialized regional, sub-regional and international organizations as well as specialized structures and agencies in the fight against terrorism. In this respect, the OSCE is mainly interested in assisting the other relevant organizations in terms of promoting their capacity-building activities; exchange of best practices and lessons-learned; recommendations; and finally technical standards in countering terrorism. The OSCE also tries to support these organizations in terms of promoting their financial, organizational and logistical resources with the purpose of creating platforms for joint expert meetings with the participation of representatives from relevant organizations and national authorities of the OSCE participating States.<sup>707</sup>

The OSCE always seeks to work in close and active co-operation and interaction with other relevant international institutions and bodies through participating in joint meetings, specific programmes and common projects. In this regard, the UN Security Counter-Terrorism Committee (UN CTC) and the UN Office on Drug and Crimes (UNODC) are the major international bodies the OSCE has close interactions in combating terrorism.<sup>708</sup> The

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<sup>706</sup> Ibid., pp.3-4.

<sup>707</sup> Marc Perrin de Brichambaut, 'The OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.185.

<sup>708</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, pp.5-6.

OSCE also carries out its counter-terrorism activities in close and active co-operation with the EU, NATO and the Council of Europe.<sup>709</sup>

Having recognized the vital significance of the human dimension commitments and activities in preventing and dealing with terrorism, the OSCE participating States declare clearly that all counter-terrorism measures in the fight against terrorism at all levels must be consistent with the basic human rights, fundamental freedoms, and the rule of law as well as international law.<sup>710</sup> Today, all OSCE participating States strongly agree that terrorism as a transnational threat constitutes as one of the most important challenges to international security and stability. In preventing and combating terrorism, all States are responsible for undertaking required counter-terrorism measures with the purpose of ensuring their own national security. However, the OSCE takes the view that all counter-terrorism measures and activities must be formulated and implemented in full accordance with the basic human rights and fundamental freedoms as well as the rule of law. In other words, all States are obliged to take all necessary measures to protect basic human rights and fundamental freedoms when performing their counter terrorism activities.<sup>711</sup>

It is highly important that the implementation of the measures on the fight against terrorism must be in full accordance with the principle of the rule of law, international law, and human rights and fundamental freedoms.<sup>712</sup> The implementation of counter-terrorism measures must not be resulted in excessive restrictions on basic human rights and fundamental freedoms. All States should “refrain from any excessive steps which would violate fundamental freedoms and undermine legitimate dissent”. All governments must be

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<sup>709</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.24-25.

<sup>710</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.6.

<sup>711</sup> Ibid., p.3

<sup>712</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, pp.5-6.

sensitive in the implementation of all counter-terrorism measures in full accordance with their international obligations in relation to the basic human rights and fundamental freedoms. In other words, all governments must ensure respect for various human rights in all circumstances such as “the right to life, freedom of thought, conscience and religion, freedom from torture or cruel, and inhuman or degrading treatment”.<sup>713</sup>

Two basic documents on combating terrorism, namely the ‘OSCE Bucharest Plan for Combating Terrorism’ and the ‘OSCE Charter on Preventing and Combating Terrorism’ adopted in 2001 and 2002 respectively, clearly state that “responses to the threat of terrorism must not unlawfully infringe upon, damage or destroy the very standards, principles and values of human rights, rule of law and pluralistic democracy”.<sup>714</sup>

It is clear that the OSCE cannot deal with terrorism through military or hard security instruments. However, the OSCE should play an important and constructive role in the fight against terrorism, focusing on the basic reasons of terrorism, and political, economic and social inequalities and problems which can pave the way for the occurrence of terrorist organizations.<sup>715</sup>

Terrorism poses a growing serious threat to the security and stability of all democratic societies in the OSCE area. Terrorists and terrorist organizations benefit substantially from an environment which is composed of “failed States, secessionist entities and frozen conflicts”. According to Gyarmati, the OSCE cannot “deal with terrorism by military means, but should rather concentrate its efforts on what it can do best: democratization and the

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<sup>713</sup> Arie Bloed, ‘Bucharest Ministerial adopts Plan of Action against Terrorism’, *Helsinki Monitor* 2002 no.1, pp.74-75.

<sup>714</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.6.

<sup>715</sup> Arie Bloed, ‘Bucharest Ministerial adopts Plan of Action against Terrorism’, *Helsinki Monitor* 2002 no.1, p.72.

protection of and promotion of human rights". By doing this, the OSCE has a significant role to play and can indicate its ongoing relevance in the fight against terrorism.<sup>716</sup>

Zellner argues that the OSCE can make a major contribution to the efforts aimed at fighting against terrorism. The OSCE, working in close co-operation with other relevant regional and international organizations, can principally provide assistance and expertise to its participating States in preventing and countering terrorism through acting in a broad range of activity fields; its considerable experiences on the ground; its inclusive membership; and finally its comprehensive approach to security.<sup>717</sup>

Bearing in mind that the main responsibility for combating terrorism globally belongs to the UN, the OSCE, as a regional security organization, seeks to support the UN in preventing and combating terrorism with its all available means.<sup>718</sup> In order to contribute to the world-wide efforts against terrorism, the OSCE can support the participating States in terms of increasing their capacity-building and encouraging them for ratifying and fully implementing international conventions and protocols aimed at countering terrorism. The OSCE has been also contributing to combating terrorism through generating basic framework documents, including 'the Bucharest Plan of Action for Combating Terrorism' and 'OSCE Charter on Preventing and Combating Terrorism'.<sup>719</sup>

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<sup>716</sup> Istvan Gyarmati, 'What a Wonderful, Wonderful World... The Role of the OSCE in European Security in the Twenty-First Century', in Victor-Yves Ghebali, Daniel Warner and Barbara Gimelli (eds), *The Future of the OSCE in the Perspective of the Enlargements of NATO and the EU*, PSIO Occasional Paper 1/2004, pp.40-41.

<sup>717</sup> Wolfgang Zellner, 'The 9<sup>th</sup> OSCE Ministerial in Bucharest 2011', *Helsinki Monitor* 2002 no.1, p.64.

<sup>718</sup> Marc Perrin de Brichambaut, 'The OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.184-185.

<sup>719</sup> Pal Dunay, 'The OSCE's Sleeping Beauty: The Politico-Military Dimension Waits for the Magic Kiss', *OSCE Yearbook 2005*, Baden Baden, 2005, p.256

### 5.3.2. Conflict Prevention and Resolution

The end of the Cold War era and the disintegration of the Soviet Union and Yugoslavia as large multinational States at the early of the 1990s resulted in the emergence of new violent ethno-political conflicts in the OSCE region. In the newly independent States particularly in the former Soviet Union region, several national groups as new minorities claimed the right to self-determination in order to secure their rights and control their own destiny. The central authorities of the new independent States tried to protect the territorial integrity of their States.<sup>720</sup> In other words, while the central governments argue that regional authorities of the national minorities violate the territorial integrity of States, the minority groups claim that the central governments do not respect and violate their basic minority rights. As a result, a series of violent conflicts appeared as a result of ethnic tensions between the dominant ethno-national group and minority groups in some OSCE participating States.<sup>721</sup> These newly emerging intra-State conflicts started to pose a serious challenge to the security and stability of the OSCE participating States in the post-Cold War Europe. It has been highly important to effectively addressing ethno-political or ethno-national conflicts emerged in Eastern Europe, the Balkans and the Caucasus since the end of the Cold War period.<sup>722</sup>

From the OSCE's point of view, the main reasons of the violent conflicts in the OSCE region are the non-compliance of the some participating States or regions with the OSCE norms,

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<sup>720</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, pp.219-223.

<sup>721</sup> Natalie Mychajlyszyn, 'The OSCE and Regional Conflicts in the Former Soviet Union', in James Hughes and Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union Regions in Conflict*, Routledge, 2002, p.199.

<sup>722</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, pp.219-223.

principles and commitments.<sup>723</sup> When the common OSCE norms, principles and commitments developed for governing sub-state behavior are violated, a conflictual situation comes to the fore. The OSCE takes the view that intra-States conflicts mainly stem from the neglect of or weak implementation of the human rights and fundamental freedoms, including the rights of people belonging to national minorities. Especially violation of the rights of national minorities constitutes a major reason for the emergence of intra-State conflicts which in turn create instabilities and undermines security and stability in the conflict areas and neighboring countries.<sup>724</sup>

According to 'OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century', adopted at the 2003 OSCE Maastricht Ministerial Council Meeting, "threats emerging from inter-State and intra-State conflicts remain the broadest category of threat to participating States and to individuals". With the end of the Cold War intra-State conflicts have created substantial security risks and challenges as well as instabilities in the OSCE region. A wide range of transnational threats such as proliferation of WMD, human rights violations, international terrorism, illegal migration, deterioration of the socio-economic situations and excessive and destabilizing accumulation and uncontrolled spread of SALW, might benefit considerably from the instable regions where the frozen conflicts take place.<sup>725</sup>

In order to address problems and challenges generated from the frozen conflicts, the OSCE has been engaged in ethno-political conflicts in its region through its specialized structures, permanent institutions, mechanisms and instruments as well as its field operations on the conflict zones. In this respect, early warning, conflict prevention, conflict resolution and

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<sup>723</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.2.

<sup>724</sup> Natalie Mychajlyszyn, 'The OSCE and Regional Conflicts in the Former Soviet Union', in James Hughes and Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union Regions in Conflict*, Routledge, 2002, pp.196-197.

<sup>725</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.2.



finally post-conflict peace-building and rehabilitation are the main areas in which the OSCE has been active for several years in the conflict management cycle.<sup>726</sup>

Since the end of the Cold War, the OSCE has been engaged in supporting the efforts for facilitating comprehensive, peaceful and lasting solutions the so called 'frozen or protracted conflicts' in its region<sup>727</sup> in accordance with the OSCE norms and principles as well as obligations generating from international law. The OSCE aims at encouraging negotiations on conflicts.<sup>728</sup> The participating States tasked the OSCE to make efforts for using diplomatic and soft security measures with the aim of finding fair and political settlements for the ethno-national conflicts in the OSCE region.<sup>729</sup>

The OSCE also acts for preventing conflicts from arising through encouraging negotiations between the interested central authorities and the representative conflictual areas, putting forward diplomatic and soft security tools instead of using force or military coercion.<sup>730</sup>

The OSCE also supports its participating States in the post-conflict rehabilitation and peace-building processes.<sup>731</sup> In this regard, the OSCE, working in close co-operation with participating States, involves in post-conflict rehabilitation activities. With these activities, the OSCE aims to promote and assist the participating States in their efforts towards

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<sup>726</sup> Ibid., pp.4-5.

<sup>727</sup> ---, 'OSCE, Conflict prevention and resolution', available at <http://www.osce.org/what/conflict-prevention>, Accessed on 15 July 2013.

<sup>728</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, pp.4-5.

<sup>729</sup> Fergus Carr and Theresa Callan, *Managing Conflict in the New Europe The Role of International Institutions*, Palgrave Macmillan, 2002, pp.96-97.

<sup>730</sup> Marcel de Haas, 'The Shangai Cooperation and the OSCE: Two of a kind?', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.254-255.

<sup>731</sup> ---, 'OSCE, Conflict prevention and resolution', available at <http://www.osce.org/what/conflict-prevention>, Accessed on 15 July 2013.

creating democratic institutions and strengthening the rule of law. The Organization supports its participating States in terms of increasing their capacity-building. The OSCE also helps to empower State authorities in various levels, parliamentary structures, independent judiciaries and free civil societies as well as freedom of the media. In these cases, OSCE sometimes can play a peace-keeping role in the conflict zones with the purpose of strengthening and enhancing security, stability and peace across the whole OSCE region.<sup>732</sup>

‘The OSCE Conflict Prevention Centre’ (CPC) was established by the 1990 CSCE Paris Summit with the purpose of contributing to the OSCE’s efforts to promote security, stability and peace across the entire OSCE region. The Center, working under the direction of the OSCE’s Secretariat, aims at supporting the OSCE participating States in the fields of early warning, conflict prevention, conflict settlement and finally post-conflict rehabilitation in order to decrease the risk of armed conflicts in the OSCE region.

The CPC basically provides support to the OSCE participating States in terms of encouraging dialogue and negotiation processes in the prevention and resolution of conflicts. Furthermore, the CPC aims to provide specific analysis and advice to the OSCE field missions concerning the conflict management activities.

Over the years, a broad range of CSBMs have been developed in the politico-military security domain, aiming at “increasing trust among the OSCE participating States and contribute to greater openness and transparency in the field of military planning and activities”. The CPC works to contribute to the efforts for building confidence and trust among the participating States through “organizing, collecting, archiving and reporting on annual exchanges of information” regarding the various politico-military-based activities of the OSCE. The Center serves as a dialogue platform for the participating States in terms of supporting their efforts towards the full and effective implementation of CSBMs developed within the CSCE/OSCE frameworks.

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<sup>732</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, pp.4-5.

The CPC provides the OSCE structures, bodies and participating States with the regular information through monitoring the developments in the conflicts zones of the OSCE area. The Center also aims at contributing to the development of alternative ways to respond better to the emerging crises and other relevant issues which might pose serious risks and challenges to regional stability and security. The CPC works to eliminate the potential security risks and threats which can be generated from the “surplus stocks of small arms and light weapons, conventional ammunition and non-proliferation of WMD”. The CPC also provides assistance to the participating States in their efforts for the safely management and destruction of surplus stocks of small arms and light weapons and conventional ammunition through offering technical and managerial expertise. The CPC, furthermore, assists the participating States in terms of increasing their compliance with international obligations and norms aimed at preventing the WMD, consisting of nuclear, chemical and biological weapons and their delivery means.

One of the most important tasks of the CPC is to seek to build confidence and trust among the OSCE participating States and between the parties to any conflict in the OSCE region through promoting co-operation and dialogue particularly with regard to regional political issues. Building confidence among the participating States entails a higher level of transparency, predictability and openness in the field of military security and military activities. The FSC, as the main decision-making body of the OSCE’s politico-military dimension, is supported by the CPC. In this regard, the CPC provides the participating States with specific expertise and advises in the implementation of OSCE norms, principles and commitments with respect to the politico-military aspects of security. The CPC acts to provide the OSCE participating States with considerable advice and support on the application of numerous mechanisms developed by the OSCE for the ‘peaceful settlement of disputes’.

There is a close co-operation and co-ordination between the CPC and OSCE field operations in all relevant issues. The field missions constitute one of most significant tools developed by the CSCE/OSCE for several years. The OSCE field missions are active in the field of early warning, conflict prevention, conflict resolution and post-conflict rehabilitation and peace-building processes. The CPC provides substantial support and expertise for the work carried

out by the field operations of the OSCE, including all three dimensions of security. In this respect, the CPC works to establish a major connection between the OSCE's main structures and bodies and field missions. In order to this, the CPC facilitates the timely distribution of reports prepared by the field operations and provides the field missions with information and advice concerning the specific management and programmatic topics.

The CPC is tasked to arrange the establishment, restructuring and closures of the OSCE field missions. The CPC is also engaged in the identification of best practices and lessons-learned to further improve the work done by the OSCE field missions on the ground. Furthermore, the CPC is responsible for encouraging regional initiatives and promoting co-operation, co-ordination and dialogue between the OSCE and other international organizations in regional terms.

The CPC provides support and expertise for developing, implementing and managing specific projects and programs carried out by the OSCE Secretariat and field missions. The CPC also works to increase the quality, effectiveness, performance and impact of OSCE activities through developing several instruments and training facilities. Additionally, the CPC collects the documents of successful projects, programmes and practices which can be considered as good examples for the other OSCE field missions.

The basic activity fields of the CPC can be outlined as follows:

arms control; confidence-and security-building measures on military and non-military character; co-ordination of regional initiatives; destruction of small arms and light weapons and conventional ammunition; early warning on security concerns; gender mainstreaming of OSCE activities; mechanisms for the peaceful settlement of disputes; mediation, dialogue facilitation and mediation-support; operational guidance and lessons learned; performance-based programme budgeting; planning and operational support of field presences; policy advice and analysis; project management; strategic planning and self-evaluation of programmes and projects; and finally non-proliferation of weapons of mass destruction.<sup>733</sup>

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<sup>733</sup> ---, 'The Factsheet of the OSCE Conflict Prevention Centre', 30 April 2013, available at <http://www.osce.org/cpc/13717?download=true>, Accessed on 10 May 2013.

In its efforts for the prevention and resolution of ethno-political conflicts, the OSCE uses other two important instruments: the HCNM and field operations. First, the HCNM provides early warning and conflict prevention for the conflicts including risky situations with respect to the security of national minorities.<sup>734</sup> “The HCNM is exclusively concerned with the implementation of commitments pertaining to national minorities and violations of national minority rights. The HCNM’s solutions emphasize the protection of minority rights. The HCNM also supports those solutions that work within the framework of the state, harmonizing relations between majority and minority ethnic groups”.<sup>735</sup> Second, various OSCE field operations have been specifically deployed for assisting host countries regarding the conflict management activities determined according to their mandates. In this respect, the OSCE field operations in some host countries facing a conflictual situation work to perform a broad range of conflict management activities such as particularly conflict resolution and post-conflict democratic institution-building matters.<sup>736</sup>

In analyzing the OSCE’s conflict management activities, this study takes the categorization made by Hopmann. Hopmann identifies four main categories for the OSCE’s conflict management activities: “democratization; preventive diplomacy; conflict resolution, and post-conflict security building”.<sup>737</sup>

First, the OSCE believes that democratization is a valuable instrument as a long-term conflict prevention tool. Democratization basically includes the promotion of human rights

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<sup>734</sup> Victor-Yves Ghebali, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, pp.5-6.

<sup>735</sup> Natalie Mychajlyszyn, ‘The OSCE and Regional Conflicts in the Former Soviet Union’, in James Hughes and Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union Regions in Conflict*, Routledge, 2002, p.198.

<sup>736</sup> Victor-Yves Ghebali, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, pp.5-6.

<sup>737</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia -The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, p.15.

and fundamental freedoms and the rule of law in societies. More democratic societies and institutions provide a favorable environment for the peaceful settlements of disputes or conflicts in the long-run.<sup>738</sup> The OSCE takes the view that “democratic States seldom or never engage in violent conflict with other democratic States”. Liberal-democratic States can facilitate the non-violent resolution of political conflicts. They tend to avoid violence and pursue non-violent means for solving their disagreements among them instead of using force or military coercion. Thus, it is commonly assumed that enhancing democratic regimes and strengthening democratic institutions is the best way for building up long term peace and stability throughout the whole OSCE region. Consequently, the OSCE participating States are strongly convinced that all these factors actively serve to decrease the risk of large-scale violence in democratic States and making war among democratic States is completely unacceptable notion for them.<sup>739</sup>

The OSCE assumes that “the construction of stable democratic political systems contributes in the long-run to peace and security by reducing the risks of both intra-state and inter-state violence”.<sup>740</sup>

The OSCE is a strong supporter of democracy promotion policies, believing that creating and maintaining democratic institutions and societies is of vital significance for the realization of conflict prevention in the long-term across the entire OSCE region. Democracy is a key asset in terms of preventing violent conflicts and achieving sustainable peace and stability in the long-term.<sup>741</sup> Within this framework, the OSCE always attaches great

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<sup>738</sup> P. Terence Hopmann, ‘An Evaluation of the OSCE’s Role in Conflict Management’, in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe’s New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.226.

<sup>739</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.15-16.

<sup>740</sup> P. Terence Hopmann, ‘An Evaluation of the OSCE’s Role in Conflict Management’, in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe’s New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.230.

<sup>741</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.39-40.

importance to the promotion and consolidation of democratic regimes and institutions. The OSCE has carried out numerous democratization-based activities in many participating States through its all available structures, mechanisms, institutions and instruments as well as its field missions on the ground. Throughout the whole OSCE area, the Organization has been engaged in a wide range of democratization activities within the framework of human dimension of security. These activities are mostly carried out by the ODIHR. The ODIHR is tasked to assist the participating States in conducting free and fair elections, strengthening the rule of law, promoting democracy, and protecting and improving human rights and fundamental freedoms as well as the rights of persons belonging to national minorities. The ODIHR also works to enable the participating States to increase their capacities with a view to creating and maintaining democratic structures and institutions. In addition to the ODIHR, the HCNM, the RFM and field operations contribute to the democratization efforts in their specific fields. Several OSCE field missions, according to their determined mandates, serve to provide assistance and expertise to the host countries in their compliance with the OSCE's norms and principles based on democracy.<sup>742</sup> A wide range of activities aimed at supporting democratization as a long-term conflict prevention tool have been carried out by the OSCE in several countries and regions such as the Baltic countries, the Balkans and the Central Asia.<sup>743</sup> According to Hopmann, "most of these activities create the long-term conditions necessary for eliminating violence as a means for resolving conflicts of interest by instituting a democratic process of give-and take, compromise, and bargaining as a way of overcoming differences".<sup>744</sup>

Second, the OSCE carries out a series of conflict prevention activities. The main rationale behind the OSCE's conflict prevention activities is to prevent tensions which are likely to escalate into violent conflicts in the absence of third-party intervention. As Hopmann states, it is commonly agreed that "conflicts are easier to resolve before they become violent. Once conflicts reach the stage of violence, peaceful accommodation may become

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<sup>742</sup> Ibid., p.16.

<sup>743</sup> Ibid., pp.39-40.

<sup>744</sup> Ibid., p.16.

extremely difficult to achieve". In order to prevent the outbreak of violence in any conflictual situation, the OSCE uses preventive diplomacy which puts forward compromise, negotiation, dialogue and the ways for the peaceful settlements of disputes between the parties. The OSCE, through the HCNM and its field operations, can respond rapidly, flexibly and effectively to the escalating situations or brewing conflicts.<sup>745</sup>

In order to prevent the outbreak of violent conflicts, the OSCE has established several field missions in regions where "conflict appeared to be escalating and where the risk of large-scale violence was significant", such as Ukraine-Crimea, Former Yugoslav Republic of Macedonia and Former Federal Republic of Yugoslavia including the Kosovo, Sandjak and Vojvodina regions, as well as Latvia and Estonia in the Baltics.<sup>746</sup> Crimea is a good example in this sense in the 1990s. The OSCE, through the HCNM and its field missions' specialized efforts, has made a substantial contribution for the prevention of a potential violent conflict in Crimea, Ukraine in 1994. The OSCE HCNM and the field mission in Ukraine provided a dialogue platform for the discussions and negotiations between two parties by organizing a number of seminars and conferences. As a result of the OSCE's significant efforts, the Crimea gained the status of an autonomous republic in the territorial integrity of Ukrainian State in 1994. The OSCE's activities in Ukraine are generally considered as the "most successful effort at preventive diplomacy undertaken by the OSCE".<sup>747</sup> Furthermore, OSCE's preventive diplomacy activities have taken place in a number of participating States such as Moldova, Georgia, Bosnia-Herzegovina, Tajikistan and Croatia. In these countries, the OSCE has contributed substantially to the efforts for preventing the reoccurrence of violent in the conflict zones.<sup>748</sup>

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<sup>745</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO: Lynne Rienner Publishers, 2001, p.226-232.

<sup>746</sup> Ibid., pp.230-232.

<sup>747</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.24-25.

<sup>748</sup> Ibid., pp.39-40.



Third, the OSCE works to find peaceful and lasting solutions to the frozen conflicts occurred in its region. OSCE's conflict resolution activities come to the fore after a cease-fire has been agreed in the conflict areas. By means of conflict resolution activities, the OSCE aims at preventing the reappearance of violence and finding resolutions for the underlying reasons of the conflict to remove conditions which brought about the conflict in the first place. In order to achieve this, the OSCE acts as a mediator between the central government authorities and the representatives from the breakaway regions with the purpose of reaching a settlement which can be acceptable to both sides.<sup>749</sup>

After the end of the Cold War era, the OSCE, particularly through its field missions, has been engaged in various conflict resolution efforts as a mediator to reach comprehensive, lasting, political and peaceful solutions of the conflicts by peaceful means in its region. The OSCE field missions in a number of host countries such as Moldova, Georgia, Tajikistan, and the Russia Federation have performed as a third party role in the process of conflict management and resolution.<sup>750</sup>

The OSCE has sometimes played a constructive role as a third party in achieving a cease-fire in active conflict areas. In some cases, the OSCE has served to "observe the peacekeepers' performance, assure their neutrality, and verify that they do not themselves instigate incidents that might lead to a renewal of violence" in the aftermath of the achievement of a cease-fire and the deployment of a peace-keeping operation in conflict area under the umbrella of the UN, OSCE or Commonwealth Independent States (CIS).

The OSCE also works to maintain a process of negotiations and exchange of views in order to create mutual trust between the two sides of conflict. This kind of third-party role can be very helpful in developing acceptable solutions to common problems, overcoming the

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<sup>749</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO: Lynne Rienner Publishers, 2001, p.227-236.

<sup>750</sup> Ibid., p.238.

difficulties, eliminating obstacles and finally reaching comprehensive and working solutions for the peaceful settlements of disputes.

Regarding the OSCE's involvement in conflicts as a third party, Hopmann states:

within the OSCE, third-party roles-interventions may be played by key individuals such as the CiO, the HCNM, or a head of mission, all of whom assume a special role as a representative of a regional international organization. What matters in the eventual success of the intervention is usually the OSCE representative's ability to assist the disputants to move away from hard bargaining based on competing interests and into a problem-solving mode. Their role is thus primarily one of facilitating the negotiation process itself rather than formulating their own solutions to the dispute.<sup>751</sup>

In performing third-party mediation roles, several methods and techniques have been used in conflict resolution by the OSCE. Firstly, the HCNM organizes seminars and conferences with the purpose of maintaining a platform for dialogue between the conflicting sides. The HCNM is also engaged in 'shuttle diplomacy' which is carried out by a third party mediator to provide communication between the parties through travelling back and forth and conveying messages. Secondly, the OSCE's long-term field missions as 'good offices' play valuable roles through providing mediation in order to assist the conflicting sides in their efforts towards a common agreement. Some heads of the OSCE's field operations act as the mediators in the formal meetings organized between the conflicting parties. Thirdly, the OSCE establishes "formal groups of States operating under the Organization's auspices" with a view to helping the conflicting sides to overcome their differences and remove obstacles to the peaceful settlements of disputes. In this regard, for instance, 'the OSCE Minsk Group' was designed in 1992 for providing a basic framework for the peaceful settlement of the conflict between Azerbaijan and Armenia over Nagorno-Karabakh region in accordance with the OSCE's norms, principles and commitments. Finally, the OSCE, as a

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<sup>751</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.26-27

third party mediator in the conflicts, can be tasked to oversee the implementation of the agreements which have been adopted by both sides.<sup>752</sup>

Fourth, the OSCE, as an important component of conflict management activities, carries out a range of post-conflict reconstruction and peace building activities in post-war societies. With these activities, the OSCE aims at contributing to the efforts towards rebuilding war-torn societies in post-conflict environments. The OSCE field missions in some host countries have been engaged in rebuilding war-affected societies through restructuring the political systems, rehabilitating the necessary infrastructures and assisting to recover economic, environmental and social conditions in the post-war regions.<sup>753</sup>

The OSCE has fulfilled successfully a range of post-conflict reconstruction and peace building activities after a political settlement has been accomplished in violent conflicts.<sup>754</sup> The OSCE's post-conflict reconstruction and rehabilitation efforts, particularly through its field operations on the ground, are put into practice in order to contribute to the efforts aimed at creating democratic institutions and societies which are capable of pursuing non-violent and democratic means to overcome differences and difficulties between them instead of preferring violence and military coercion. The OSCE seeks to facilitate sustainable peace and stability "in regions where conflicts occurred and where a political settlement has been achieved".<sup>755</sup> The OSCE has been mostly engaged in "non-military aspects of building security efforts" in war-torn societies. It is important to note that providing physical security in military terms is essential. However, non-military and human

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<sup>752</sup> Ibid., pp.27-28.

<sup>753</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.227.

<sup>754</sup> P. Terence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, p.40.

<sup>755</sup> P. Terence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.242.

dimension-based activities are of vital importance in the realization of long-standing peace and stability in the post-conflict environments. In this regard, the OSCE is a specialized regional security organization which has contributed considerably to the efforts towards building long-term security and stability in post-conflict societies.<sup>756</sup> In this respect, the OSCE has been engaged in a wide range of human-dimension-based post-conflict rehabilitation and peace-building activities in the post-conflict environments. These activity fields include OSCE's assistance for: conducting free, fair and democratic elections; protecting and improving human rights and fundamental freedoms including the rights of persons belonging to national minorities; encouraging the creation of democratic institutions and practices; promoting and strengthening the rule of law; improving the freedom of the media; the construction of civil society; and finally reconstruction of political systems. "Throughout the entire region, the OSCE has become the major institution assisting newly independent states to conduct their elections". In the Balkans and Tajikistan, OSCE's human dimension and non-military aspects of post-conflict security building efforts constitute the main priority areas. Furthermore, the OSCE has made a substantial contribution for the effective implementation of some disarmament and arms control agreements as in Bosnia and Herzegovina in the aftermath of the end of the armed conflict in the Balkans. Finally, the OSCE sometimes offers training opportunities for civilian police and other relevant state institutions which are essential for "maintaining law and order" throughout the whole country. After violent conflict in some cases, the OSCE has provided assistance for "the return of refugees and internally displaced persons to their prewar homes in places such as Bosnia-Herzegovina, Croatia, and Kosovo."<sup>757</sup>

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<sup>756</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, p.40.

<sup>757</sup> P. Terrence Hopmann, 'An Evaluation of the OSCE's Role in Conflict Management', in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe's New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, p.242 and Victor-Yves Ghebali, 'The OSCE Between Crisis and Reform: Towards a New Lease on Life', *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, p.9.

The OSCE has carried out several post-conflict peace-building and rehabilitation activities in Bosnia and Herzegovina, Croatia and Albania in the Balkans.<sup>758</sup> “The OSCE has contributed significantly to strengthening democratic processes and institutions in countries undergoing transformation, and this activity has helped prevent conflicts from escalating to violence, as in Latvia and Estonia, for example”.<sup>759</sup>

In the prevention, management and resolution of conflicts, the OSCE seeks to put a special emphasis on a number of principles and norms such as “respect for the territorial integrity of the state, self-determination, the peaceful settlement of disputes, and respect for national minority rights, including linguistic rights, education rights, citizenship rights, voting rights and access to political representation”.<sup>760</sup> Regarding the conflicts, one issue deserves a special emphasis within the OSCE framework, which is basically about the ‘the principle of territorial integrity of States’ and ‘the principle of self-determination’. Following the dissolution of the Soviet Union and Yugoslavia, the OSCE has been challenged by the emergence of ethno-political conflicts in Eurasia. In these conflicts, the practice of the principle of the territorial integrity of States has clashed with the principles of the right to self-determination for people.<sup>761</sup> From the OSCE’s point of view, the violation of “the principle of the territorial integrity of states” by means of the unilateral secessionist movements constitute a serious threat to stability, security and peace for the OSCE participating States as well as international stability and security.<sup>762</sup> The respect for the principle of territorial integrity of states is seen as one of the most important primary blocs

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<sup>758</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.36-38.

<sup>759</sup> P. Terence Hopmann, ‘An Evaluation of the OSCE’s Role in Conflict Management’, in Heinz Gartner, Adrian Hyde-Price and Erich Reiter (eds), *Europe’s New Security Challenges*, Boulder, CO:Lynne Rienner Publishers, 2001, pp.247-248.

<sup>760</sup> Natalie Mychajlyszyn, ‘The OSCE and Regional Conflicts in the Former Soviet Union’, in James Hughes and Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union Regions in Conflict*, Routledge, 2002, p.205.

<sup>761</sup> *Ibid.*, p.209.

<sup>762</sup> *Ibid.*, p.194.

in the maintenance of relations among the States in full accordance with international law. Therefore, the OSCE does not accept or support the independence option for the breakaway regions as a conflict resolution.

Mychajlyszyn states that “the OSCE advocates solutions to such conflicts which combine respect for the territorial integrity of the state while also respecting the regional minority population’s right to self-determination”.<sup>763</sup> Ghebali states that “the OSCE has adopted a clear-cut position which excludes independence while envisaging for the breakaway regions the largest allowable regime of self-rule”.<sup>764</sup>

To conclude, the OSCE has performed successful and result-oriented activities in the fields of conflict prevention and post-conflict reconstruction and peace-building.<sup>765</sup> It is generally agreed that the OSCE is a well-suited security organization to engage with conflict management activities particularly in the fields of conflict prevention and post-conflict rehabilitation. Furthermore, the OSCE, as a third party mediator, provides a platform for dialogue between the conflicting sides to maintain negotiations on the peaceful settlements of conflicts. The OSCE’s comprehensive and co-operative approach to security and its flexibility to react to the emerging violent conflicts are the main comparative advantages in comparison with the other regional and international organizations operating for security and stability.<sup>766</sup> On the other hand, the OSCE has not acquired concrete results in finding peaceful and lasting solutions to the ethno-political conflicts in its region to date.

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<sup>763</sup> Ibid., p.197.

<sup>764</sup> Victor-Yves Ghebali, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, pp.6-7

<sup>765</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia-The OSCE and U.S. Foreign Policy*, United States Institute of Peace, September 1999, pp.39-40.

<sup>766</sup> Istvan Gyarmati, ‘What a Wonderful, Wonderful World... The Role of the OSCE in European Security in the Twenty-First Century’, in Victor-Yves Ghebali, Daniel Warner and Barbara Gimelli (eds), *The Future of the OSCE in the Perspective of the Enlargements of NATO and the EU*, PSIO Occasional Paper 1/2004, pp.35-40.

However, the OSCE has made a major contribution in terms of keeping the conflicts frozen and preventing the reoccurrence of violent conflicts.<sup>767</sup> It is not possible to reach a solution for any conflict on providing that the conflicting parties come to an agreement in the settlement of disputes. It means that international organizations including the OSCE or other ones can just only assist the conflicting parties for the peaceful resolution of conflicts instead of imposing its resolution proposals. It can be argued that “the success of any OSCE field mission thus cannot be measured solely by asking whether the conflict has finally been resolved”. In the cases of protracted conflicts in the OSCE region, the avoidance of further escalation and the stabilization of the overall situation, frequently called freezing a conflict, can already be considered an achievement.<sup>768</sup>

### **5.3.3. Border Security and Management**

Porous borders and ineffective border management create insecurities and instabilities in the OSCE region. A wide range of transnational threats occur easily in regions, facing porous borders and weak border management. These threats include illegal drug trafficking, illicit and uncontrolled spread of weapons, human trafficking, international terrorism, illegal migration, organized crime<sup>769</sup> and finally difficult and long trade and transit routes and procedures, disputes that give rise to unresolved border delimitation and

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<sup>767</sup> Wolfgang Zellner, ‘Managing Change in Europe Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.24.

<sup>768</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.23-24.

<sup>769</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, pp.289-290.

demarcation.<sup>770</sup> Furthermore, border security of neighboring States has been seriously challenged by the frozen conflicts and ethno-political tensions within the OSCE region.<sup>771</sup>

On the other hand, “borders are the first lines of a country’s defense, and the movement of trade across them is critical to the health of economies across the globe”.<sup>772</sup> Therefore, “border security and management is considered as an indispensable component of regional security in the entire OSCE area.”<sup>773</sup> In this respect, the OSCE participating States are strongly convinced that the Organization must deal with effectively with these security risks, threats and challenges which have damaging impacts on their borders’ security.<sup>774</sup>

“To effectively tackle multiple border-related threats of increasingly transnational nature that all OSCE participating States face, sound border and security management is required.”<sup>775</sup> The OSCE aims at strengthening border security in its region. In addition to the efforts towards making possible more secure and stable borders, the Organization also works to pave the way for legitimate travel and commerce; encourage human contacts; and finally protect human rights and fundamental freedoms including the rights of people belonging to national minorities along the borders.<sup>776</sup>

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<sup>770</sup> ---, ‘OSCE Border Management Staff College’, available at <http://www.oscebmssc.org/en/about-us>, Accessed on 30 April 2013.

<sup>771</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, pp.289-290.

<sup>772</sup> ---, ‘OSCE Secretariat, Border Management’, available at <http://www.osce.org/secretariat/border>, Accessed on 25 April 2013.

<sup>773</sup> ---, ‘OSCE Newsletter Border Security and Management National Focal Point Network’, Issue 3, March 2008, available at <http://www.osce.org/cpc/33091?download=true>, Accessed on 20 June 2014.

<sup>774</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, pp.289-290.

<sup>775</sup> ---, ‘OSCE Border Management Staff College’, available at <http://www.oscebmssc.org/en/about-us>, Accessed on 30 April 2013.

<sup>776</sup> ---, ‘OSCE, Border Management’, available at <http://www.osce.org/what/borders>, Accessed on 25 April 2013.



The OSCE, through its border security and management initiatives, aims to “promote free and secure movement of persons, goods, services and investments across borders”<sup>777</sup> and to “enhance economic development and prosperity by facilitating regional cross-border co-operation”.<sup>778</sup> The OSCE works to facilitate political dialogue between the neighboring participating States by developing confidence and security building measures along the borders. The OSCE also acts to facilitate technical dialogue between national border services and competent national structures by means of information exchange. Furthermore, the Organization coordinates assistance with regard to the border-related issues.

The OSCE carries out a broad range of border-related activities in general sense. Firstly, the OSCE supports the national authorities of the participating States through providing technical assistance in terms of developing and implementing national strategies and action plans. Secondly, the OSCE provides the participating States with technical assistance for facilitating more effective border structures by sharing of best practices and for harmonizing and developing their legislation in border security and management. Thirdly, the OSCE encourages the national authorities of the participating States to develop and implement various programs and plans on training, focusing on borders-related issues. Finally, the OSCE aims to create awareness for all available resources such as “effective border controls and border checkpoint construction”.<sup>779</sup>

In the border security and management field, the OSCE provides assistance to the participating States in some specific fields. In this respect, the OSCE works to strengthen information-sharing and international exchange networks in combating transnational risks and challenges to security and stability such as illegal trafficking of WMD and their delivery

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<sup>777</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

<sup>778</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, p.290.

<sup>779</sup> ---, ‘Border Security and Management Concept, Annex’, OSCE Ministerial Council Ljubljana 2005, 6 December 2005, p.1.

means; international terrorism, drug trafficking; illegal migration; hazardous waste; organized crime; and finally trafficking in human beings. Secondly, the OSCE offers specific training for border services in the OSCE region. Thirdly, the OSCE, through technical and non-technical instruments, provides assistance to the participating States in detecting the illegal or false documents at the borders with a view to making better visas and travel documents security. Fourth, the Organization aims to encourage the participating States to enhance co-operation among them through agreements on border security and management issues. Finally, the OSCE assists the participating States in their efforts towards developing and implementing multilateral international norms and practices in accordance with international agreements and conventions.

The OSCE works to facilitate free and secure movement of persons across borders in the OSCE area. To achieve this goal, the Organization provides expertise and technical assistance on “exit and entry procedures, including on simplification of visa procedures and enhancing the security of travel documents”. Protecting and improving the rights of persons “belonging to all communities living in border areas without prejudice toward persons belonging to national minorities” remains one of the most major priorities for the OSCE with regard to the facilitation of free and secure borders. The OSCE also aims at increasing the awareness of the rights of migrants and asylum seekers on border security and management issues.<sup>780</sup>

The OSCE has a comprehensive and co-operative approach to border security and management issues, focusing on all three dimensions of security, namely politico-military, economic-environmental and human dimensions. The OSCE’s activities in the border security and management issues can be seen as good examples of the Organization’s multidimensional and co-operative approach to security.<sup>781</sup> “Several examples, selected

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<sup>780</sup> Ibid., pp.2-3.

<sup>781</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, p.289.

from across the OSCE area, provide an overview of the wide ranging, cross-cutting, and cross-dimensional nature of border-related activities”.<sup>782</sup>

In the realization of more secure and stable borders among the participating States of the OSCE and prevention of and combating transnational threats and challenges such as trafficking in human beings, illegal drug trafficking, international terrorism, organized crime, illegal migration, transport security<sup>783</sup>, trafficking in weapons, corruption and smuggling<sup>784</sup>, maintaining close and active co-operation is of vital importance. In order to improve security in the OSCE area in an efficient manner, co-operation between authorities on both sides of the border must be ensured.<sup>785</sup> In this regard, the OSCE aims at promoting cross-border co-operation on the aspects of economic and environmental issues which are closely linked to border security and management field. The main areas for cross-border co-operation are international transport circuit, local border trade and some environmental issues such as natural disasters and serious accidents.<sup>786</sup>

The OSCE has some specific comparative advantages in terms of border security and management activities. These are as follows:

a well-established network of international partners, essential for sharing expertise and the joint funding of programmes and projects; the OSCE's extensive field presences, allowing implementation of activities across the

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<sup>782</sup> Ibid., pp.294-295.

<sup>783</sup> ---, 'OSCE Secretariat, Border Management', available at <http://www.osce.org/secretariat/border>, Accessed on 25 April 2013.

<sup>784</sup> Wolfgang Zellner, 'Identifying the Cutting Edge: The Future Impact of the OSCE', *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

<sup>785</sup> ---, 'OSCE Newsletter Border Security and Management National Focal Point Network', Issue 3, March 2008, available at <http://www.osce.org/cpc/33091?download=true>, Accessed on 20 June 2014.

<sup>786</sup> ---, 'Border Security and Management Concept, Annex', OSCE Ministerial Council Ljubljana 2005, 6 December 2005, pp.2-3.

entire OSCE area and securing national ownership of the process; an established consensus by participating States that cross-border threats and challenges must be addressed for the purpose of common security and stability across the OSCE area; the frequent exchange of lessons learned and best practices across regions as a result of the variety of border systems and standards in the OSCE area; and the facilitation of dialogue across borders – between national governments, border and law enforcement agencies, and, most importantly, local communities – thus giving also a human face to cross-border co-operation.<sup>787</sup>

The OSCE is active in creating normative documents on border security and management. ‘OSCE Border Security and Management Concept’ (BSMC) was adopted at the 2005 OSCE Ljubljana Ministerial Council Meeting in Slovenia. Considering that the nation States have the main responsibility for ensuring their border security, the OSCE participating States reiterate their determination to the purpose of “promoting open and secure borders in a free, democratic and more integrated OSCE area without dividing lines”. The participating States also emphasize the importance of enhancing co-operation on border security and management issues in accordance with a range of principles such as “international law, mutual confidence, equal partnership, transparency and predictability” in a comprehensive manner.

In the BSMC, the participating States reconfirm their strong adherence to implement all available OSCE norms, principles, commitments and values on border security related issues. The participating States believe that effectively addressing and dealing with a range of transnational threats and challenges require “strengthening OSCE capacities to promote open and secure borders and enhancing mutually beneficial inter-State co-operation” on border-related issues. In this regard, the OSCE is of opinion that the participating States should give sufficient priority to border security and management issues.<sup>788</sup>

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<sup>787</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, pp.300-301.

<sup>788</sup> ---, ‘Border Security and Management Concept’, OSCE Ministerial Council Ljubljana 2005, 6 December 2005, p.1.

The main objective of the OSCE, through the implementation of the BSMC in a comprehensive and co-operative manner, is to acquire major concrete achievements with respect to the border security and management issues. These objectives are as follows:

promoting free and secure movement of persons, goods, services and investments across borders; reducing the threat of terrorism, including by preventing cross-border movement of persons, weapons and funds connected with terrorist and other criminal activities; preventing and repress transnational organized crime, illegal migration, corruption, smuggling and trafficking in weapons, drugs and human beings; promoting high standards in border services and competent national structures; promoting dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments; creating beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons belonging to all communities residing in border areas, with access to all opportunities; fostering prospects for joint economic development and help in establishing common spaces of freedom, security and justice in the OSCE area; and finally ensuring the security of the international transport circuit for supply of commodities.

BSMC states that active and close co-operation on border-related issues help the OSCE participating States to increase their compliance with the full and effective implementation of border security and management commitments and standards adopted within the framework of the OSCE. In this respect, the BSMC provides a basic framework for encouraging co-operation among the participating States in a wide variety of fields, including border services, customs officials, and travel document and visa issuing units.<sup>789</sup>

The ways of co-operation and co-ordination with other regional and international organizations for the full and effective implementation of the BSMC are also identified in the Document. The BSMC identifies the major parameters of co-operation on border security and management issues. On the basis of the BSMC, the participating States

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<sup>789</sup> Ibid., pp.2-3.

articulate that achieving “an increase in beneficial cross-border movements of people, goods, services and investments” through co-operation can be very instrumental in promoting their common security, stability and prosperity across the entire OSCE region”. The BSMC states that the main responsibility on border security related issues mainly belongs to the border services and officials of the participating States. As every border has different characteristics in the OSCE region, each participating State can decide how to safely manage its borders, taking into consideration relevant military, political, economic, environmental and social matters. However, creating and maintaining cross-border dialogue and building-up transparency, openness and trust among the neighboring participating States regarding border security and management issues can help create a favorable environment for effectively dealing with the problems and challenges stemming and benefiting substantially from porous borders and weak border management.

In the issues relating to border security and management, the OSCE works in active and close co-operation and co-ordination with other relevant international, regional and sub-regional organizations and institutions in a target-oriented approach with the purpose of promoting open and secure borders across the entire OSCE region. The main guiding principles behind the OSCE’s external co-operation are “complementarity, comparative advantages and added values” of the Organization on border-related issues.

In promoting open and secure borders and helping the participating States in their efforts towards managing safely their borders, the OSCE serves as a political framework. The Organization carries out border security-related activities, upon the request of its participating States, through relevant structures, institutions and instruments in full accordance with its common, comprehensive, co-operative and indivisible security approach and in consultation and co-ordination with the participating States, taking into consideration their thoughts.

The OSCE can make a contribution to the safely management of borders by means of using various methods such as “exchange of information, experience and best practices; establishment of ‘point contact’ and national focal point; holding of workshops and

conferences, including with the participation of experts; and finally maintaining contacts and interaction with the competent international and regional organizations”.<sup>790</sup>

With the adoption of BSMC, the OSCE participating States put forward their strong determination for “achieving a balance between the need to maintain security against the cross-border threats and the freedom of movement for persons, goods, services and investments”.<sup>791</sup>

BSMC is an important tool in promoting co-operation and implementation of border-related commitments by the participating States.”<sup>792</sup> “The BSMC is one of the major milestone documents for border-related activities and co-operation in the OSCE, laying down the basic principles, political commitments, and obligations of participating States regarding border security and cross-border co-operation”.<sup>793</sup> “OSCE has a comprehensive approach to border security and management. In this respect, the BSMC contains provisions for OSCE contributions across the OSCE’s three dimensions of security, reflecting the Organization’s comprehensive and cooperative approach to security”.<sup>794</sup>

Basic OSCE structures and institutions are identified in the Document for the implementation of the BSMC and conducting of border-related activities and co-operation. These structures and institutions are the CPC Operations Service/Borders Team, the Office of the Co-ordinator of OSCE Economic and Environmental Activities, the Office of the

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<sup>790</sup> Ibid., pp.3-4.

<sup>791</sup> ---, ‘OSCE Secretariat, Border Management’, available at <http://www.osce.org/secretariat/border>, Accessed on 25 April 2013.

<sup>792</sup> ---, ‘OSCE Newsletter Border Security and Management National Focal Point Network’, Issue 3, March 2008, available at <http://www.osce.org/cpc/33091?download=true>, Accessed on 20 June 2014.

<sup>793</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, p.290.

<sup>794</sup> Ibid., p.292.

Special Representative and Co-ordinator for Combating Trafficking in Human Beings, the ATU, the SPMU, and the ODIHR as well as OSCE field operations in the host countries.

The Conflict Prevention Centre's Operations Service/Borders Team is responsible for developing, conducting and co-coordinating specific projects related to border security and management. Borders Team serves under the umbrella of the OSCE's Secretariat and works in close co-operation with other OSCE structures and field missions. Upon the requests of the participating States, Borders Team provides them with assistance on border security and management issues with the purpose of promoting border security within the whole OSCE region.<sup>795</sup>

The Office of the Co-ordinator of OSCE Economic and Environmental Activities and 'Transport Division of the United Nations Economic Commission for Europe' (UNECE) in a joint work produced 'The Handbook of Best Practices at Border Crossings: A Transport and Trade Facilitation Perspective' in 2010. This Handbook was reprinted in 2012 with minor updates to the original text. The two Organizations "recognize that facilitating legitimate trade and transport across borders is among the key factors in the advancement of economic development, which in turn contributes to the promotion of regional stability and co-operation". "The main purpose of the Handbook is to assist all the OSCE participating States/UNECE member States in the development of more efficient border and customs policies through the promotion of existing best practices in this field. The Handbook might contribute to further dialogue and be used for reference by those drafting border management policies aimed at facilitating legal trans-border commercial movement while paying due attention to the necessary demands made by security".<sup>796</sup>

'The OSCE Border Management Staff College' was established on 27 May 2009 in Dushanbe, Tajikistan. The College is tasked to provide training to national officials and

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<sup>795</sup> Ibid., p.294.

<sup>796</sup> ---, 'The Handbook of Best Practices at Border Crossings: A Transport and Trade Facilitation Perspective', OSCE and United Nations Economic Commission for Europe (UNECE), 2010, p.4.



authorities of the OSCE participating States and OSCE Partner States for Co-operation<sup>797</sup> and promote cross-border co-operation and capacities in the Central Asian region.<sup>798</sup> In order to ensure open and secure borders across the entire OSCE region, the College serves as a focal point to deliver assistance, expertise, best practices, lessons-learned, exchange of information and international standards with regard to the border security and management issues within the whole OSCE area.<sup>799</sup>

Central Asian region is one of the most important priority areas for the OSCE in terms of border security and management. Because Central Asian participating States face substantial cross-border security risks, threats and challenges which have damaging impacts on these countries. Porous borders and weak border management across the borders of Central Asian countries help create a favorable environment for transnational threats to take place easily across the borders in the region.<sup>800</sup> “Although other regional focal points should not be ruled out for the future, currently the most urgent need is in Central Asia, especially with respect to States bordering Afghanistan. Border security and management is and will remain for the foreseeable future a key issue for Central Asia for two reasons: Tajikistan, Turkmenistan, and Uzbekistan share 2,087 kilometres of borders with Afghanistan, much of it passing through difficult terrain”.<sup>801</sup> Therefore, the OSCE takes the view that “improving the capacity of the Central Asian countries to manage their borders effectively is an essential prerequisite for ensuring security and stability in the

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<sup>797</sup> ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

<sup>798</sup> ---, ‘OSCE, Border Management’, available at <http://www.osce.org/what/borders>, Accessed on 25 April 2013.

<sup>799</sup> ---, ‘OSCE Border Management Staff College’, available at <http://www.oscebmsc.org/en/about-us>, Accessed on 20 April 2013.

<sup>800</sup> Herbert Salber and Alice Ackermann, ‘The OSCE’s Comprehensive Approach to Border Security and Management’, *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, p.295.

<sup>801</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17, Hamburg*, 2009, pp.27-28.

region". Therefore, the OSCE attaches great importance for the facilitation of open and secure borders across the entire Central Asia. In this regard, the OSCE supports the Central Asian participating States in ensuring their border security and effective border management through providing training of borders officials, strengthening capacity-building and encouraging cross-border co-operation in the region.<sup>802</sup>

On other hand, the safely management of borders between Afghanistan and the Central Asian participating States of the OSCE is very important due to the undermining effects of the weak and porous borders on security and stability in the region. On the basis of the Ministerial Council Decision, 'OSCE Engagement in Afghanistan', adopted in 2007, the OSCE participating States are committed themselves to support the country's efforts with a view to enhancing and strengthening border security between the Central Asian participating States and Afghanistan.<sup>803</sup> In the decision, border security and management field, in addition to policing and combating trafficking, is identified as one of the three main areas of co-operation for the OSCE activities in Afghanistan.<sup>804</sup>

The OSCE has also involved in a range of border security and management activities in the South Caucasus, Eastern Europe and South Eastern Europe, working in close co-operation with other regional and international organizations. The OSCE, through relevant structures and field operations, carries out border security and management-related projects and programmes in these regions with a view to promoting open and secure borders and encouraging cross-border regional co-operation.<sup>805</sup>

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<sup>802</sup> ---, 'OSCE Newsletter Border Security and Management National Focal Point Network', Issue 3, March 2008, available at <http://www.osce.org/cpc/33091?download=true>, Accessed on 20 June 2014.

<sup>803</sup> 'Herbert Salber and Alice Ackermann, 'The OSCE's Comprehensive Approach to Border Security and Management', *OSCE Yearbook*, Volume 15, 2009, Baden: NOMOS, p.291.

<sup>804</sup> *Ibid.*, p.299.

<sup>805</sup> *Ibid.*, pp.296-298.

#### 5.3.4. Military Reform and Co-operation

Military reform is closely linked to the security sector, including actors and institutions and security sector reform. According to the 'Report of the UN Secretary-General on Security Sector Reform', 'security sector' is described as a broad term including "the structures, institutions and personnel responsible for the management, provision and oversight of security in a country". 'Security Sector Reform' (SSR) refers "a process of assessment, review and implementation as well as monitoring and evaluation of the security sector. The basic aim of SSR is to promote "effective and accountable security for the State and its peoples, without discrimination and with full respect of human rights and the rule of law".<sup>806</sup> "The goal of the UN in security sector reform is to support States and societies in developing effective, inclusive and accountable security institutions so as to contribute to international peace and security, sustainable development and the enjoyment of human rights by all".<sup>807</sup>

The security sector consists of "defense, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies as well as various actors which are involved in "managing and overseeing the design and implementation of security, such as ministries, legislative bodies and civil society groups". Furthermore, other several non-States actors such as "customary or informal authorities and private security services" are seen as part of the security sector.<sup>808</sup>

A security sector which is monitored by an "effective government authority and strong democratic institutions" can be very instrumental in preventing and dealing with a wide range of transnational threats, risks and challenges. Quite the opposite a dysfunctional and

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<sup>806</sup> ---, 'Security Sector Reform United Nations, Background', available at <http://unssr.unlb.org/SSR/Background.aspx>, Accessed on 15 June 2014.

<sup>807</sup> ---, 'Security Sector Reform United Nations, Principles', available at, <http://unssr.unlb.org/SSR/Principles.aspx>, Accessed on 15 June 2014.

<sup>808</sup> ---, 'Security Sector Reform United Nations, Definitions', available at <http://unssr.unlb.org/SSR/Definitions.aspx>, Accessed on 15 June 2014.

ineffective security sector creates easily insecurities and instabilities in a country and whole region as well.

SSR is an important process for all the OSCE participating States in terms of acquiring effective and accountable security sectors within the framework of democratic governance. “Democratic governance of the security sector is essential at all stages of the conflict management cycle”. More effective, legitimate and accountable security sectors are considered as crucial components in preventing violent conflicts; finding peaceful settlement of disputes; and finally conducting efficient post-conflict rehabilitation and peace-building efforts in all relevant cases.<sup>809</sup>

It is generally agreed that effective and accountable security sectors are of vital importance in terms of maintaining democratic societies and institutions.<sup>810</sup> Therefore, the OSCE works to provide practical assistance and expertise to the participating States on the issues of military reform through the activities of the FSC, CPC and field operations. The OSCE works to encourage its participating States to intensify their efforts for co-operation on military reform. In this respect, the FSC, as the main decision-making body of the Organization dealing with military aspects of security, serves as a platform for dialogue among the participating States on military reform and co-operation.<sup>811</sup>

The OSCE assists the participating States in their efforts to achieve security sector reform.<sup>812</sup> In this respect, “recognizing the importance of democratic civilian control of the armed and security forces”, the OSCE participating States adopted a ‘Code of Conduct on Politico-

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<sup>809</sup> Victor-Yves Ghebali, ‘The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle’, *Security and Human Rights* 2008 no.4, p.273.

<sup>810</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

<sup>811</sup> ---, ‘OSCE, Military Reform and Co-operation’, available at <http://osce.org/what/military-reform>, Accessed on 12 June 2013.

<sup>812</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

Military Aspects of Security’ in 1994. The Code of Conduct is considered as one of the most important milestone normative documents, focusing on democratic control of armed forces, civil-military relations and security sector governance. According to this document, the OSCE participating States are obliged to “provide for democratic oversight of their armed, internal, paramilitary, intelligence and police forces”. The Code of Conduct document also obliges the participating States to “ensure that their armed forces remain politically neutral and to guarantee that the human rights of security personnel are respected”. Furthermore, the participating States are required to produce annual reports which indicate their national practices on the implementation of the Code of Conduct document, which in turn contributes to building confidence and security among the participating States of the OSCE.<sup>813</sup>

The Code of Conduct identifies the basic guiding principles for “inter-state relations and intra-state conduct”. With the adoption of the Code of Conduct document, the OSCE participating States established a normative framework for the effective democratic political control of armed forces “by constitutionally established authorities vested with democratic legitimacy”. The Code of Conduct “provides relevant guidance on how to organize and govern the security sector”. The Code also states that all participating States should make their military personnel aware that they are individually responsible for their all actions.<sup>814</sup>

The Code of Conduct clearly states that armed forces in a country must be subjected to the democratic control of civilian authorities. According to the document, armed forces are mainly responsible for protecting the basic human rights and fundamental freedoms of people in a state. On the other hand, democratically-elected civilian authorities have the

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<sup>813</sup> ---, ‘OSCE Democratic Control of armed and security forces’, available at <http://www.osce.org/fsc/107437>, Accessed on 15 June 2013.

<sup>814</sup> ---, Interview with Fabian Grass, Forum for Security Co-operation Support Officer, OSCE, conducted on the occasion of the OSCE Code of Conduct Seminar (4 October 2012), RACVIAC, Center for Security Co-operation, available at <http://www.racviac.org/news/interview.html#item09>, Accessed on Accessed on 15 June 2014.

task of monitoring the activities of armed forces in terms of their political neutrality and legislative approval of their expenditures.

The Code of Conduct recognizes the importance of adopting a comprehensive approach to security; the issue that each country's responsibility to undertake its own security efficiently; and finally the need for making each country's security sector accountable to democratic civilian authority and responsible to the people reside in that country.<sup>815</sup>

In 1998, the OSCE participating States adopted 'a Questionnaire Document' which includes various questions concerning the implementation of the Code of Conduct to be answered by them. The Questionnaire includes 24 questions and sub-questions related to all aspects of the Code of Conduct document. The participating States' replies to the Questionnaire are exchanged annually among them with a view to share information on how they implement the requirements of the Code of Conduct document.<sup>816</sup>

With the Code of Conduct on Politico-Military Aspects of Security, the OSCE established a set of politically-binding norms for the democratic control of armed forces and the regulation of civil-military relations. The Code of Conduct document has been seen as the most important norm-setting work initiated by the CSCE/OSCE since 1975. With the adoption of the Code of Conduct, the OSCE has played a constructive role in creating basic standards and norms for the maintenance of inter-state relations and intra-state conduct. Consequently, the Code has been very instrumental for the OSCE through providing a framework for the democratic civilian control of armed forces and conducting SSR-related activities within the entire OSCE region in the post-Cold war era.<sup>817</sup> Particularly, the

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<sup>815</sup> David M. Law, 'Security Sector Reform and the future of the Code of Conduct', *Helsinki Monitor* 2006 no.2, pp.164-166.

<sup>816</sup> ---, Interview with Fabian Grass, Forum for Security Co-operation Support Officer, OSCE, conducted on the occasion of the OSCE Code of Conduct Seminar (4 October 2012), RACVIAC, Center for Security Co-operation, available at <http://www.racviac.org/news/interview.html#item09>, Accessed on 15 June 2014.

<sup>817</sup> David M. Law, 'Security Sector Reform and the future of the Code of Conduct', *Helsinki Monitor* 2006 no.2, p.160.

implementation of the Code of Conduct has made substantial contribution to the transition countries to reform their security sectors in the post-Cold war period.<sup>818</sup>

The OSCE also carries out SSR-related activities. The OSCE's SSR related activities, encompassing all three dimensions of security in a cross-dimensional manner, are carried out by the ODIHR, HCNM and OSCE field operations in close co-operation with the CPC and the FSC. With the aim of strengthening security sectors of the participating States, the OSCE, through all these structures and institutions, works to support its participating States in a wide range of SSR-related issues such as military legislation reform, rule of law projects and programmes, border security and management, and policing as well as destruction of surplus weapons.<sup>819</sup>

The OSCE has been engaged in various SSR –related activities through creating norms and standards as well as carrying out some operational activities. With these activities, the OSCE has acquired a substantial experience and knowledge on SSR field. However, the OSCE is lack of any comprehensive and integrated SSR concept or document which can identify the main guiding principles for the Organization's activities on SSR.<sup>820</sup> Although there have been several attempts by the participating States and some OSCE institutions in order to create 'an OSCE Doctrine of Security Sector Reform', there is no consensus among the participating States on this issue to date.

Case-by-case nature of the OSCE's SSR-related activities and assistance weakens the effectiveness of the Organization's activities in terms of their scope and impact. Creating a single document, encompassing the OSCE's basic norms, principles, standards and commitments in the field of SSR, can demonstrate the relevance of the Organization and increase the effectiveness of the OSCE activities in SSR-related issues. The OSCE can play an

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<sup>818</sup> Ibid., p.163.

<sup>819</sup> Victor-Yves Ghebali, 'The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle', *Security and Human Rights* 2008 no.4, p.276.

<sup>820</sup> Ibid., p.273.

important role in SSR field by reflecting its best practices and experiences in the OSCE region and providing assistance and expertise to the participating States. Identifying the main guiding principles for the maintenance of SSR-related activities can enable the OSCE to effectively deal with security sectors challenges and transnational security risks and threats including all three dimensions of security.<sup>821</sup>

Security sector institutions are basically tasked to provide efficient and adequate security service to all people in a state. By doing this, security sector institutions aim to pave the way for a suitable security environment for all people to enjoy their basic human rights and fundamental freedoms.

In this respect, the OSCE always puts a special emphasis on the human dimension-related issues in the field of SSR. There is a close link between the activities of security sector actors and human rights and fundamental freedoms. The OSCE takes the view that while the armed forces or security sector institutions perform their duties and functions, they must be responsible for protecting and respecting the basic human rights and fundamental freedoms of each individual in a country, irrespective of “their race, ethnicity, religion or any other status”. Furthermore, the armed forces must fulfill their activities in accordance with the international humanitarian law. Finally, the OSCE aims to promote gender equality, trying to “reflect the needs and interests of both men and women in all ranks of security sector institutions”.<sup>822</sup>

#### **5.3.5. Policing**

The OSCE adopts an approach that the rule of law and strong justice sector are of utmost importance in terms of enabling well-functioning democratic countries and creating a secure and stable environment. All States, particularly countries experiencing a transition

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<sup>821</sup> Ibid., pp.280-283.

<sup>822</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, pp.2-3.



period towards democracy and a free market economy, are in need of a safe and stable environment in order to progress in economic and social domains and to realize sustainable development as well. In this respect, good and effective policing has an important role in “preventing conflicts, preserving social stability during crisis and supporting post-conflict rehabilitation efforts”.<sup>823</sup>

Zellner states that there is a close link between “weak state structures, organized crime, terrorism and inter-ethnic conflict”. Therefore, ensuring good and effective policing services can make a substantial contribution in strengthening state structures and capacities. In this regard, since 1999 the OSCE has intensified its efforts on policing issues with the aim of helping the participating States on Police reform and development.<sup>824</sup> After the terrorist attacks of September 11, 2001 in the United States of America, the OSCE participating States have been strongly convinced to strengthen the capabilities of the Organization in assisting the participating States concerning the police-related issues, provided upon the any request of the participating States.<sup>825</sup> The OSCE, through police-related activities, aims at creating and maintaining “more effective and accountable” police forces in the whole OSCE region.<sup>826</sup>

The OSCE engages in police-related activities as a basic component of its conflict prevention and post-conflict rehabilitation and post-conflict peace-building efforts. The major activity fields on policing are administrative and structural reform of police forces; community policing, and police training and education. The OSCE field missions, according to their official mandates, perform their police-related activities, tasks and programmes based on

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<sup>823</sup> ---, ‘Factsheet of the OSCE Strategic Police Matters Unit’, 10 October 2008, available at <http://www.osce.org/secretariat/13732?download=true>, Accessed on 10 March 2013.

<sup>824</sup> Wolfgang Zellner, ‘The 9<sup>th</sup> OSCE Ministerial in Bucharest 2011’, *Helsinki Monitor* 2002 no.1, pp.64-65.

<sup>825</sup> Victor-Yves Ghebali, ‘The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle’, *Security and Human Rights* 2008 no.4, pp.278-279.

<sup>826</sup> Arie Bloed, ‘The OSCE has global ambitions?’, *Helsinki Monitor* 2004 no.2, p.139.

police reform and development issues in the host countries. With the help of police-related activities, the OSCE works to deal with more effectively transnational threats, risks and challenges such as organized crime and trafficking in human beings, arms and illegal drugs.<sup>827</sup>

In 2002, the 'Strategic Police Matters Unit' (SPMU) was established under the umbrella of the OSCE Secretariat in order to provide good and effective assistance and expertise to the participating States on policing-related issues;<sup>828</sup> and "to improve the capacity of participating States to address threats posed by criminal activity and to assist them in upholding the rule of law".<sup>829</sup>

The SPMU is basically tasked to provide support and assistance to the participating States in fulfilling their policing services in full accordance with the principles of the rule of law and democracy and in making policing services more accountable to citizens. In police-related matters, the SPMU supports not only the participating States but also OSCE field missions, the CiO, and the Secretary General of the OSCE. The SPMU carries out a wide range of police-related activities such as assessing policing needs; providing expert advice and assistance; encouraging and enhancing co-operation, co-ordination and the exchange of information including best policing practices and lessons-learnt among the participating States with a view to meeting the newly emerging security risks and challenges. Furthermore, the SPMU offers expert advice for creating and maintaining more effective and better policing services within the participating States.

The SPMU performs a series of specific police-related activities in the OSCE region. First, the SPMU provides police assistance programmes and projects by supporting the participating

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<sup>827</sup> ---, 'OSCE, Policing', available at <http://www.osce.org/what/policing>, Accessed on 15 March 2013.

<sup>828</sup> Victor-Yves Ghebali, 'The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle', *Security and Human Rights* 2008 no.4, pp.278-279.

<sup>829</sup> ---, 'OSCE Strategic Framework for Police-Related Activities', OSCE Permanent Council Decision no. 1049, 26 July 2012, p.7.

States in exchanging information and experiences on best police practices and in police capacity and institution building. In developing policing assistance programmes and projects, the SPMU provides significant assistance and expert advice to the OSCE field missions.

Second, organized crime poses a growing and serious concern to security and stability of all the OSCE participating States. Therefore, the SPMU works as a strong supporter of the OSCE participating States, field missions and specialized partner institutions engaged in combating organized crime activities. In this regard, the Unit offers expert advice, promotes information-sharing, offers expert advice and finally encourages co-ordination and co-operation among the OSCE participating States and Partner States for Co-operation.

The SPMU also supports the participating States for the full and effective implementation of the international legal agreements and conventions designed for combating organized crime. In this field, 'the UN Convention on Transnational Organized Crime' is the major international legal document. In order to help the participating States implement the basic international legal conventions on organized crime, regular international conferences and regional training courses are organized by the SPMU. Furthermore, the Unit supports the participating States in their efforts to create and strengthen the capacity of law enforcement agencies which can be very instrumental in tackling with organized crime. In this field, the SPMU works in close co-operation and co-ordination with other relevant international and non-governmental organizations as well as the business sector. "The Unit serves as the OSCE's central contact point on organized crime in the Secretariat and assists the Secretary General in co-coordinating the Organization's activities related to the fight against organized crime".

Third, the SPMU has been engaged in various activities aimed at dealing with illegal drug trafficking. The SPMU, working in close co-operation with other specialized regional and international structures and organizations particularly 'the UN Office on Drugs and Crime', encourages the OSCE participating States to achieve the full and effective implementation of the UN-based international anti-drug conventions. In this respect, the Unit provides the participating States with the exchange of information, sharing experiences and best

practices and technical capacity-building efforts. In addition to the participating States, the Unit provides support and expert advice for the OSCE field missions and thematic units included in the OSCE Secretariat through developing and evaluating project proposals with a view to addressing the threat of illegal drug trafficking in the OSCE region. Finally, the SPMU helps the participating States develop “drug-demanded reduction programmes and strategies”.

Fourth, the SPMU, working in close co-operation and co-ordination with the OSCE field missions and the OSCE’s Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, as well as relevant international organizations, offers training assistance and expertise to law enforcement agencies, civil society organizations and other relevant State authorities in the participating States. The SPMU puts a special emphasis on providing training opportunities by assessing the needs of the participating States to more efficiently investigate human trafficking.<sup>830</sup>

The SPMU adopts a ‘democratic policing approach’ for the entire OSCE region. Democratic policing aims to “maintain public tranquility and law and order; protect and respect the individual’s fundamental rights and freedoms; prevent and combat crime; and to provide assistance and services to the public”.<sup>831</sup> In this respect, the SPMU provides assistance and expertise to OSCE participating States and Partner States for Co-operation in their efforts to improve policing capacities and institutions. The SPMU also acts to encourage an active and close co-operation on policing matters among the participating States with the purpose of contributing to making their national justice system more powerful. The OSCE believes that democratic policing services enables the participating States to deal with more effectively with transnational security risks, threats and challenges.

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<sup>830</sup> ---, ‘Factsheet of the OSCE Strategic Police Matters Unit’, 10 October 2008, available at <http://www.osce.org/secretariat/13732?download=true>, Accessed on 10 March 2013.

<sup>831</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

‘Community policing approach’ is increasingly seen as one of the most important pillars in police-related matters by the OSCE participating States. Community policing focuses on three key issues: preventing crime which in turn makes considerable contribution to “the reduction of the fear of crime and improves the quality of life in a community; creating trust and an effective partnership between the police and all the members of the society in a country; and finally using problem-solving oriented approaches and techniques in a co-operative manner to find solutions to the problems which threaten the security and stability of all components of the community including minorities and vulnerable groups. Various projects related to the concept of community policing are mainly carried out in South-Eastern Europe with a special emphasis on Roma and Sinti communities. Furthermore, community policing-related activities of the SPMU have been taken place in the South Caucasus and Central Asia.<sup>832</sup>

According to Ghebali, the ‘community policing approach’ aims to “ensure that the police force is seen as a provider of public services rather than as a repressive agent. Community policing gives members of the community the opportunity to take a direct and active part in the work of the police by developing both formal and informal relationships with them”.

In addition to community policing approach, the SPMU attaches great importance to multi-ethnic police training. Ghebali states that “multi-ethnic police training efforts aim to establish an indigenous police force in which ethnic communities are proportionally represented which in turn might enhance confidence and co-operation in conflict-prone multi-ethnic areas”.<sup>833</sup>

The SPMU has involved in various policing projects conducted by the OSCE field operations in the host countries. In these projects, the SPMU works to contribute to the field missions by assessing policing needs of the host countries, developing programmes and creating

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<sup>832</sup> ---, ‘Factsheet of the OSCE Strategic Police Matters Unit’, 10 October 2008, available at <http://www.osce.org/secretariat/13732?download=true>, Accessed on 10 March 2013.

<sup>833</sup> Victor-Yves Ghebali, ‘The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle’, *Security and Human Rights* 2008 no.4, pp.279-280.

“twinning partnerships or regional and cross-regional contacts among police training institutions”. Administrative and structural reforms, police education and training and finally community policing remain as the priority areas for the common policing projects developed and conducted by the SPMU and OSCE field missions in a co-operative manner. These joint efforts have been intensified in the Balkans, the Caucasus and Central Asia.<sup>834</sup>

The SPMU offers effective police training courses with a view to creating suitable platform which can enable the police experts from the participating States to exchange their best practices and experiences. Curriculums for new police recruits, modern interactive teaching techniques, democratic policing and police-public partnerships are the mostly focused subjects of police training courses. Police training experts provided by the SPMU, upon the requests of the participating States, help the relevant national authorities make their police training activities more effective. With the purpose of maintaining consistent police training and education, the SPMU works to harmonize police training programs which are organized for different groups of police personnel.

The SPMU produced three important publications regarding policing matters, which cover several examples of good policing practices and guidelines from the policing agencies of the participating States. These publications are ‘the Guidebook on Democratic Policing’, ‘the Good Practices in Building Police-Public Partnerships’, and finally ‘the Good Practices in Basic Police Training-Curricula Aspects’.

The SPMU created ‘the Policing OnLine Information System’ (POLIS) as “the main collection point and central repository for OSCE policing-related institutional knowledge”. POLIS serves as a platform for facilitating information-sharing and exchange of best practices and lessons-learnt based on OSCE’s police-related activities. POLIS is composed of three important items: ‘digital library/knowledge management repository’; ‘policing profiles of the participating States and Partners for Co-operation’; and finally ‘policing expert database’. The SPMU has been working to develop new tools such as ‘online thematic portals’ and ‘online forums and conferences’ with the aim of acquiring better sharing of

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<sup>834</sup> Ibid., pp.278-279.

best practices and experiences and exchange of information with regard to policing matters among the POLIS users.<sup>835</sup>

As an important normative document on policing, the OSCE PC adopted 'OSCE Strategic Framework for Police-Related Activities' (PC Decision No.1049) on 26 July 2012. The participating States point out that "OSCE's police-related activities constitute a key element of the Organization's efforts to address threats to security and stability in the OSCE region". The OSCE's police related activities constitute "an integral part of its efforts in the areas of conflict prevention, crisis management and post-conflict rehabilitation". Finally, the Framework document states that OSCE will continue to support the participating States in their efforts to implement national and international legal frameworks on policing and they also express their strong determination to perform policing activities in full accordance with the principles of the rule of law and democracy.<sup>836</sup>

The OSCE Strategic Framework for Police-Related Activities basically aims at "defining priority areas for the OSCE's police-related activities within the Organization's wider approach to security to combat transnational threats and to render more operational the relevant provisions of the Strategy to Address Threats to Security and Stability in the Twenty-First Century". The OSCE aims to maintain the rule of law in societies through its police-related activities. The OSCE helps the participating States perform their policing services more effectively. The OSCE actively co-operates with other regional and international organizations in terms of strengthening the national and international legal frameworks developed for policing services.<sup>837</sup>

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<sup>835</sup> ---, 'Factsheet of the OSCE Strategic Police Matters Unit', 10 October 2008, available at <http://www.osce.org/secretariat/13732?download=true>, Accessed on 10 March 2013.

<sup>836</sup> ---, 'OSCE Strategic Framework for Police-Related Activities', OSCE Permanent Council Decision no. 1049, 26 July 2012, pp.1-2.

<sup>837</sup> Ibid., p.1.

The OSCE performs police-related activities according to some basic guiding principles, norms and standards outlined in the official documents of the OSCE, the UN, and UN-based international legal conventions and frameworks as well as relevant OSCE decisions on policing matters. The most important areas emphasized in all these documents and decisions can be summarized as follows: “the rule of law; respect for human rights and fundamental freedoms, including gender and minority issues; police-public partnership; effective and accountable criminal justice systems; and enhanced co-operation among participating States and international and regional organizations”. All these principles should be taken into consideration by the participating States and OSCE structures and institutions while performing police-related activities.

The OSCE provides a range of police-related assistance and expertise upon request of and an agreement with the participating States. The OSCE supports the participating States in terms of their capacity and institution building efforts on policing matters. The OSCE also offers police training and education compatible with international policing standards. The OSCE serves as a platform for facilitating the exchange of information and sharing of experiences and lessons-learned on policing matters among the participating States.<sup>838</sup>

The Framework Document identifies the main thematic priority areas for the OSCE’s police-related activities as follows: “general police development and reform and addressing threats posed by criminal activity, organized crime, terrorism, illegal drugs and chemical precursors, trafficking in human beings and finally cyber-crime”.<sup>839</sup> The Framework Document also specifies the primary police-related activity areas in which the OSCE provides an added value: “the area of capacity-building, such as the delivery of police training; the development of strategic planning capacities; the building of law enforcement capacities; the creation of transparent, effective and efficient police human resources management systems; and the development of police accountability structure”.

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<sup>838</sup> Ibid., p.3.

<sup>839</sup> Ibid., pp.4-7.



The OSCE's comparative advantages and added value on police-related activities basically take its sources from the Organization's comprehensive and cross-dimensional approach to security in a wider sense, to policing matters in particular. Comprehensive approach to policing issues reveals two important aspects of the OSCE's activities. On the one hand, the Organization aims to deal with criminal activity which threatens the security of the community. On the other hand, the OSCE tries to promote the rule of law and respect and protect the basic human rights and fundamental freedoms of each individual. Secondly, the OSCE provides an added value in police-related activities through its field operations on the ground which make substantial contributions to the host countries' governments to fulfilling police-related projects and programmes in close co-operation and co-ordination with other relevant important actors, operating in the field of policing.<sup>840</sup>

In order to avoid duplication with other regional and international actors engaged in police-related activities, the OSCE tries to perform its policing activities in a coordinated manner inside and outside the Organization. In this regard, the SPMU works as the central point in coordinating the OSCE's activities with other relevant structures and bodies which are interested in police-related activities. The UN and its structures are the main partners of the OSCE in maintaining co-operation on police-related activities.<sup>841</sup>

In operational terms, the OSCE has performed a broad range of police-related activities in a wide geographical area through the SPMU as a main focal point and its field operations' police departments in the host countries. The OSCE has undertaken numerous police-related projects in Croatia, Kosovo, Serbia, Montenegro, Albania, Former Yugoslav Republic of Macedonia, Azerbaijan, Armenia, Georgia and Kyrgyzstan. The main activity fields carried out by the OSCE are reform of police forces; multi-ethnic police training; developing professional police services; community policing and police training and education. The

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<sup>840</sup> Ibid., pp.2-3.

<sup>841</sup> Ibid., p.7.

most prominent example of the OSCE's police-related activities is the Kosovo Police Service School which provides training for police officers.<sup>842</sup>

In recent years, the policing activities of the OSCE have reduced particularly in the Balkans. In terms of policing, the EU has come into prominence in the Balkans in recent periods. The EU has increasingly taken over role from the OSCE in the field of Policing. The EU could provide more financial resources to the Balkan countries in the field of Policing. In the Balkans, the OSCE has made valuable contributions in Policing-related areas. In this development, the EU membership perspective provided an incentive motivation for the Balkan countries to intensify their efforts for reform in the Policing area. However, this has not been the case for the participating States of the OSCE in the Caucasus and Central Asia. Policing activities have been considerably limited in Caucasian and Central Asian participating States due to the absence of the political will, their engagements in the CIS and the Russian influence in the former Soviet Union region.<sup>843</sup>

#### 5.4. Conclusion

This chapter has dealt with the politico-military dimension of the OSCE. The politico-military aspects of security constitute a core element of the OSCE's comprehensive security approach. The politico-military dimension of the OSCE is composed of two parts: military and non-military aspects of the politico-military dimension.

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<sup>842</sup> Victor-Yves Ghebali, 'The OSCE norms and activities related to the Security Sector Reform: An incomplete puzzle', *Security and Human Rights* 2008 no.4, pp.278-279 and Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.43 and Wolfgang Zellner, 'Identifying the Cutting Edge: The Future Impact of the OSCE', *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.27.

<sup>843</sup> Interview with Murat Yıldız, Training Adviser, OSCE Strategic Police Matters Unit, Vienna, 10 October 2012.

In the military field, the OSCE works to enhance security and stability by promoting openness, transparency and predictability. The OSCE provides a platform for maintaining negotiations, consultations, dialogue and co-operation on military security. Disarmament, arms control and CSBMs are important parts of the overall efforts to enhance security in the military field. In order to increase military transparency and predictability, the OSCE supports the implementation of arms control treaty regimes. The negotiations and discussions on CFE Treaty, the Open Skies Treaty and the CSBMs have been conducted under the OSCE framework. These treaty regimes are generally considered the cornerstones of European Security architecture. The CFE Treaty and the Open Skies Treaty, including legally binding commitments, have been designed to contribute to the creation and maintenance of security, stability and peace in the Euro-Atlantic area. These multilateral instruments constitute the backbone of the European conventional security architecture and operate under the umbrella of the OSCE. Although these treaty regimes are not the official part of the OSCE acquis, the OSCE has provided assistance and support for the full and effective implementation of the Treaty on CFE and the Open Skies Treaty since their inception. These two treaty regimes have contributed greatly to increasing openness, transparency and predictability and building confidence and trust among the State parties to the treaties in the field of military security. CSBMs also represent a key element of the politico-military co-operation in the OSCE area. The CSBMs provide an important complementary framework for the arms control and disarmament regimes and agreements within the framework of the politico-military dimension. The CSBMs have been designed to build trust and confidence among the OSCE participating States and reducing the possibility of armed conflicts or military confrontation by improving transparency, openness and predictability. As a result, the OSCE has contributed to the maintenance of international security through its activities on arms control and disarmament and developing CSBMs.

Despite the overall contributions of the multilateral treaty regimes to security and stability, the original CFE Treaty was suspended by the Russian Federation in 2007. 29 State Parties continue to implement the obligations of the Treaty. However, this situation created an uncertainty with regard to the future of the CFE regime and all European conventional

security system in a wider sense.<sup>844</sup> Furthermore, the 1999 Adapted CFE Treaty has not entered into force due to disagreement between NATO members and Russia regarding the withdrawal of Russian military presence from Georgia and Moldova. As a result, the Organization's co-operative security approach is being seriously undermined.

The very existence of the OSCE's politico-military dimension is threatened by the impending collapse of the CFE Treaty, which establishes a core of military stability and predictability, which is fundamental for the security of all participating States.<sup>845</sup> The erosion of the conventional arms control regime in Europe, and specifically the CFE Treaty, poses a serious challenge to the OSCE region.<sup>846</sup> The Treaty's military dimension, in the narrower sense of limiting capacities, is the landslide loss of confidence, the loss of a unique regime of cooperative transparency, and the open breakdown of the most visible symbol of common security in Europe. What is at stake now is nothing less than the further pursuit of co-operative security policy in Europe.<sup>847</sup>

In other words, "the crisis of the CFE is a crisis of co-operative security policy, one of the OSCE's key missions. Therefore, the future of the CFE has a direct impact on the further development of the OSCE".<sup>848</sup>

In addition to the military security, the OSCE also engages with non-military security issues within the politico-military context such as combating international terrorism; conflict

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<sup>844</sup> ---, 'Arms Control and Disarmament', available at <http://www.mfa.gov.tr/arms-control-and-disarmament.en.mfa>, Accessed on December 20, 2013.

<sup>845</sup> Wolfgang Zellner, 'Identifying the Cutting Edge: The Future Impact of the OSCE', *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.8.

<sup>846</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, 'Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality', 18 October 2012, Hamburg, Paris, Moscow, Warsaw, p.17.

<sup>847</sup> Wolfgang Zellner, 'Identifying the Cutting Edge: The Future Impact of the OSCE', *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, pp.14-15.

<sup>848</sup> *Ibid.*, pp.20-21.

prevention and resolution; border security and management; military reform and co-operation; and Policing activities.

The OSCE has performed a series of conflict management activities, focusing on early warning, conflict prevention, conflict resolution and post-conflict rehabilitation and post-conflict peace-building. The OSCE carries out a series of conflict prevention activities. In order to prevent the outbreak of violence in any conflictual situation, the OSCE uses preventive diplomacy which puts forward compromise, negotiation, dialogue and the ways for the peaceful settlements of disputes between the parties. The OSCE has made valuable contributions to the prevention of ethno-political conflicts relating minorities in the Baltic States and Crimea, Ukraine in the middle of the 1990s. Furthermore, the OSCE adopts an approach that democratization is a valuable instrument as a long-term conflict prevention tool. The OSCE assumes that enhancing democratic regimes and strengthening democratic institutions is the best way for building up long term peace and stability throughout the whole OSCE region. Numerous activities aimed at supporting democratization as a long-term conflict prevention tool have been carried out by the OSCE in several countries and regions such as the Baltics, the Balkans and the Central Asia.

The OSCE also carries out a range of post-conflict reconstruction and peace building activities in post-war societies. The OSCE has been mostly engaged in non-military aspects of security building efforts in war-torn societies. The OSCE adopts an approach that non-military and human dimension-based activities can play highly critical and significant role in the realization of long-standing peace and stability in the post-conflict environments. In this regard, the OSCE has contributed considerably to the efforts towards building long-term security and stability in post-conflict societies through protecting and improving human rights and fundamental freedoms, including the rights of persons belonging to national minorities; encouraging the creation of democratic institutions and practices; strengthening the rule of law; promoting the media freedom; and supporting civil society.

Within the politico-military dimension of the OSCE, the protracted conflicts remain an issue of growing concern to the OSCE participating States. The OSCE is entrusted with finding peaceful and working solutions to the protracted conflicts in its region as a mediator. The

OSCE uses diplomatic and soft security instruments with the aim of facilitating comprehensive, political, and peaceful settlements for the ethno-political conflicts, so-called 'frozen or protracted conflicts' within the OSCE region. The OSCE has made a major contribution in terms of keeping the conflicts frozen and preventing the reoccurrence of violent conflicts. However, the Organization has been unable to find working and lasting solutions to the ethno-political conflicts because of divergent views among the parties to the conflicts and other states involved.<sup>849</sup> Being unsuccessful in reaching peaceful settlements of the frozen conflicts is undermining the credibility of the OSCE. The OSCE is being strongly criticized on this basis. Some major stakeholders tend to give priority to some other organizations instead of the OSCE in their efforts towards conflict resolution, which in turn minimizes the role of the OSCE in this area.

In the 2010 OSCE Astana Summit, the OSCE participating States are committed to "the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals". However, it is not possible to create a Security Community in a geographic region where the unresolved conflicts continue to exist. Today, CSBMs adopted within the CSCE/OSCE frameworks since 1975, cannot be implemented in these conflict zones, which can be described as 'grey zones of Europe'. This situation creates negative implications on transparency and predictability in the military field within the OSCE region.

Resolution of the frozen conflicts lies in the heart of the work of the OSCE. The OSCE must not be denied as a necessary instrument to address the issue of protracted conflicts. Principal approach should be to provide support to those efforts aimed at finding acceptable and peaceful settlements for the protracted conflicts. The OSCE should focus on enhancing its credibility by contributing to the peaceful settlements of all protracted conflicts. Finding lasting and working resolutions to the protracted conflicts requires

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<sup>849</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, 'Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality', 18 October 2012, Hamburg, Paris, Moscow, Warsaw, p.18-19.

political will of the parties and other interested actors. A political dialogue and co-operation, which can be maintained within the OSCE context, might help create political will and a favorable environment for the resolution of the existing ethno-political conflicts within the OSCE area. It is clear that the OSCE needs a success story in the peaceful resolutions of protracted conflicts.<sup>850</sup>

For Lynch, the impact of the OSCE on politico-military dimension is limited due to a number of reasons;

First, OSCE efforts are based on trust. It means that the institutions and framework documents work only if that trust is constantly sustained. Doubts about a state's reliability as well as insecurity with regard to its political and military intentions may lead to misunderstandings and create distrust. This can, indeed, have destabilizing effects on regions and sub-regions. Second, OSCE political-military instruments do not add up to form any defensive alliance; nor do they constitute a mechanism of defense guarantees. Applying the Vienna Document, SALW Document or the Code of Conduct does not give a State any guarantee or protection against the potential aggression of another State. None of these instruments assists States in the event of an armed conflict. They are not applicable or developed to help the country to survive in a war. The OSCE focus falls largely on pre- and post-conflict situations.<sup>851</sup>

Although the whole nature of international conflicts has moved primarily from military to non-military dimension, military security issues always remain relevant. Kühnhardt argues there is a limit to the OSCE when it comes to the hard security issues. The Russian-Georgian war was not prevented by the OSCE. The outbreak of war in Yugoslavia in the 1990s was not prevented by the OSCE. So, the main argument here is that the OSCE has failed throughout its history as an instrument of hard security. The reason for this is that the OSCE is a collective security organization like the League of Nations. Collective security can maintain stability, but it cannot produce it. The OSCE could not prevent wars in its region

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<sup>850</sup> Interview with Mid-level Government Official 1, Permanent Mission of Turkey to the OSCE, Vienna, 23 November 2011.

<sup>851</sup> Dov Lynch, 'The Politico-Military Dimension of the OSCE', *Peace and Prosperity in Northeast Asia* Vol.I, 2008, pp.221-222.

from breaking out. So, when it comes to really hard military tensions, the OSCE is not the right organization to stop bloody conflicts or wars. However, the focus on security has changed since the end of the Cold War. Main concern for all societies today is matters related to 'human security' issues. This is why the OSCE can play a role.<sup>852</sup>

Military or hard security issues were heavily emphasized within the OSCE framework during the Cold War period. Although the politico-military dimension of the OSCE has diminished in importance since the end of the Cold War, it remains relevant for security. However, the OSCE's contribution via politico-military dimension has remained limited. The OSCE is neither a military organization nor a military alliance against any threat of source. It is obvious that the Organization cannot provide hard security guarantees for its participating States like a politico-military organization. Most importantly, the OSCE could not play a role in the efforts aimed at revitalizing the original CFE Treaty which was suspended by the Russian Federation unilaterally in 2007. The OSCE has also failed to play a constructive role for eliminating the disagreements between the NATO members and Russia over the ratification of the 1999 Adapted CFE Treaty. The main reason for this is that arms control and disarmament issues have been increasingly politicized by some OSCE participating States.

To conclude, the OSCE has engaged in military security issues as a reflection of its comprehensive security approach. The Organization has carried out its military security activities through supporting arms control treaty regimes, developing CSBMs, and assisting the participating States in the field of military reform and co-operation. Even in the military field, the OSCE uses soft tools such as co-operation, dialogue, negotiation and confidence-building measures. The OSCE has also registered some valuable success in the non-military aspects of politico-military dimension, including conflict prevention and Policing activities in some countries and regions within the OSCE area.

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<sup>852</sup> Interview with Ludger Kühnhardt, Director, Centre for European Integration Studies, Bonn, 14 May 2013.



Next chapter of the dissertation will be devoted to the economic and environmental dimension of the OSCE.

## **CHAPTER 6**

### **ECONOMIC-ENVIRONMENTAL DIMENSION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

The sixth chapter is organized to analyze the economic and environmental dimension of the OSCE, namely 'Second Dimension of the Organization'. This chapter aims to portray the OSCE's perceptions towards economic and environmental issues as well as their link to security. As a reflection of its comprehensive approach, the OSCE is concerned with the economic and environmental matters. Following the end of the Cold War period, economic and environmental issues have become increasingly important within the OSCE region. Economic and environmental-based problems and challenges started to indicate negative and destabilizing impacts on the security of individuals, groups and States. Within this framework, the OSCE participating States are convinced that they need to raise awareness on economic and environmental concerns and promote co-operation in order to respond better to the security threats and challenges which are mainly derived from economic and environmental factors. In this regard, this chapter, firstly, outlines the economic and environmental dimension of the OSCE in terms of the content, basic normative documents, structures and instruments on economic and environmental dimension. Secondly, this chapter focuses on the economic and environmental activities of the OSCE in a detailed analysis. Several important topics such as energy security, organized crime, corruption, good governance, migration and transport are included in the economic and environmental dimension of the OSCE.

#### **6.1. Definition of Economic-Environmental Dimension of the Organization for Security and Co-operation in Europe**

The OSCE always engages with economic and environmental issues as an integral component of the Organization's comprehensive approach to security. The OSCE adopts an approach that close and effective co-operation and co-ordination on economic and

environmental matters can make contributions to the maintenance of security, stability, peace and prosperity throughout the whole OSCE region.<sup>853</sup>

With the signing of the Helsinki Final Act, the CSCE participating States established a close connection between the security and peace and economic and environmental matters in European security. The CSCE participating States acknowledged that economic and environmental issues included in the second basket of the Final Act are highly important and relevant for security and stability in Europe.

The participating States were committed to “accepting each other’s right to freely choose and develop different economic and social systems, respecting different levels of economic development, and refraining from any acts of economic coercion”.<sup>854</sup> In the Helsinki Final Act, the participating States strongly emphasized the importance of enhancing and maintaining co-operation on economic and environmental issues in promoting security and stability across the entire CSCE area. The economic and environmental issues constitute the ‘second basket of the Helsinki Final Act’. After the end of the Cold War, with the rapid institutionalization process of the CSCE, transforming from a conference process to a full-fledged regional security organization, the so-called second basket of the CSCE started to be called as the ‘second dimension of the OSCE’, or the ‘economic and environmental dimension’.<sup>855</sup>

The OSCE performs a broad range of economic and environmental activities through its instruments and structures which focus on economic and environmental dimension of

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<sup>853</sup> ---, ‘OSCE-Secretariat – Office of the Co-ordinator of OSCE Economic and Environmental Activities’, available at <http://www.osce.org/eea>, Accessed on 10 November 2013.

<sup>854</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, Center for OSCE Research (CORE), Vienna, 2005, p.26.

<sup>855</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities, OSCE Economic and Environmental Dimension’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 10 November 2013.

security. Work in the economic and environmental activities is an integral part of the OSCE concept of comprehensive, co-operative, common and indivisible security.<sup>856</sup>

The OSCE recognizes that a healthy economic environment and economic prosperity in the participating States are of great importance for maintaining security and stability in the whole OSCE region. Therefore, the OSCE carries out a broad range of economic activities such as promoting good governance and transport security; dealing with organized crime, money laundering, corruption and the financing of terrorism; encouraging business development and promotion; and finally supporting the participating States in their efforts for facilitating better migration management.<sup>857</sup>

“Recognizing the close connection between environmental issues and security”, the OSCE also performs a wide range of environmental activities aimed at “restoring and maintaining a sound ecological balance in the air, water and soil”. The main priority areas for protecting and improving environment are to achieve “sustainable use and sound management of natural resources” particularly promoting an effective water resource management; prevent soil degradation; promoting the safely disposal of hazardous waste; provide support and assistance for the maintenance of energy security dialogue among the participating States; and finally supporting the full and effective implementation of the ‘Environment and Security (ENVSEC) Initiative’. Furthermore, the OSCE has engaged in a series of initiatives aimed at raising the environmental awareness and encouraging public participation in environmental decision-making.<sup>858</sup>

In the history of the CSCE/OSCE, there are two main milestone documents which have shaped the economic and environmental dimension of the Organization: ‘The Bonn

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<sup>856</sup> ---, ‘OSCE, OSCE States review implementation of economic and environmental commitments’, available at <http://www.osce.org/eea/96420>, Accessed on 15 November 2013.

<sup>857</sup> ---, ‘OSCE, Economic activities’, available at <http://www.osce.org/what/economic>, Accessed on 15 November 2013.

<sup>858</sup> ---, ‘OSCE, Environmental Activities’, available at <http://www.osce.org/what/environmental>, Accessed on 15 November 2013.

Document' (1990) and 'Maastricht Strategy Document for the Economic and Environmental Dimension' (2003).

'Conference on Economic Co-operation in Europe' - in accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the CSCE - was organized in Bonn from 19 March to 11 April 1990 with the participation of delegations including CSCE participating States representatives and business community members. The Bonn Conference produced 'Bonn Document' which establishes basic commitments and identifies main objectives with regard to the economic and environmental matters.<sup>859</sup>

The main target of the Bonn Conference is to "provide new impulses for economic relations between participating States, in particular by improving business conditions for commercial exchanges and industrial co-operation and by considering new possibilities for, and ways of, economic co-operation". The Bonn Document states that "democratic institutions and economic freedom are key assets in facilitating economic growth and social progress. In the Bonn Document, "sustainable economic growth, a rising standard of living, an improved quality of life, expanding employment, efficient use of economic resources, and protection of the environment" have been identified as the common objectives for the CSCE participating States. The participating States reconfirm their strong belief on the necessity of enhancing co-operation among them in the fields of economics, science and technology as well as the environment. The participating States also express their strong determination to enhance co-operation on economic and environmental issues with a view to acquiring economic growth. According to the Bonn Document, in order to promote close and effective economic co-operation, all CSCE participating States should be increasingly integrated "into the international economic and financial system" which functions in line with the rules recognized as internationally. The CSCE participating States agree that it is highly important to realize more harmonized economic policies within the OSCE region in creating new and long-term economic opportunities aimed at strengthening economic relations among the participating States.<sup>860</sup>

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<sup>859</sup> ---, 'Document of the Bonn Conference On Economic Co-operation in Europe', Bonn, 1990, p.1.

<sup>860</sup> Ibid., pp.2-4.

In the Bonn Document, the CSCE participating States reiterate their strong belief that there is a close relationship between “political pluralism and market economies”. In this respect, the main principles and commitments which provide guidance for the economic activities of the participating States and the Organization itself are listed as follows:

multiparty democracy based on free, periodic and genuine elections; the rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems; and economic activity that accordingly upholds human dignity and is free from forced labor, discrimination against workers on grounds of race, sex, language, political opinion or religion, or denial of the rights of workers freely to establish or join independent trade unions.

The Bonn Document outlines the basic objectives for the full realization of free market economies within all the CSCE participating States. These are:

fiscal and monetary policies that promote balanced, sustainable economic growth and enhance the ability of markets to function efficiently; free and competitive market economies where prices are based on supply and demand; policies that promote social justice and improve living and working conditions; environmentally sustainable economic growth and development; full recognition and protection of all types of property including private property, and the right of citizens to own and use them, as well as intellectual property rights; and direct contact between customers and suppliers in order to facilitate the exchange of goods and services among companies - whether private or state-owned - and individuals in both domestic and international markets.<sup>861</sup>

The Bonn Document includes a series of significant outcomes for the economic and environmental dimension of the OSCE. First, the CSCE participating States decided to develop and diversify their economic relations according to relevant rules and practices agreed internationally. In order to do this, they would work to improve “business conditions, facilities and practices”. Furthermore, the participating States agreed to promote direct contacts between businessmen, industry and end-users. Facilitating direct

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<sup>861</sup> Ibid., pp.4-5.

contact between “representatives of commercial and business organizations and economic institutions” remains another priority area on the path towards more developed and diversified economic relations.

Second, the participating States agreed to provide comparable and comprehensive commercial and demographic information which can supply required scientific data for effectively carrying out economic research and business relations.<sup>862</sup> With the purpose of promoting more effective economic co-operation within the CSCE region, the participating States decided to maintain a comprehensive co-operation bilaterally and multilaterally on their statistical services. In the Bonn Document, the participating States put a special emphasis on the significant of small and medium-sized enterprises in terms of strengthening economic co-operation within the CSCE area. In this regard, improving business environment and strengthening market actors would create more favorable economic environment and conditions for small and medium-sized enterprises.<sup>863</sup>

Third, the CSCE participating States decided to intensify their efforts for “creating favorable conditions and environment for industrial co-operation”. In facilitating a stronger industrial co-operation among the participating States, a range of necessary conditions are identified in the Bonn Document such as “adequate and effective protection and enforcement of industrial, commercial and intellectual property rights; market-oriented and stable economic policies; and finally an appropriate and reliable legal and administrative framework”.<sup>864</sup>

Fourth, the participating States decided to expand their co-operation with the active involvement of the governments of the participating States and interested enterprises in some specific areas. These specific areas include energy and raw material saving techniques; hydrocarbon technologies; renewable energies; processes for the separation of

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<sup>862</sup> Ibid., p.6.

<sup>863</sup> Ibid., p.7.

<sup>864</sup> Ibid., pp.9-10.

waste components and their recycling and upgrading; nuclear energy; and finally the safety of nuclear installations.

Fifth, the Bonn Document stress that environmental issues are getting more significance within the framework of economic co-operation among the participating States. The participating States are strongly convinced that ensuring environmental sustainability of economic development is of utmost importance. They also recognize that promoting economic co-operation at international level is a key asset for acquiring more effective “use of energy and raw materials”. Furthermore, they are determined to enhance their economic co-operation aimed at facilitating “environmentally sound technology”.<sup>865</sup>

Sixth, the CSCE participating States decided to enhance their co-operation in the fields of science and technology, consisting of “the exchange of information on best available technologies for improved environmental protection, industrial safety and emergency response”. The participating States expressed their determination to undertake all required initiatives for exchanging know how with a view to facilitating the implementation of environmentally sound technologies. The CSCE participating States decided to co-operate for acquiring techniques which are designed to get healthier and more secured societies within the CSCE region with the purpose of improving the quality of life.<sup>866</sup>

Finally, the participating States put a special emphasis on a range of significant monetary and financial matters for achieving economic reform, co-operation and development. In this respect, introducing the market-oriented and undistorted domestic pricing, promoting effective allocation of resources, acquiring progress towards full currency convertibility, and finally ensuring a well-functioning price mechanism are essential steps which are to be undertaken by the participating States. A market-oriented financial system allows the

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<sup>865</sup> Ibid., p.11.

<sup>866</sup> Ibid., p.12.



participating States to enhance their economic co-operation through the use of financial instruments.<sup>867</sup>

The Bonn Document created the basic principles and commitments on economic and environmental issues which provide a basic guidance for economic and environmental dimension-related activities of the OSCE. In the Bonn Document, the CSCE participating States declare their adherence to the free market economy principles which can pave the way for greater economic co-operation within the CSCE region. The Bonn Document puts forward the main principles and commitments “designed not only to develop free and competitive market economies but also environmentally sustainable economic growth and development”.<sup>868</sup>

Evers states that the Bonn Document links economic freedom and environmental sustainability to basic European values such as democracy, the rule of law and respect for human rights. The main rationale of the Bonn Document is to “liberalize, open, and integrate the transitional economies into the international economic and financial system”. Facilitating well-functioning market-oriented economies in the participating States remains as one of the most important priority areas for the OSCE.<sup>869</sup>

‘The OSCE Strategy Document for the Economic and Environmental Dimension’ was adopted by the participating States at the 2003 OSCE Maastricht Ministerial Council meeting. The Maastricht Strategy for the Economic and Environmental Dimension (EED) identifies the primary aspects of the OSCE’s perceptions on economic and environmental issues. The Strategy Document also outlines a range of risks, challenges and threats to security and stability of the whole OSCE region generating from economic and

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<sup>867</sup> Ibid., p.14.

<sup>868</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.4.

<sup>869</sup> Frank Evers, ‘Balancing by Cross-Linking Renewed Dialogue on the OSCE Economic and Environmental Dimension’, *Center for OSCE Research (CORE) Working Paper 21*, Hamburg, October 2010, p.5.

environmental issues. The participating States are strongly convinced that maintaining co-operation on economic and environmental issues is the best choice for ensuring economic and environmental security.<sup>870</sup> The main priority areas of the OSCE's economic and environmental activities are sustainable development, good governance, environmental protection and energy security.<sup>871</sup>

In the OSCE Strategy Document for the EED, the participating States recognize the increasing significance of the economic and environmental dimension as an integral part of the Organization's co-operative and comprehensive approach to security and stability. They also acknowledge that "the major changes and developments in the economic and environmental situation in the OSCE region in the post-Cold War era have led not only to progress and achievements, but also to the emergence of new threats and challenges having an economic or environmental nature". The participating States declare their strong belief on the necessity of ensuring more active and efficient co-operation in order to deal with existing and newly emerging security risks, threats and challenges deriving from economic and environmental matters. Promoting an effective co-operation in the economic and environmental fields can contribute substantially to the maintenance of security, stability, peace and prosperity across the entire OSCE region.<sup>872</sup>

The OSCE Strategy Document for the EED outlines a broad range of issues in the field of economic and environmental dimension. "Socio-economic, demographic and environmental factors may affect security and stability."<sup>873</sup> "Globalization, liberalization and technological change" have created a favorable environment and conditions for trade and

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<sup>870</sup> Ibid., pp.5-7.

<sup>871</sup> Marc Perrin de Brichambaut, 'OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.190-191.

<sup>872</sup> ---, 'OSCE Strategy Document for the Economic and Environmental Dimension', OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

<sup>873</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.1.

economic growth and development. However, all OSCE participating States have not benefited equally from these global developments, which in turn create and deepen economic and social disparities between and within the OSCE participating States. “The growing openness of national economies and their greater exposure to external economic shocks and financial turbulence raises the challenge of managing globalization”. Within this context, the OSCE aims at eliminating negative impacts of recent global developments on some participating States, thus contributing to making benefits available to all societies in economic and financial domains.<sup>874</sup>

OSCE Strategy Document for the EED states that “deepening economic and social disparities, lack of the rule of law, weak governance, corruption, widespread poverty and high unemployment” are the main factors that cause serious security concerns and challenges and provides a favorable environment for the emergence of other global and transnational threats such as all kinds of trafficking, international terrorism, illegal migration, illegal economic activities, violent extremism and organized crime. Inter-State and intra-State conflicts in the OSCE region constitute serious obstacles to achieving regional economic co-operation and development and weakens “the security of communications and energy transport routes”.<sup>875</sup>

“Environmental degradation, unsustainable use of natural resources, mismanagement of wastes, pollution and ecological disasters resulting from natural causes, economic activities or terrorist acts have substantial negative impacts on the health, welfare, stability and security of all OSCE participating States as well as on ecological systems”.<sup>876</sup> “Problems of

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<sup>874</sup> ---, ‘OSCE Strategy Document for the Economic and Environmental Dimension’, OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

<sup>875</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.3 and ---, ‘OSCE Strategy Document for the Economic and Environmental Dimension’, OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

<sup>876</sup> ---, ‘OSCE Strategy Document for the Economic and Environmental Dimension’, OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

governance connected to these factors have a direct undermining effect and reduce the capacity in ensuring sustainable economic, social and environmental development as well as to effectively address economic and environmental challenges and threats to security and stability”.<sup>877</sup> Recognizing the increasing importance of good governance at all levels for security and stability across the entire OSCE area, the Maastricht Strategy for EED lists the main problems of governance, covering relevant economic and environmental issues as follows:

ineffective institutions and a weak civil society, lack of transparency and accountability in the public and private sectors, deficient economic and environmental legislation and inadequate implementation of economic and environmental laws, rules and regulations, absence of national and individual security and inadequate treatment of vulnerable groups, poor public management and unsustainable use of natural resources, corruption and lack of respect for business ethics and corporate governance.

The Maastricht Strategy for the EED outlines the OSCE’s response to economic and environmental risks, challenges and threats to security and stability. The OSCE aims at responding to security threats and challenges related to economy and environment through encouraging further co-operation among the participating States in a range of areas and developing new actions and policies for “strengthening good governance at all levels, ensuring sustainable development in its all aspects and protecting the environment”. In addressing economic and environmental threats and challenges to security within the whole OSCE region, the participating States are determined to take the activities and actions of other regional and international organizations into consideration with the aim of providing an added value and creating synergies.<sup>878</sup>

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<sup>877</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.3.

<sup>878</sup> ---, ‘OSCE Strategy Document for the Economic and Environmental Dimension’, OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

In order to effectively address threats and challenges in the field of economy and environment, the participating States declare their strong determination to maintain a broad dialogue on economic and environmental matters. Additionally, reviewing efficiently the implementation of economic and environmental dimension-related commitments and strengthening the Organization's capacity to offer assistance and expertise to its participating States remain as priority areas for the OSCE. Finally, the OSCE will work in a close and active co-operation with other relevant regional and international organizations with a view to contributing to the facilitation of their expertise and resources used for economic and environmental activities.<sup>879</sup>

Maastricht Strategy for the EED states that a growing co-operation on economic and environmental issues between the participating States, regional and international organizations can contribute considerably to the struggle against existing and newly emerging risks, threats and challenges to security derived from economic and environmental sources within the whole OSCE region. An increased co-operation also serves to promote security, peace and stability and to prevent potential new conflicts in the OSCE area. Finally, co-operation in the economic and environmental fields helps prevent the emergence of new divisions and reduce the disparities among and within all the participating States of the OSCE. An increased and strong co-operation is necessary in achieving sustainable economic growth and development and environmental sustainability.

Basic ways of co-operation on economic and environmental issues are listed in the Maastricht Strategy as follows:

the exchange of information, statistical data, expertise, know-how and best practices, the promotion of information and business networks, the conclusion of agreements and arrangements, the implementation of agreed policies of standardization and harmonization, technical assistance and advice and the promotion of public and private joint projects and programmes in appropriate areas.

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<sup>879</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, pp.7-8.

Furthermore, the participating States agreed to maintain co-operation between public and private sectors in a broad range of areas such as “trade, transport, energy, environmental protection, communication, finance, investment, education, science and technology”.

Maastricht Strategy states that the OSCE is always a strong supporter of the whole efforts aimed at facilitating the successful integration of the participating States into the global economic and financial system, which in turn makes available economic gains generating from globalization and trade liberalization for all the participating States.

The OSCE takes the view that facilitating regional and sub-regional integration within the OSCE region and among the participating States can make a substantial contribution to the enhancement of trade and sustainable economic growth and development through creating mutual benefits to all sides. Regional and sub-regional integration processes should be harmonized and complementary and carried out with taking the economic interests and views of other OSCE participating States into consideration. In this respect, maintaining a direct dialogue is needed for avoiding new economic divisions among the participating States.

International trade and investment are of vital importance in promoting sustainable economic growth and development. The creation of open, liberal and integrated market economies which function in compatible with the internationally agreed rules can bring about substantial economic benefits and wider economic co-operation and integration across the entire OSCE region.

The participating States are strongly convinced on the necessity of a strong international framework for avoiding and finding solutions to economic and financial crisis. In this respect, the OSCE is a stronger supporter of the International Monetary Found (IMF) in implementing its policies all over the world. The participating States are committed to fighting against illegal economic activities, covering corruption, the financing of terrorism and money laundering through developing, implementing and enforcing financial legislation and regulations.

Maastricht Strategy for the EED asserts that “a high level of energy security requires a predictable, reliable, economically acceptable, commercially sound and environmentally friendly energy supply”. The OSCE aims at encouraging “dialogue and efforts to diversify energy supply, ensure the safety of energy routes, make more efficient use of energy resources”, and finally improve and use new and renewable energy sources.

Maastricht Strategy emphasizes the importance of effective, integrated, secure and environmentally sound transport networks within the OSCE region. In this field, operating the existing transport corridors and constructing new ones remain highly important priority areas for the OSCE.

Maastricht Strategy for the EED attaches great importance to foreign and domestic investment in a broad range of areas such as industry, communications infrastructure, transport and energy sectors. The participating States decided to provide information exchange and experience sharing on how to attract successfully foreign and domestic investments and to eliminate obstacles to it. The OSCE will work to help the participating States attract foreign investments with a view to facilitating sustainable and environmentally sound economic growth; increasing employment and living standards; and finally reducing poverty within the participating States.

Good governance and strong democratic State institutions are of vital importance in achieving well-functioning and sound economies which can attract easily foreign direct investments. Good governance has an important impact on sustainable economic growth and progress. A sound economy with the support of the foreign direct investments can promote economic growth and development; reduce poverty and inequalities; strengthen social integration; and finally protect the environment in an effective manner. Promoting good governance at all levels makes a substantial contribution to the creation and maintenance of good international relations, security, stability and prosperity of States and individuals in the OSCE region. Sound economic policies based on the rule of law and respect for basic human rights and fundamental freedoms can build up trust in the public which in turn facilitates sustainable and environmentally sound economic and social development. Therefore, the OSCE participating States are determined to strengthen good

governance at all levels with the purpose of facilitating sustainable economic and social development in the participating States.

Maastricht Strategy states that corruption is a major threat which undermines fundamental social values, confidence in the public and the principle of the rule of law and endangers economic and social development. Achieving transparency enables States to effectively fight against corruption. Transparency is an important factor for the accountability of States. Furthermore, transparency serves as an instrument which helps States ensure more stable and predictable economies.

The participating States believe that the effective management of the public resources is an important element of good governance. Therefore, they decided to improve the management of public resources as much as possible through “strong and well-functioning institutions and administration systems, a professional and effective civil service and sound budgetary processes”.

The Maastricht Strategy emphasizes the necessity of the development of a business-friendly environment and the promotion of small and medium-sized enterprises with the purpose of attracting investments through building up confidence. In this respect, the OSCE will support the participating States to create clear legal and institutional frameworks and adopt and enforce business-friendly legislation within their economies.

The participating States point out that good corporate governance makes a substantial contribution to the emergence of a well-functioning economy. “Efficient management, proper auditing and accountability, and adherence to and respect for laws, rules and regulations, business ethics and codes of conduct established in close consultation with business” are the major determining factors for facilitating good corporate governance. Weak and inefficient corporate governance creates serious problems for the economies of the OSCE participating States. Hence, the participating States are strongly determined to promote good corporate governance through a close and active co-operation and co-ordination with corporate business world and relevant civil society representatives.



Facilitating sustainable economic growth and development requires skillful, knowledgeable and well-educated human resources in a broad range of areas such as from administrative, legal, economic, business and scientific issues. The participating States are agreed to undertake all relevant initiatives to create education and training opportunities in co-operating closely with the specialized international organizations. In this respect, the OSCE aims to “widen access to educational, research and training institutions through increased fellowships and internship programmes” with a view to promoting human capital development.

The improvement of social conditions within the participating States has key importance in promoting good governance and sustainable economic growth and development. The participating States are determined to make much more efforts towards making primary social advantages more accessible to all in a broad range of areas such as “affordable health services, pensions and education, adequate levels of protection of socially vulnerable groups, the prevention of social exclusion, increased employment opportunities and finally rehabilitation programmes”.

Maastricht Strategy puts a special emphasis on sustainable development. The OSCE takes the view that ensuring poverty reduction enables participating States to promote sustainable economic growth and development. The OSCE aims at assisting the participating States in their efforts to achieve sustainable development through carrying out environmentally sound policies and activities.

Maastricht Strategy Document for the EED states that the protection of the environment is highly important priority area for all the participating States of the OSCE. Various environmental factors have growing and serious effects on the security and stability of the OSCE participating States and their societies as well. Therefore, the participating States are agreed to maintain an enhanced dialogue and co-operation and to provide the information exchange on best practices and lessons-learned concerning the environmental issues.

With the purpose of effectively dealing with the environmental threats and challenges to security, the participating States decided to enhance their co-operation on environmental

issues such as pollution and the unsustainable use of natural resources. The OSCE aims at assisting the participating States on environmental issues to “prevent ecological risks and their irreversible effects on environment and health”. In order to facilitate sound and sustainable use and management of natural resources, the OSCE encourages the participating States to strengthen their national environmental institutions and legislation and to ratify the existing international legal frameworks on environment, covering the UN conventions. Finally, the OSCE will support the participating States in creating much more training opportunities on environmental security at local, national and regional levels and in improving the effectiveness of capacity-building and promoting research programmes on environmental subjects.

The participating States are determined to fulfill four basic steps in order to achieve the economic and environmental dimension-related objectives outlined in the Maastricht Strategy and to enhance the role and effectiveness of the OSCE in the economic and environmental fields. The first one is to “enhance the dialogue among participating States on economic and environmental issues through the better use of the OSCE Economic Forum, the OSCE PC and OSCE PC Economic and Environmental Subcommittee”. With the purpose of strengthening the dialogue and co-operation among the participating States on key economic and environmental issues within the OSCE region, the Office of the Co-ordinator of OSCE Economic and Environmental Activities’ (OCEEAA) will be responsible for identifying the adequate areas where the Organization provide an added value to effectively addressing economic and environmental risks, threats and challenges to security and stability through facilitating the co-operation on economic and environmental subjects.

The second way of enhancing the role of the Organization on economic and environmental issues is to “improve the review of the implementation of the OSCE commitments in the economic and environmental dimension”. Review and monitoring of the implementation of the economic and environmental-based commitments and principles will be carried out through dialogue and discussions among the participating States, bearing in mind the views of all the actors, covering civil society, business, investors and academia.

The third strategy for more enhanced OSCE role in the economic and environmental dimension is to “strengthen the Organization’s capacity to provide advice and assistance to all the participating States on the implementation of economic and environmental commitments” through carrying out relevant projects and programmes “in areas where it can add value, and has or can obtain cost effectively the expertise and resources required”. When providing advice, expertise and assistance to the participating States on economic and environmental issues, the OSCE will use the resources and expertise of the OSCE Secretariat, the OCEEA, and institutions as well as its field missions on the ground and co-operate closely with other relevant regional and international organizations, operating in the economic and environmental domains. The main programme and project areas which will be developed and implemented by the OSCE are as follows:

promoting regional and cross-border co-operation among interested participating States on economic and environmental issues; organizing regional seminars and conferences; assisting participating States in developing appropriate legislation and institutions; supporting timely ratification and implementation of existing international legal instruments; organizing pilot/model seminars/training for national, regional and local administrations, academics, business communities and NGOs; and developing and supporting research programmes that help to increase knowledge and awareness of economic and environmental challenges and threats to security and stability and of ways to respond to them.

Finally, the participating States are agreed to “strengthen the OSCE’s capacity to effectively mobilize and facilitate deployment of the expertise, assistance and resources of other international organizations” with a view to enhancing the OSCE’s role in economic and environmental matters. When the OSCE is lack of adequate and relevant expertise and resources for the effective implementation of various projects and programmes in the economic and environmental fields, the Organization will make efforts to facilitate the mobilization and involvement of other relevant regional and international organizations engaged in economic and environmental activities. In effectively mobilizing and deploying the resources and expertise of other relevant international organizations for providing advice and assistance to the participating States, the OSCE needs to maintain an active and

close co-operation and co-ordination with the interested international institutions with a view to preventing duplication. The OSCE should also develop its operational links with other relevant international organizations, focusing on economic and environmental activities, which in turn increases the role and ability of the OSCE as a catalyst in the economic and environmental dimension of security.

The OSCE participating States consider the adoption of the Maastricht Strategy Document for the EED as a significant step towards addressing economic and environmental threats and challenges to security and enhancing co-operation among the participating States in the economic and environmental issues. The full and effective implementation of commitments and principles outlined in the Strategy Document makes a substantial contribution to the overall efforts of the OSCE for achieving comprehensive security across the entire OSCE region. Monitoring and reviewing regularly the implementation of commitments on economic and environmental matters remains equally and highly important objective for the OSCE.<sup>880</sup>

There are significant structures and instruments in the OSCE, focusing on economic and environmental issues. 'The Office of the Co-ordinator of OSCE Economic and Environmental Activities' (OCEEA) within the OSCE Secretariat was established in November 1997. On the basis of the OSCE's comprehensive approach to security, the primary objective of the OCEEA is to "strengthen security and stability in the OSCE region by promoting international co-operation on economic and environmental issues among the participating States and their Asian and Mediterranean Partners".<sup>881</sup>

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<sup>880</sup> ---, 'OSCE Strategy Document for the Economic and Environmental Dimension', OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013.

<sup>881</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities', OSCE Economic and Environmental Dimension, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 10 November 2013 and ---, 'Secretariat-Office of the Co-ordinator of OSCE Economic and Environmental Activities, Overview', available at <http://osce.org/eea/43176>, Accessed on 15 November 2013.

The OCEEA's work is guided by the Economic and Environmental Committee of the OSCE PC and supported by the economic and environmental officers from the OSCE field missions. The OCEEA aims at identifying, monitoring and dealing with security risks, threats and challenges deriving from economic and environmental factors. The major activity fields of the OCEEA are as follows:

monitoring economic and environmental developments in line with the OSCE's early-warning role; facilitating the design and implementation of economic and environmental policies and projects aimed at promoting security and co-operation in the OSCE region<sup>882</sup>; promoting good governance and helping participating States establish a positive business and investment climate; combating corruption, money laundering, the financing of terrorism, trafficking in human beings and other forms of transnational organized crime; fostering the establishment of effective migration policies in countries of origin and destination; fostering dialogue on energy security issues; encouraging participating States to enhance co-operation on secure and efficient transport networks; promoting sustainable development through increased public awareness and policy development on environmental security issues, including water management, land degradation, soil contamination and hazardous waste; and developing and implementing the Environment and Security (ENVSEC) Initiative in co-operation with other international organizations; and finally organizing the Economic and Environmental Forum, which each year targets a major economic and/or environmental security issue.<sup>883</sup>

'Economic and Environmental Forum', as "the main and the highest level annual meeting within the economic and environmental dimension of the OSCE" is organized by the OCEEA. Economic and Environmental Forum is held on the basis of a chosen specific theme which is proposed by the OSCE CiO and adopted by all the participating States. The main objective of the Economic and Environmental Forum is to create a platform for international dialogue

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<sup>882</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities', OSCE Economic and Environmental Dimension, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 10 November 2013.

<sup>883</sup> ---, 'Secretariat-Office of the Co-ordinator of OSCE Economic and Environmental Activities, Overview', <http://osce.org/eea/43176>, Accessed on 15 November 2013.

and exchange of information and views pertaining to the economic and environmental issues which are linked to security. Economic and Environmental Forum also engages in elaborating the specific recommendations and follow-up activities with a view to addressing threats and challenges stemming from economic and environmental factors within the OSCE region. The Forum is the main instrument of the OSCE in reviewing annually the implementation of economic and environmental commitments by the participating States.

The Economic and Environmental Forum is held every year with the extensive participation of representatives from governments, civil society, business community, academia and other international organizations, with the purpose of promoting dialogue and consultations on how to respond to the security threats, risks and challenges deriving from economic and environmental matters.<sup>884</sup>

Economic and Environmental Forum meetings have been organized annually since 1993, covering a broad range of specific themes in the economic and environmental fields. The titles of the past meetings are as follows: 'Promoting Security and Stability through Good Governance'; 'Promoting common actions and co-operation in the OSCE area in the fields of development of sustainable energy and transport'; 'Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region'; 'Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region'; 'Maritime and inland waterways co-operation in the OSCE area: Increasing security and protecting the environment'; 'Key challenges to ensure environmental security and sustainable development in the OSCE area: Land degradation, soil contamination and water management'; 'Transportation in the OSCE area: Secure transportation networks and transport development to enhance regional economic co-operation and stability'; 'Demographic Trends, Migration and Integrating Persons belonging to National Minorities: Ensuring Security and Sustainable Development in the OSCE Area'; 'New challenges for

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<sup>884</sup> ---, 'OSCE Secretariat, OCEEA, Activities, Economic and Environmental Forum', available at <http://www-old.osce.org/eea/43229>, Accessed on 20 November 2013.

building up institutional and human capacity for economic development and co-operation'; 'Trafficking in human beings, drugs, small arms and light weapons: National and international economic impact'; 'Co-operation for the sustainable use and the protection of quality of water in the context of the OSCE'; 'Transparency and good governance in economic matters'; 'Economic aspects of post-conflict rehabilitation: The challenges of transformation; 'Security aspects in the field of the environment'; 'Security aspects of energy developments in the OSCE area'; 'Market economy and the rule of law'; 'Economic aspects of security and the OSCE role'; 'Regional, sub regional and transborder co-operation, and the stimulation of trade, investment and development of infrastructure'; 'Transition process to democratic market economies'; and finally 'Transition process to democratic market economies'.<sup>885</sup>

'The Economic and Environmental Sub-Committee of the Permanent Council' was created at the OSCE Bucharest Ministerial Council meeting on 4 December 2001. The Economic and Environmental Sub-Committee is mainly tasked to providing a platform for maintaining discussions and dialogue among the participating States on economic and environmental issues; offering recommendations to the PC concerning the projects to be implemented; and the future planning of the OSCE work in the economic and environmental dimension; and finally providing support and assistance for the arrangement of the Economic and Environmental Forum meetings.<sup>886</sup> In addition to these basic activities, the Committee evaluates "cross-dimensional issues with a strong link to economic and environmental aspects of security upon the request of the Chairmanship in consultation with participating States".<sup>887</sup>

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<sup>885</sup> Ibid.

<sup>886</sup> ---, 'Economic and Environmental Sub-Committee', available at <http://www.osce.org/eea/13910?download=true>, Accessed on 20 November 2013.

<sup>887</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities', OSCE Economic and Environmental Dimension, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 10 November 2013.

The valuable role played by the Economic and Environmental Sub-Committee in the economic and environmental domains makes a substantial contribution to the efforts aimed at “ensuring continuity and consistency in the activities of economic and environmental dimension through providing a framework for regularly reporting on the work done in this field, enabling discussions of priorities and activities and identifying potential threats to security and stability” deriving from economic and environmental factors. Furthermore, other relevant international organizations, institutions and actors engaged in economic and environmental activities can share their views with respect to the economic and environmental issues by the invitation of the Economic and Environmental Sub-Committee.<sup>888</sup>

‘The annual Economic and Environmental Dimension Implementation Meeting’ focuses on “the assessment of the implementation of economic and environmental commitments and identification of priorities for future work of the Organization”. The participants from a wide range of different fields including government officials, experts and academics “review and assess the implementation of the OSCE decisions and commitments in the economic and environmental fields”<sup>889</sup> as well as “the economic and environmental activities and projects that have been undertaken over the past year”.<sup>890</sup> Implementation Meeting “provides a platform for dialogue and enhanced co-ordination and co-operation between OSCE participating States, OSCE Partner States for Co-operation, international and non-governmental organizations, civil society representatives as well as the OSCE Secretariat, field missions and permanent institutions of the Organization”. Finally, the Economic and Environmental Dimension Implementation Meeting aims to identify the main challenges to

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<sup>888</sup> ---, ‘Economic and Environmental Sub-Committee’, available at <http://www.osce.org/eea/13910?download=true>, Accessed on 20 November 2013.

<sup>889</sup> ---, ‘OSCE Meeting in Vienna to discuss implementation of commitments, future priorities in economic and environmental dimension’, 17 October 2011, available at <http://www.osce.org/eea/84019>, Accessed on 20 November 2013.

<sup>890</sup> ---, ‘2012 OSCE Economic and Environmental Dimension Implementation Meeting’, available at <http://www.osce.org/eea/96401>, Accessed on 20 November 2013.



economic and environmental security and providing recommendations for the Organization's relevant structures and institutions on how to effectively respond them.<sup>891</sup>

Finally, economic and environmental officers in the OSCE field missions, working in close co-operation and co-ordination with the OCEEA, make considerable contributions to the development and implementation of projects with the aim of assisting the participating States in their efforts for addressing and dealing with the risks, threats and challenges to security stemming from economic and environmental issues within the OSCE region.<sup>892</sup>

## **6.2. Economic Activities of the Organization for Security and Co-operation in Europe**

The OSCE takes the view that economic prosperity is one of the most important factors in strengthening security and stability within the OSCE region. The OSCE, therefore, works to promote healthy and well-functioning economies and achieve sustainable economic growth and development in the participating States as a significant part of its comprehensive approach to security. Within this framework, the OSCE performs a wide range of economy-related activities aimed at supporting economic growth and development.<sup>893</sup> These activity fields include: facilitating business and investment promotion; promoting good governance and fighting corruption; combating money laundering and the financing of terrorism; ensuring energy security; strengthening transport security; and finally achieving an effective migration management within the whole OSCE area. All these activity fields of the OSCE will be portrayed in detailed in the following parts of the chapter.

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<sup>891</sup> ---, 'OSCE Meeting in Vienna to discuss implementation of commitments, future priorities in economic and environmental dimension', 17 October 2011, available at <http://www.osce.org/eea/84019>, Accessed on 20 November 2013.

<sup>892</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities, OSCE Economic and Environmental Dimension, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 10 November 2013.

<sup>893</sup> ---, 'OSCE, Economic Activities', available at <http://www.osce.org/what/economic>, Accessed on 1 December 2013.

### 6.2.1. Business and Investment Promotion

The OSCE through the activities of the OCEEA supports the participating States to facilitate sustainable economic growth and development and to promote economic prosperity throughout the OSCE region. In order to achieve this goal, the OCEEA's efforts basically focus on developing attractive business and investment opportunities; creating a favorable and attractive environment and conditions conducive to the business and investment; and finally strengthening the institutional capacity for entrepreneurship and small-and-medium-sized-enterprises (SMEs) within the OSCE area.

The OCEEA, working in close co-operation and co-ordination with the economic and environmental officers from the OSCE field missions, provides assistance and expertise to the participating States in a wide range of areas, covering efforts for facilitating "the sustainability of economic opportunities"; enhancing business development; encouraging job creation and creating "legitimate income generating opportunities for vulnerable population groups, including the unemployed"; increasing the capacity-building of the participating States to achieve "institutional reform and effective policy development"; helping the OSCE field operations in their activities, including "entrepreneurial training, regulatory reform, investment promotion, entrepreneur start-up and business infrastructure development"<sup>894</sup>; encouraging "public-private dialogue on fostering a favorable business environment"; and finally supporting the participating States for an effective and successful development and management of SMEs "as a poverty reduction measure".<sup>895</sup>

The OCEEA produced 'the OSCE Best-Practice Guide on Investment and Business Climate' with the purpose of facilitating exchange of information and best practices among the

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<sup>894</sup> ---, 'Secretariat - Office of the Co-ordinator of OSCE Economic and Environmental Activities, Business and Investment Promotion', available at <http://osce.org/eea/45051>, Accessed on 1 December 2013.

<sup>895</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities', 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

participating States with respect to the investment promotion and SMEs development. The OCEEA also organizes capacity-building workshops on the various subjects included in this document.<sup>896</sup>

### **6.2.2. Good Governance and Fighting Corruption**

According to the definition of the UN, “governance is the process of decision-making and the process by which decisions are implemented”.<sup>897</sup>

In the community of nations, governance is considered ‘good’ and ‘democratic’ to the degree in which a country’s institutions and processes are transparent. Its institutions refer to such bodies as parliament and its various ministries. Its processes include such key activities as elections and legal procedures, which must be seen to be free of corruption and accountable to the people. A country’s success in achieving this standard has become a key measure of its credibility and respect in the world.

Good governance promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring. In translating these principles into practice, we see the holding of free, fair and frequent elections, representative legislatures that make laws and provide oversight, and an independent judiciary to interpret those laws. Democratic governance advances development, by bringing its energies to bear on such tasks as eradicating poverty, protecting the environment, ensuring gender equality, and providing for sustainable livelihoods. It ensures that civil society plays an active role in setting priorities and making the needs of the most vulnerable people in society known.

In fact, well-governed countries are less likely to be violent and less likely to be poor. When the alienated are allowed to speak and their human rights are protected, they are less likely to turn to violence as a solution. When the poor

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<sup>896</sup> ---, ‘Secretariat - Office of the Co-ordinator of OSCE Economic and Environmental Activities, Business and Investment Promotion’, available at <http://osce.org/eea/45051>, Accessed on 1 December 2013.

<sup>897</sup> ---, ‘Factsheet of the OSCE OCEEA’s Good Governance Activities’, available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

people are given a voice, their governments are more likely to invest in national policies that reduce poverty. In so doing, good governance provides the setting for the equitable distribution of benefits from growth. The greatest threats to good governance come from corruption, violence and poverty, all of which undermine transparency, security, participation and fundamental freedoms.<sup>898</sup>

Democratic, accountable and transparent State institutions and private sectors are indispensable pillars of facilitating sustainable economic growth and development and protecting and improving the environment. Transparent and accountable states can be easily attractive for foreign and domestic investment. Foreign and domestic investments enable the government authorities to create a suitable economic environment and conditions for reducing poverty; narrowing inequality and increasing social cohesion in societies.<sup>899</sup>

The OSCE always emphasizes the importance and necessity of ‘democratic and good governance’ at all levels in terms of achieving security, stability and economic prosperity. Several governance problems such as “ineffective institutions, corruption, weak civil society, and lack of transparency and accountability in the public and private sectors” undermine the capacities of the participating States in terms of achieving sustainable economic and social development and the protection of environment. Furthermore, the participating States facing these problems cannot effectively deal with the threats, risks and challenges to security and stability stemming from economic and environmental factors. The OSCE participating States always recognize the vital importance of good governance at all levels and therefore they are determined to make much more efforts for strengthening and improving good governance through enhancing co-operation among them.<sup>900</sup>

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<sup>898</sup> ---, ‘United Nations-Global Issues, Governance’, available at <http://www.un.org/en/globalissues/governance/>, Accessed on 20 August 2014.

<sup>899</sup> ---, ‘Good governance and fighting corruption’, available at <http://www.osce.org/eea/43649>, Accessed on 2 December 2013.

<sup>900</sup> ---, ‘Factsheet of the OSCE OCEEA’s Good Governance Activities’, available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

The OSCE has performed a broad range of activities aimed at promoting and improving good governance and transparency within public and private sectors of the participating States. First of all, the OSCE works to combat corruption, money laundering and the financing of terrorism through strengthening national capacities of the participating States. Second, the OSCE encourages and supports the participating States to ratify and fully implement the international legal frameworks and conventions aimed at combating corruption like the 'UN Convention against Corruption'.<sup>901</sup> Third, the OSCE disseminates the 'OSCE Handbook on Best Practices in Combating Corruption'. Fourth, the OSCE offers national and regional training opportunities on international legal instruments and best practices on combating corruption. Fifth, in order to effectively fighting against corruption, the OSCE encourages dialogue between government authorities and civil society representatives and providing assistance to the participating States in improving their capacity building of state institutions.<sup>902</sup> Finally, the OSCE provides the participating States with strong support and assistance in creating and maintaining more democratic, accountable and transparent societies and facilitating good economic governance within the entire OSCE area.<sup>903</sup>

Due to the cross-dimensional character of the economic and environmental issues in relation to the good governance, the OCEEA works in close and active co-operation and co-ordination with the relevant structures and institutions of the politico-military and human dimensions of security under the OSCE framework. Furthermore, the OCEEA maintains close co-operation on good governance activities with the Council of Europe, the UN Office

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<sup>901</sup> ---, 'Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities', 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>902</sup> ---, 'Good governance and fighting corruption', available at <http://www.osce.org/eea/43649>, Accessed on 2 December 2013.

<sup>903</sup> ---, 'Factsheet of the OSCE OCEEA's Good Governance Activities', available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

on Drugs and Crime (UNODC), the World Bank and the Organization for Economic Co-operation and Development (OECD) as well as other relevant actors.<sup>904</sup>

The OSCE has been engaged in anti-corruption activities with a view to promoting good governance and transparency. The OSCE participating States have attached a special importance on combating corruption. Because they take the view that “corruption undermines democratic institutions, the rule of law and public trust”; endangers economic prosperity; threatens sustainable economic development and stability. Hence, the participating States consider corruption as a big obstacle to achieving economic prosperity and sustainable economic development and stability as well as to promoting their overall security. In this regard, combating corruption remains one of the most priority areas for the OCEEA. In order to effectively fighting against corruption, the OCEEA acts to enable the participating States to ratify and implement international legal conventions and instruments on combating corruption like the ‘UN Convention against Corruption’; encourages the participating States to make much more efforts for enhancing regional dialogue and facilitating exchange of information and good practices as well as sharing experiences; providing assistance to the governmental authorities, the private sector and civil society representatives in improving capacity building and organizing regional training activities based on anti-corruption issues; offers guidance and instruments for policymakers and experts by distributing good governance related publications such as the ‘OSCE Guide on Best Practices in Combating Corruption’; and finally “provides a platform for dialogue between civil society representatives and government counterparts on a variety of good governance and anti-corruption issues”.<sup>905</sup>

OSCE Strategy Document for the EED states that “transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil

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<sup>904</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities,’ 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>905</sup> ---, ‘Factsheet of the OSCE OCEEA’s Good Governance Activities’, available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

society in economic processes". In this respect, fighting against corruption can be considerably strengthened with the active involvement of civil society, media and the private sector. Civil society can contribute to combating corruption through monitoring decisions, policies and activities carried out by the governments in a range of fields such as "in areas such as privatization processes, the use of strategic natural resources, procurement procedures, construction contracts and public expenditures". Furthermore, an active civil society engagement can play a crucial role for creating and increasing public awareness and achieving more transparent and accountable State institutions and private sectors in the process of preventing and reducing corruption.

In combating corruption, the OCEEA maintains close and active co-ordination and co-operation with relevant OSCE permanent institutions, structures and OSCE field missions as well as relevant international bodies and organizations such as the World Bank, the Organization for Economic Co-operation and Development (OECD), the Council of Europe and the UN Office on Drugs and Crime (UNODC).<sup>906</sup>

### **6.2.3. Combating Money Laundering and Financing of Terrorism**

Enormous illegal profits are generated by a range of criminal activities, including trafficking in human beings, weapons, narcotic drugs, and smuggling as well as counterfeiting or credit card fraud within the OSCE region. In order to separate illegally obtained financial profits from criminal actions, perpetrators invest the illegal funds "into other illegal activities or even legitimate businesses" with the purpose of laundering these illegal profits. These illegal acquisitions are frequently employed for the financing of terrorist activities and purposes.<sup>907</sup> Money laundering and the financing of terrorism constitute serious threats and challenges to the individual and common security of all the participating States in the OSCE region. Hence, the OSCE participating States are strongly agreed that an effective and

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<sup>906</sup> Ibid.

<sup>907</sup> ---, 'Secretariat-Office of the Co-ordinator of OSCE Economic and Environmental Activities', Combating money laundering, available at <http://osce.org/eea/43657>, Accessed on 2 December 2013.

strong struggle against money laundering and the financing of terrorism must be maintained.<sup>908</sup> In this respect, much more effort to combating money laundering and the financing of terrorism has been devoted by the OSCE since 2002 on the basis of its Ministerial Council and Permanent Council decisions.<sup>909</sup>

The OCEEA, upon the request of the participating States, supports them in strengthening their capabilities to combat money laundering and the financing of terrorism through developing a range of actions and policies. The OCEEA provides assistance and expertise to the participating States to strengthen their national institutions; and creating and improving their national capacities such as financial intelligence units (FIUs) with a view to maintaining an effective struggle against money laundering and the financing of terrorism. These anti-money laundering and countering the financing of terrorism activities have been carried out in the South Caucasus, the Balkans and the Central Asia. In conducting these activities, the OCEEA works in close and active co-operation with the 'Global Programme against Money Laundering of the UN Office on Drugs and Crime' (UNODC), the World Bank, the International Monetary Fund (IMF), the European Bank for Reconstruction and Development and other relevant partners.<sup>910</sup>

In assisting the participating States to combat effectively money laundering and the financing of terrorism, the OSCE supports the participating States to adopt and implement 'the 40 + 9 Recommendations of the Financial Action Task Force' (FATF)<sup>911</sup>; contributes to the development of

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<sup>908</sup> ---, 'Factsheet of the OSCE OCEEA's Good Governance Activities', available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

<sup>909</sup> ---, 'Secretariat - Office of the Co-ordinator of OSCE Economic and Environmental Activities, Business and Investment Promotion', available at <http://osce.org/eea/45051>, Accessed on 2 December 2013.

<sup>910</sup> ---, 'Secretariat-Office of the Co-ordinator of OSCE Economic and Environmental Activities, Combating money laundering', available at, available at <http://osce.org/eea/43657>, Accessed on 2 December 2013.

<sup>911</sup> "The Financial Action Task Force (FATF) can be seen as the international standard-setter in the fight against terrorist financing and money laundering. It was established in 1989, by a Group of



a more nuanced understanding of the underlying threat at the national, regional and international levels to enable States to maximize the effectiveness of anti-money laundering and combating the financing of terrorism efforts; supports and complimenting the established activities of the FATF, UNODC and other standard setters; develops technical materials, and public and private sector capacity-building, largely within and between national institutions; and finally proactively engaging with the public sector and private financial institutions to ensure more effective co-ordination of technical assistance delivery.<sup>912</sup>

“Identifying, assessing, and understanding money laundering and the financing of terrorism risks is an essential part of the development and implementation of a national anti-money laundering and countering the financing of terrorism strategies and plans. It assists in the prioritization and efficient allocation of resources by authorities”.<sup>913</sup> The OCEEA provides assistance to the participating States in carrying out their national risks assessments on money laundering and the financing of terrorism which in turn enable the participating States to effectively assign anti-money laundering and countering the financing of terrorism

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Seven (G-7) Summit held in Paris. The summit recognized the growing threat posed by money laundering to the banking system and financial institutions and set up the FATF to develop and promote national and international policies, globally, to help eliminate this threat. In 2001, the FATF took over responsibility for the development of standards in the fight against terrorist financing. The FATF’s main responsibility is to ensure global action to combat money laundering and terrorist financing is undertaken. Since its creation, the FATF has been at the forefront of measures designed to counter criminal attempts to use the financial system to further criminal and terrorist purposes. Most notably, in 1990 the FATF established a series of money laundering recommendations. In 2001, they established a series of special recommendations on the prominent threat of terrorist financing, collectively known as the 40+9 Recommendations whose aim was to unite anti-money laundering and terrorist financing efforts into one universal instrument. The FATF examines techniques and counter-measures and reviews whether existing national and international policies are sufficient to combat the developing threat.

---, ‘Anti-Money Laundering Forum, Financial Action Task Force’, available at <http://www.anti-moneylaundering.org/FATF.aspx>, Accessed on 20 August 2014”.

<sup>912</sup> ---, ‘Factsheet of the OSCE OCEEA’s Good Governance Activities’, available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

<sup>913</sup> ---, ‘FATF Guidance National Money Laundering Terrorist Financing Risk Assessment’, February 2013, available at [http://www.fatf-gafi.org/media/fatf/content/images/National\\_ML\\_TF\\_Risk\\_Assessment.pdf](http://www.fatf-gafi.org/media/fatf/content/images/National_ML_TF_Risk_Assessment.pdf), Accessed on 20 August 2014, p.4.

resources in terms of strengthening security and stability within the OSCE region. In this respect, reference materials are provided by the OSCE in the formulation of a national risk assessment regarding the money laundering and the financing of terrorism in any OSCE participating State.<sup>914</sup>

In the field of combating money laundering and the financing of terrorism, the OSCE gives a special importance to the facilitation of regional cooperation in its sphere. In this regard, the OSCE organizes regional activities, through co-operates closely with UNODC. The OSCE was granted as an observer status to the 'Eurasian Group on Combating Money Laundering and the Financing of Terrorism' (EAG) in December 2006 and to the 'Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures' (MONEYVAL) in October 2008. Some OSCE participating States, namely the Russian Federation, Tajikistan, Belarus, Kyrgyzstan, Kazakhstan and Uzbekistan are also member States of the EAG. The OSCE co-operates actively and closely with the EAG and the Council of Europe in fighting against money laundering and the financing of terrorism.<sup>915</sup>

#### **6.2.4. Energy Security**

Energy security is an integral component of the OSCE's comprehensive approach to security. Energy issues, including energy security are placed under the OSCE's economic and environmental dimension<sup>916</sup>, because energy security has sorts of economic and environmental aspects. Energy security mainly emphasizes reliable supply of energy in affordable prices. However, energy security has different meanings for different actors. For producer or exporting countries, energy security is equal with the security of demand. For

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<sup>914</sup> ---, 'Factsheet of the OSCE OCEEA's Good Governance Activities', available at <http://www.osce.org/eea/98374?download=true>, Accessed on 1 December 2013.

<sup>915</sup> ---, 'Secretariat-Office of the Co-ordinator of OSCE Economic and Environmental Activities, Combating money laundering', available at <http://osce.org/eea/43657>, Accessed on 2 December 2013.

<sup>916</sup> ---, 'OSCE Special Expert Meeting, Vilnius 13-14 September 2010 Factsheet', available at [www.osce.org/eea/71241](http://www.osce.org/eea/71241), Accessed on 10 December 2013.

consumer or importing countries, energy security means the security of supply. Finally, for transit countries, energy security means both the security of supply and demand.<sup>917</sup> OSCE participating States are strongly agreed that ensuring energy security is highly important for facilitating sustainable economic growth and development; and increasing social integration and living standards within the OSCE region. Facilitating “generalized access to energy at acceptable prices” is an essential condition for creating and maintaining well-functioning economies.<sup>918</sup>

The International Energy Agency defines energy security as:

the uninterrupted availability of energy sources at an affordable price. Long-term energy security mainly deals with timely investments to supply energy in line with economic developments and sustainable environmental needs. Short-term energy security focuses on the ability of the energy system to react promptly to sudden changes within the supply-demand balance. Lack of energy security is thus linked to the negative economic and social impacts of either physical unavailability of energy, or prices that are not competitive or are overly volatile.<sup>919</sup>

“The political stability of a country is closely linked to the sustainability of its economic development”. Uninterrupted and reliable access to energy resources is a necessary condition for achieving sustainable economic growth and development in a country. So, it means that reliable and stable energy resources are essential factors for political stability in a State. In this respect, with the purpose of promoting sustainable economic development

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<sup>917</sup> Interview with Richard Wheeler, Senior Programme Officer, Energy Security, Office of the Coordinator of OSCE Economic and Environmental Activities, Vienna, 14 November 2012.

<sup>918</sup> Bernard Snoy, ‘Energy Security: An OSCE perspective’, *Helsinki Monitor* 2006 no.4, p.291.

<sup>919</sup> ---, ‘International Energy Agency, What is energy security?’, available at <http://www.iea.org/topics/energysecurity/subtopics/whatisenergysecurity/>, Accessed on 22 August 2014.

as an important factor for the consolidation of political stability in a country, OSCE aims to contribute to the participating States' efforts for ensuring energy security.<sup>920</sup>

Maastricht Strategy Document for the EED states that "a high level of energy security requires a predictable, reliable, economically acceptable, commercially sound and environmentally friendly energy supply, which can be achieved by means of long-term contracts in appropriate cases". In this respect, the OSCE participating States are determined to foster "energy dialogue and efforts to diversify energy supply, ensure the safety of energy routes, and make more efficient use of energy resources". They are also strongly determined to "support further development and use of new and renewable sources of energy".<sup>921</sup>

Maastricht Strategy Document also identifies specific thematic areas for the OSCE's possible roles in energy issues. These are as follows: "promoting good governance and transparency in the energy sector; continued focus on addressing threats to critical energy infrastructure; promoting sustainable energy solutions; promoting increased awareness regarding linkages between energy security & climate change and possible role in confidence building and development of early warning mechanism."<sup>922</sup>

The OSCE PC adopted a 'Decision No.12/06 Energy Security Dialogue in the OSCE' at the 2006 OSCE Brussels Ministerial Council meeting. In this decision, the OSCE PC and the OSCE Secretariat have been tasked to strengthen dialogue on energy security, including all

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<sup>920</sup> ---, 'OSCE Mission to Serbia and Montenegro, Renewable Energy for Energy Security', available at <http://osce.org/serbia/16332>, Accessed on 5 December 2013.

<sup>921</sup> ---, 'OSCE Strategy Document for the Economic and Environmental Dimension', OSCE Ministerial Council, Maastricht 2003, 2 December 2003, available at <http://www.osce.org/eea/20705?download=true>, Accessed on 20 November 2013, p.5.

<sup>922</sup> Presentation by Richard Wheeler, Senior Programme Officer, Energy Security, 'The OSCE and Energy Security, Meetings of the Energy Efficiency Programme, The OSCE and Sustainable Energy, 24 April 2012, Geneva, Energy Security – OSCE general mandate, CEIP, economic and geo-political, legal dimensions'.

relevant actors in the field of energy such as producing, consuming and transit countries.

The decision also places special emphasis on the following issues:

reaffirming the commitments regarding energy in the OSCE Strategy Document for the Economic and Environmental Dimension adopted at the Maastricht Meeting of the Ministerial Council in 2003; recognizing that a high level of energy security requires a predictable, reliable, economically acceptable, commercially sound and environmentally friendly energy supply which can be achieved by means of long-term contracts in appropriate cases; acknowledging that the security of demand and concerted actions of energy producers and consumers are also of critical importance for the enhancement of energy security; noting that the increasing energy interdependence between producing, consuming and transit countries needs to be addressed through co-operative dialogue enabling them to benefit fully from this interdependence and to further promote global energy security with due regard to the interests of all stakeholders; bearing in mind that this dialogue should strengthen the partnership among producing, transit and consuming countries to enhance global energy security through a comprehensive and concerted approach, also involving industry and civil society; regarding the availability of reliable and stable sources of supply of hydrocarbons to and from OSCE participating States as a favorable condition to promote a long-lasting and mutually beneficial co-operation in energy; taking note of efforts to diversify energy supply and demand, energy sources and transportation routes, as well as to increase the flexibility of energy transport systems through multiple supply routes or optimal, including direct, transport interconnections between suppliers and consumers, as appropriate, and to make more efficient use of energy resources, paying due respect to environmental considerations; determined to support the further development and use of new and renewable sources; recognizing that a large-scale use of renewable energy could make a significant contribution to long-term energy supply without adverse impact on the climate; considering the importance of good public and corporate governance, market transparency and regional co-operation in the energy sector to the promotion and enhancement of energy security, while taking into account the interests of all concerned; noting the efforts of the OSCE to raise awareness of challenges in the field of energy security and to serve as a platform for energy security dialogue, to add

value and to promote regional and global co-operation in the field of energy security.<sup>923</sup>

Energy Security Dialogue takes the view that “energy security goes beyond security of supply to include security of demand and security of transit, as well as energy efficiency”.<sup>924</sup>

The OCEEA aims to encourage dialogue on energy security among the participating States with the purpose of promoting exchange of information and best practices and sharing experiences with regard to the “energy efficiency, sustainability and transparency”. To achieve this, the OCEEA co-operates closely with the Vienna Energy Club (VEC) and other relevant organizations operating in the field of energy in Vienna, which in turn provides valuable technical expertise and experiences to the OSCE on energy security.<sup>925</sup>

The OSCE has organized a number of conferences and workshops in order to strengthen energy security, energy infrastructure security, promote stable and reliable energy resources and finally enhance regional co-operation within the OSCE region. The main subjects and challenges come to the fore regarding the energy issues in these specific events are as follows: creating a favorable environment and conditions for the more developed energy sector through facilitating necessary energy investments; supporting the participating States in building new transport infrastructures for uninterrupted and reliable energy supply; the need for dealing comprehensively with the risks, threats and challenges to critical energy infrastructures which can be generated from potential terrorist attacks and natural disasters as well as technical interruption; and finally providing assistance and expertise to the participating States to develop strong domestic energy policies covering

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<sup>923</sup> ---, ‘OSCE Ministerial Council Brussels 2006, Decision No.12/06 on Energy Security Dialogue in the OSCE’, available at <http://www.osce.org/mc/23354?download=true>, Accessed on 5 December 2013, pp.1-2.

<sup>924</sup> Kevin Rosner, ‘How the OSCE Can Contribute to Energy Security’, *Journal of Energy Security*, January 2010, p.3.

<sup>925</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

“better management of the energy mix, as well as a co-coordinated approach to develop alternative and non-fossil energy sources in order to contribute to lessening greenhouse gas emissions”. Particularly, “disruption of critical energy infrastructure can have serious impacts on the health, safety, security and economic well-being of citizens”.<sup>926</sup>

Promoting and strengthening energy security and finding acceptable solutions to the energy-related disputes at the global level require the effective use of all available dialogue opportunities on energy security. In the maintenance of a close and effective dialogue on energy security, the OSCE, as the largest regional security organization, can provide a platform for dialogue on energy security.<sup>927</sup> Rosner states that the OSCE covers “main energy producers and exporters, world’s largest energy consuming countries and key transit States having a strategic position for European energy supply”. Hence, the OSCE is a unique regional security organization in Europe in terms of providing a dialogue platform on energy security “between energy producers, consumers and transit states”.<sup>928</sup> Furthermore, the OSCE can serve as a multilateral form for dialogue to enhance and improve regional co-operation in the field of energy security and contributing to the resolution of energy-related disputes among the participating States.<sup>929</sup>

The main priority areas for the dialogue on energy security among the participating States can include developing new ways for the diversification of energy resources and energy supply routes; effectively addressing the issue of energy security through covering major energy producers, consumers and transit States within the OSCE region with a view to strengthening energy security; intensifying joint efforts for the protection of critical

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<sup>926</sup> ---, ‘OSCE Special Expert Meeting, Vilnius 13-14 September 2010 Factsheet’, available at [www.osce.org/eea/71241](http://www.osce.org/eea/71241), Accessed on 10 December 2013.

<sup>927</sup> ---, ‘Energy security dialogue’, available at <http://www.osce.org/eea/45052>, Accessed on 24 August 2014.

<sup>928</sup> Kevin Rosner, ‘How the OSCE Can Contribute to Energy Security’, *Journal of Energy Security*, January 2010, p.1.

<sup>929</sup> ---, ‘OSCE Special Expert Meeting, Vilnius 13-14 September 2010 Factsheet’, available at [www.osce.org/eea/71241](http://www.osce.org/eea/71241), Accessed on 10 December 2013.

infrastructure against terrorist attacks; ensuring legal and regulatory framework for the necessary energy investments with the purpose of promoting stable and reliable energy supply; and using energy sources more effectively, at the same time achieving environmental sustainability across the entire OSCE region.<sup>930</sup>

The OSCE can share its expertise, experience and knowledge accumulated in the fields of good governance and transparency of energy sectors; environmentally friendly and sustainable energy resource; and the protection of critical energy infrastructures.<sup>931</sup> One of the key areas where the OSCE can provide an added value to the energy field is to contribute to the efforts for protecting critical energy infrastructure which is very important in terms of promoting energy-supply security and maintaining global price stability. “Energy prices in a time of scarcity are particularly vulnerable to even small attacks on global energy supply vis-a-vis the infrastructure that transits it”.<sup>932</sup>

The OSCE adopts an approach that maintaining an effective dialogue and co-operation on energy security at international level is crucial in terms of promoting stable and reliable energy supply; finding lasting solutions to the energy-related problems; and finally facilitating the emergence of transparent and open energy sectors.<sup>933</sup> Hence, the Organization works in close co-operation with “specialized energy-related organizations and structures, including the Vienna Energy Club and organizations located outside of Vienna such as the Energy Charter Secretariat, the International Energy Agency (IEA), and

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<sup>930</sup> Bernard Snoy, ‘Energy Security: An OSCE perspective’, *Helsinki Monitor* 2006 no.4, pp.292-294.

<sup>931</sup> The OSCE and Energy Security, Meetings of the Energy Efficiency 21 Programme “The OSCE and Sustainable Energy” 24 April 2012, Geneva, Energy Security – OSCE general mandate, CEIP, economic and geo-political, legal dimensions, Presentation by Richard Wheeler, Senior Programme Officer, Energy Security.

<sup>932</sup> Kevin Rosner, How the OSCE Can Contribute to Energy Security, *Journal of Energy Security*, January 2010, p.1.

<sup>933</sup> OSCE Special Expert Meeting, Vilnius 13-14 September 2010 Factsheet, available at [www.osce.org/eea/71241](http://www.osce.org/eea/71241), Accessed on 10 December 2013.



UN Economic Commission for Europe Committee on Sustainable Energy (UNECE) as well as NATO”.<sup>934</sup>

#### **6.2.5. Transport**

The OSCE participating States acknowledge that “secure and efficient transport plays an important role in enabling economic growth, increasing employment and living standards and reducing poverty, all of which support stability and security throughout the OSCE region”. Therefore, the OSCE has put a special emphasis on transport security since 2006 within the framework of the economic and environmental dimension. In this respect, transport-related subjects have constituted the main theme of the Economic and Environmental Forum meetings since 2006.

In comparison with seaports and airports, particularly ‘inland transport security’ is considered as the weakest one in the global supply chain and thus should be specifically protected against terrorist attacks. In order to strengthen the security of inland transport, the OSCE has focused on promoting a “comprehensive and integrated approach” to the issue which takes into consideration the concerns and views of several major interested actors, operating in the field of transport security covering relevant regional and international organizations and the public and private sectors. In this regard, the OSCE has organized several meetings aimed at identifying security risks, threats and challenges to the security of inland transport within the whole OSCE region. The OSCE, through OCEEA’s activities, has played a catalytic role in facilitating well-coordinated and more effective national and international efforts in order to deal with inland transport security risks and challenges.<sup>935</sup>

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<sup>934</sup> Presentation by Richard Wheeler, Senior Programme Officer, Energy Security, ‘The OSCE and Energy Security, Meetings of the Energy Efficiency Programme The OSCE and Sustainable Energy 24 April 2012, Geneva, Energy Security – OSCE general mandate, CEIP, economic and geo-political, legal dimensions’.

<sup>935</sup> ---, ‘OSCE-OCEEA’s Transport Activities Factsheet’, available at <http://www.osce.org/eea/98372?download=true>, Accessed on 20 December 2013.

In order to strengthen transport security within the OSCE region, the participating States adopted a 'Decision No. 11/06 on Future Transport Dialogue in the OSCE' at the 2006 OSCE Brussels Ministerial Council meeting. In this decision, the participating States:

reaffirmed the commitments related to transportation in the OSCE area, in particular those made in the Strategy Document for the Economic and Environmental Dimension adopted by the Ministerial Council in Maastricht (2003) and in other relevant OSCE documents; bearing in mind the importance of appropriate follow-up to Economic and Environmental Forums; recognizing the vital importance of secure transportation networks and of transport development to the enhancement of regional economic co-operation and stability in the OSCE area; noting the crucial role of transport in promoting trade and generating economic development across the OSCE area; acknowledging that co-operation both between States and between relevant stakeholders is crucial to address transportation challenges adequately, and recognizing that an integrated approach incorporating capacity-building activities and appropriate follow-up is needed to achieve results in the longer term; convinced that the OSCE can support, strengthen and complement existing initiatives in the field of transport by providing a relevant framework for dialogue based on its comprehensive mandate for security and co-operation; recognizing the challenges and opportunities that transportation development and transportation security present to participating States and the need for more co-ordination and exchange of best practices; affirming the significant role of the OSCE Maastricht Strategy Document, in which participating States committed themselves to closer coordination in the fields of economic co-operation, good governance, sustainable development and protecting the environment; considering that, within its comprehensive approach to security, the OSCE could make contributions in the field of transport by, inter alia: supporting the adoption and implementation of legal instruments and other tools developed by relevant organizations related to transportation and trade facilitation; providing political support and a framework for dialogue with regard to the further development of transport corridors and networks without prejudice to the transportation-related interests of any participating State, and by playing a catalytic role between national and international actors; paying due attention to transport related transit issues, with a particular eye on the special needs of landlocked developing countries, and by facilitating dialogue and co-operation among the OSCE participating States and OSCE

Partners for Co-operation; encouraging the development of stronger partnerships between participating States and with relevant international bodies that focus on transport, in particular transport development and transport security; promoting a wide dissemination and implementation of best practices and standards developed by relevant organizations in the field of transport security, and by promoting better co-ordination in this field among participating States and partner organizations; promoting good public and corporate governance and by combating corruption in the area of transport and trade facilitation, in particular with regard to customs and cross-border operations and infrastructure development; making full and regular use of the relevant provisions of the OSCE Border Security and Management Concept; promoting and facilitating public-private dialogue with regard to transportation issues; and finally emphasizing the linkages between transport development and the environment and promoting environmentally sustainable transportation choices, and promoting dialogue on transport and broader transport-related issues, within the context of the conflict settlement processes in the OSCE area.<sup>936</sup>

In order to strengthen transport security and promote the exchange of best practices and lessons-learned regarding the “border crossing procedures, transport and trade facilitation”, the OCEEA carries out a range of activities such as increasing good-governance and transparency at borders and in customs point; maintaining dialogue on sustainable transport with the aim of developing more efficient “national policies for cleaner and more energy-efficient transportation”; contributing to the creation of new transport and logistics systems within the OSCE region; and finally delivering ‘the OSCE-UNECE Handbook on Best Practices at Border Crossings: a Trade and Transport Facilitation Perspective’ and organizing several specific events pertaining to this Handbook aimed at increasing the capacity building of the participating States on transport security.<sup>937</sup>

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<sup>936</sup> ---, ‘OSCE Ministerial Council Brussels 2006, Decision No. 11/06 on Future Transport Dialogue in the OSCE’, pp.1-3.

<sup>937</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

The OCEEA, working in close co-operation and co-ordination with the OSCE field operations and other relevant partner organizations such as the UN Economic Commission for Europe (UNECE) Transport Division and the World Customs Organization (WCO), assists the participating States in adopting and implementing legal instruments developed for transport, trade and borders crossing facilitation; developing international transport and logistics networks through creating new links between Europe and Asia; facilitating the exchange of information and best practices among the participating States in the field of transport; dealing with effectively the problem of corruption in borders and customs; and finally encouraging public-private dialogue and co-ordination on transport-related issues.

The OSCE recognizes that international trade and secured transport are of vital importance in achieving sustainable economic and social development within the participating States. However, international trade and foreign direct investments are endangered with regard to the bureaucratic obstacles at border crossings which can lead to “higher costs for trade transactions and delays in cross-border movement of goods”. International trade and foreign investment are also negatively affected by the lack of integrity in custom and borders services. With a view to strengthening good governance and fighting effectively against corruption in customs and borders, the OCEEA supports the participating States by organizing regional training activities and increasing their capacity-building.

Landlocked developing countries face serious specific transport-related challenges within the OSCE region. They are lack of direct access to ports and therefore they are highly dependent on the transit activities provided by their non-landlocked neighboring countries. In order to address effectively these transport-related challenges, the OSCE works to provide assistance to the landlocked participating States and Partner States for Co-operation. Developing new effective transport systems with the help of the joint efforts initiated by the public and private sectors in the landlocked and transit countries is considered as an effective tool in addressing transport-related challenges, facing some OSCE participating States. There is no doubt that delivering technical and financial support for the building up new transport infrastructures and systems for the benefit of the landlocked countries in the OSCE region is necessary in dealing with transport-related challenges. In addition to this, the OSCE has been engaged in a range of activities aimed at

eliminating non-physical obstacles to free and secured trade and transport with a view to assist its landlocked participating and Partner States.

‘OSCE-UNECE Handbook of Best Practices at Border Crossings – A Trade and Transport Facilitation Perspective’ was published in 2012 as a joint work by the OSCE OCEEA and the Transport Division of the UN Economic Commission for Europe (UNECE). The Handbook provides a guidance document particularly for the landlocked developing countries included in the OSCE and UNECE member States. The landlocked countries’ accession to world markets is seriously limited. In order to mitigate the negative consequences derived from their landlocked status, the Handbook serves as a useful instrument to support the landlocked developing countries in their efforts towards developing more effective transport, customs and border policies. The Handbook includes a range of areas such as “available legal instruments, inter-agency and international co-operation, balancing security and facilitation measures, freight processing, risk management, border crossing point design, and human resource management and benchmarking”.

“The illegal cross-border transportation of hazardous and other waste” has emerged as a serious challenge within the OSCE region which includes detrimental effects on human health and the environment. In order to respond better to the security challenges derived from the illegal transport of hazardous waste, the OSCE supports the participating States to enhance their ability of detecting and preventing the illegal transportation of hazardous and other waste. In this respect, the OSCE produced a manual entitled ‘Detection and Prevention of illegal transboundary movement of waste and other environment-sensitive commodities’ aimed at assisting trainers that are tasked to provide relevant courses related to the issue of illegal transport of hazardous waste. The OCEEA offers assistance and advice for the border management authorities in their efforts to detect and prevent the illegal cross-border transportation of hazardous and other waste.<sup>938</sup>

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<sup>938</sup> ---, ‘OSCE-OCEEA’s Transport Activities Factsheet’, available at <http://www.osce.org/eea/98372?download=true>, Accessed on 20 December 2013.

#### 6.2.6. Migration Management

“Migration is the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification”.

“Migration management is a term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues”.<sup>939</sup>

The spreading effects of the globalization in the last two decades have increasingly required more effective border management and immigration structures for the better management of people flows and trade. In this regard, States faces a common challenge: “facilitate movement of legitimate people and goods while maintaining secure border”. It means that States must ensure both open and controlled borders.

In creating open and secure borders, the main responsibility belongs to the border agencies such as border police, customs and immigration services. These agencies are also responsible for maintaining “the processing of people and goods at points of entry and exit, as well as for the detection and regulation of people and goods attempting to cross borders illegally”. “Efficient border and immigration management policies and structures, supported by professional and well trained immigration and border officers” serve as instruments for the successful management of borders in terms of preventing illegal migration, trafficking in human beings and the activities of the organized crime networks.

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<sup>939</sup> ---, ‘Key Migration Terms’, available at <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html>, Accessed on 26 August 2014.

International Organization for Migration (IOM), as the main organization on migration, engages in providing assistance to governments and migrants over all phases of migration. Today, current priorities on migration contain “supporting States to enhance their border and migration management structures and procedures; reducing irregular migration and smuggling; strengthening the protection of migrants’ rights; enhancing international cooperation; and harmonizing national policies and practices internally and within regional contexts towards common international norms”.<sup>940</sup>

The OSCE also recognizes the importance of ‘migration’ and ‘migration management’ under the umbrella of the economic and environmental dimension of security as an integral component of its comprehensive approach to security. Due to increasing migration rates, more and more OSCE participating States have been negatively affected by the illegal migration movements. Maintaining co-operation at international level and promoting an effective migration management within the whole OSCE region is of vital importance in terms of strengthening security and stability particularly at the borders of the OSCE participating States. Hence, in recent years the OSCE has focused on migration issues through developing commitments and official documents related to migration and migration management. The OSCE puts a special emphasis on the rights of migrant workers.

Recent migration and demographic trends within the OSCE region have clearly indicated that “a number of OSCE participating States have become countries of destination, transit or origin for migration, or a combination of all three, with economic, social, cultural and security implications requiring co-operation at many levels to effectively address migration management”.<sup>941</sup> “According to estimates by the UN Population Division, around 126 million international migrants were living in the OSCE region by 2010. This equals roughly 11 per cent of the population of all of the OSCE participating States”. The OSCE participating

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<sup>940</sup> ---, ‘International Organization for Migration, Immigration and Border Management’, available at <http://www.iom.int/cms/tcm>, Accessed on 26 August 2014.

<sup>941</sup> ---, ‘Migration’ available at <http://www.osce.org/eea/45045>, Accessed on 25 December 2013.

States host more than 2.5 million refugees and asylum-seekers as well as a considerable number of internally displaced and stateless persons.<sup>942</sup>

OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century states that the Organization “will intensify its efforts to address such issues as smuggling of migrants and illegal migration”.<sup>943</sup> The theme of the 17<sup>th</sup> OSCE Economic and Environmental Forum meeting is ‘Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region’.

The OSCE serves as a platform for multilateral dialogue for the participating States and Partner States for Co-operation in facilitating exchange of information, best practices, lessons-learned and experience sharing related to migration issues which can have security implications within the framework of the economic and environmental dimension-related issues. The OSCE field operations also work to contribute to the facilitation of effective migration management through conducting concrete, specific and result-oriented projects and programmes particularly within the CIS countries and South Eastern Europe.<sup>944</sup>

The OCEEA assists the participating States in promoting legal migration and diminishing irregular and illegal migration movement. In order to achieve this, the OCEEA aims at enhancing regional dialogue and co-operation through the exchange of information and good practices and specific activities aimed at enhancing the abilities of the government authorities and officials in the field of migration management. In this respect, the OCEEA carries out several activities aimed at enabling the participating States to improve their migration legislation and implement more comprehensive, gender-sensitive and efficient national migration-related policies by developing training materials, policy guides and

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<sup>942</sup> ---, ‘OSCE-ODIHR-Migration’, available at [www.osce.org/odihr/migration](http://www.osce.org/odihr/migration), Accessed on 25 December 2013.

<sup>943</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.6.

<sup>944</sup> ---, ‘Migration’, available at <http://www.osce.org/eea/45045>, Accessed on 25 December 2013.



handbooks. The OCEEA has organized capacity-building workshops and seminars within the OSCE region with the aim of promoting more effective and gender-sensitive national migration policies. These specific events also provide harmonized, reliable and comparable data on migration for maintaining evidence-based policy making processes in the OSCE region.<sup>945</sup> The OCEEA is basically active in the field of migration management such as “labor migration management, migration data and migration and development”. The OCEEA works in close co-operation and co-ordination with other relevant OSCE structures, bodies and institutions as well as regional and international organizations engaged in migration-related activities.<sup>946</sup>

Bearing in mind that creating and maintaining political stability and security is closely linked to producing concrete resolutions to the migration-based problems, the OSCE ODIHR works in a series of migration-related issues in close co-operation with the participating States, particularly focusing on “the integration of migrants and the development of gender-sensitive migration policies”. The ODIHR through its migrant-integration activities aims to provide support to the participating States in their efforts to develop humane integration policies with regard to migration. The ODIHR also provides expertise to the participating States in terms of developing legal and policy measures aimed at promoting migrants’ integration to the societies where they live. Furthermore, the ODIHR also works for the facilitation of the exchange of best practices and lessons-learnt on migrants’ integration at national level throughout the OSCE area.

Recognizing the existence of the handicaps, facing women in all cycles of the migration process, the ODIHR works to provide support and expertise to the participating States in their efforts to develop more gender-sensitive migration policies which are designed to meet women migrants’ specific needs. Women migrants are considerably limited to access to legal employment opportunities and they are also excluded from labor legislation. In

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<sup>945</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>946</sup> ---, ‘Migration’, available at <http://www.osce.org/eea/45045>, Accessed on 25 December 2013.

order to assist the participating States in these fields, the ODIHR produced “a trainer’s manual on gender and labor migration and has regional training for policy-makers based on that manual”.<sup>947</sup>

### **6.3. Environmental Activities of the Organization for Security and Co-operation in Europe**

The implications of environmental problems have dramatically increased since the later 1960s. A broad range of environmental issues such as huge quantities of hazardous wastes, air pollution, acid rain, stratospheric ozone depletion, climate change, loss of biological diversity and global warming have emerged as major regional and global environmental problems. “Wide-spread industrialization and rapid population growth have greatly increased the scale and intensity of the over-exploitation of natural resources and environment degradation”, which in turn led to the emergence of a broad range of serious regional and global environmental problems.<sup>948</sup>

The impact of humanity on the environment has also dramatically increased since 1960s. The increasing rates of human activities and efforts for increasing living standards and industrialization at the global level have resulted in the environmental degradation and considerable change of the ecological system, generating a wide range of environmental problems such as global warming and climate change. Wide-spread industrialization trends and pursuing higher level for living standards has led to the tremendous exploitation of natural resources and substantially contaminated the environment.<sup>949</sup>

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<sup>947</sup> ---, ‘OSCE-ODIHR-Migration’, available at [www.osce.org/odihr/migration](http://www.osce.org/odihr/migration), Accessed on 25 December 2013.

<sup>948</sup> Owen Greene, ‘Environmental Issues’, in John Baylis and Steve Smith (eds), *Globalization of World Politics*, Oxford University Press, 2001, pp.452-453.

<sup>949</sup> Marvin S. Soros, ‘Global Institutions and the Environment: An Evolutionary Perspective’, in Norman J. Vig and Regina S. Axelrod (eds), *The Global Environment Institutions, Law, and Policy*, Washington: CQ Press, 1999, p.27.

The scale and intensity of the environmental problems have substantially expanded due to the wide-spread industrialization, rapid population growth and increased fuel consumption in the world since the 1960s. In these circumstances, it is generally agreed that “the environment can no longer be viewed as a relatively stable background factor”. In addition to the existing environmental challenges, the second half of the twentieth century has witnessed the emergence of new global environmental problems.<sup>950</sup>

Environmental issues and challenges were considered “as minor issues; marginal to core national interests and to international politics” by most States until the 1980s. However, environmental issues have gained “a much higher status in world politics” particularly after the end of the Cold War period. Growing international concern about the environment has emerged as a response to the fundamental alterations occurred in the ecological system since the 1980s. Because physical environment and human health started to be threatened by a wide range of factors such as “the release of ozone-destroying chemicals; emissions of sulfur and nitrogen oxides; the production of toxic chemicals and other hazardous wastes and their introduction into to air, water, and soil; and deforestation”.<sup>951</sup> Growing industrialization and urbanization and rapid population growth have brought about a profound effect in scale and intensity of the important environmental problems and challenges.<sup>952</sup> Consequently, the major alterations in today’s physical environment are mainly derived from the overwhelming economic activity and rapid population growth occurred during the second half of the twentieth century.<sup>953</sup>

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<sup>950</sup> Andrew Hurrell and Benedict Kingsbury, ‘The International Politics of the Environment: An Introduction’, in Andrew Hurrell and Benedict Kingsbury, *The International Politics of the Environment*, Oxford: Clarendon Press, 1992, pp.2-3.

<sup>951</sup> Pamela S. Chasek, David L. Downie, and Janet Welsh Brown, *Global Environmental Politics*, Colorado: Westview Press, 2006, pp.1-2.

<sup>952</sup> *Ibid.*, pp.11-12.

<sup>953</sup> *Ibid.*, pp.8-9.

The OSCE takes the view that the security, stability and health of individuals, societies and States within the OSCE region are being seriously threatened by the problems and challenges generating from environmental factors. In order to achieve sustainable economic growth and prosperity and social development, sustainable use and sound management of natural resources must be ensured. Recognizing the growing importance of this fact, the OSCE, through its environmental activities, aims at promoting peace, security and stability within the whole OSCE region.<sup>954</sup>

Within the framework outlined above, “recognizing the close connection between environmental issues and security”, the OSCE performs a wide range of environmental activities aimed at “restoring and maintaining a sound ecological balance in the air, water and soil”. The main priority areas for protecting and improving environment are to achieve “sustainable use and sound management of natural resources” particularly promoting an effective water resource management; prevent soil degradation; promoting the safely disposal of hazardous waste; provide support and assistance for the maintenance of energy security dialogue among the participating States; and finally supporting the full and effective implementation of the ENVSEC Initiative. Furthermore, the OSCE has engaged in a range of initiatives aimed at raising the environmental awareness and encouraging public participation in environmental decision-making.<sup>955</sup>

In the field of climate change, the OSCE with the European Environment Agency as a partner has carried out a project entitled ‘Security Implications of climate change’. This project is aimed at “developing scenarios for different OSCE regions to assess the impact of climate change on natural resources, energy and food availability, and their repercussions on security by 2050”. In this respect, the OSCE has organized a number of scenario workshops in several OSCE participating States with a view to providing relevant tools for

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<sup>954</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>955</sup> ---, ‘OSCE, Environmental Activities’, available at <http://www.osce.org/what/environmental>, Accessed on 26 December 2013.

further possible co-operation and formulation of new policy recommendations which can be evaluated and implemented by the relevant OSCE bodies, structures and field missions.<sup>956</sup>

The OSCE has also carried out several projects regarding the hazardous waste management particularly in the former Soviet Union republics with the purpose of assisting the participating States to enhance the ability of their border guards and customs officials in detecting and preventing the illegal trafficking of hazardous waste.<sup>957</sup>

The OSCE attaches a special importance to protecting and improving the sustainable water resources. Hence, the Organization has been engaged in several activities aimed at achieving effective water management in its region. Water scarcity and water-related disputes sometimes pose a serious threat and challenge to regional and international security. Water is used for different purposes by countries. “Downstream countries are affected by the activities of the upstream countries related to the quantity or quality of water. Excessive use of water by one country can lead to a decreasing supply of water to the neighboring state. Furthermore, pollution from one country may lead to the degradation of the water quality in another”. Therefore, “governing water inevitably involves governing conflicting interests” between the interested States.

An effective water management requires well-established mechanisms in regulating and monitoring water resources. The lack of such mechanisms may lead to the emergence of water-related tensions and disputes and weaken the confidence between the neighboring countries. As the rivers in the OSCE region have a transboundary character, maintaining close and active co-operation on water resources is of great value for the neighboring countries. In this respect, the OSCE participating States are strongly convinced that

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<sup>956</sup> ---, ‘OSCE, Security Implications of Climate Change’, available at <http://www.osce.org/eea/climatechange>, Accessed on 26 December 2013.

<sup>957</sup> ---, ‘OSCE, Hazardous waste’, available at <http://www.osce.org/eea/43653>, Accessed on 26 December 2013 and ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

achieving sound water management in a co-operative manner will absolutely contribute to the promotion of security, stability and peace among the neighboring countries sharing transboundary water resources. In this regard, the OCEEA focuses on encouraging co-operation on transboundary water management and developing legal and institutional frameworks among the riparian countries within the OSCE sub-regions.

The Environment and Security (ENVSEC) Initiative serves a platform for dialogue and co-operation on environmental issues with a view to promoting security, stability, peace and sustainable economic and social development.<sup>958</sup> The ENVSEC Initiative works to prevent and decrease security risks and challenges derived from environmental factors. The Initiative aims to strengthen and enhance co-operation among and within States which might be subjected to environmental damage.<sup>959</sup>

The ENVSEC Initiative is composed of six key partner organizations, including the OSCE, United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), and United Nations Economic Commission for Europe (UNECE), the Regional Environment Centre for Central and Eastern Europe (REC), and finally the North Atlantic Treaty Organization (NATO) as an associated partner. The ENVSEC was chaired by the OSCE in 2011. During its Chairmanship of ENVSEC, the OSCE basically aimed at strengthening “the security aspects of the Initiative and to renew the understanding of the environment and security linkages in the OSCE region”.

The ENVSEC focuses on four basic areas in its overall work: “fostering co-operation over shared natural resources, particularly transboundary water; contributing to the reduction of cross-border risks from hazardous substances and pollution; supporting improved urban

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<sup>958</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>959</sup> ---, ‘OSCE, ENVSEC Initiative’, available at <http://www.osce.org/eea/43651>, Accessed on 27 December 2013.

development and adaptation to climate change; fostering empowerment of civil society to address environment and security risks”.

The ENVSEC assesses and addresses environmental problems and challenges in a particular region with the purpose of identifying the political, economic and social repercussions of these environmental problems which might include an impact on security.<sup>960</sup> In other words, “ENVSEC works to assess and address environmental problems, which threaten or are perceived to threaten security, sustainable economic development, societal stability, peace, and finally human health within a region”.<sup>961</sup> ENVSEC carries out these assessment processes through working in close co-operation and consultation with the relevant governmental institutions including the ministries of foreign affairs, defense and environment as well as civil society groups, experts, academia and local stakeholders. In the assessments, most relevant environmental issues, priorities, problems and challenges are identified by the participants. On the basis of the regional assessments, environment and security initiatives and works are developed and carried out with the aim of dealing with the identified security risks and challenges stemming from environmental issues and factors. Assessments and regional work programmes have been developed and implemented to date in the regions of the South Caucasus, Central Asia, Eastern Europe and South Eastern Europe.<sup>962</sup> ENVSEC produces reports as a result of assessments in order to understand “the linkages between environment and security in the political and socio-economic reality”. The Initiative also aims at strengthening its capacity and improving its ability to provide more effective and better responds to emerging security risks and challenges generated from environmental issues.<sup>963</sup>

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<sup>960</sup> Ibid.

<sup>961</sup> ‘Discussion Paper on Economic and Environmental Confidence-and Peace-building Measures and the Role of the OSCE’, Ronald A. Kingham-Director, Institute for Environmental Security, For the OSCE Chairmanship Workshop on Economic and Environmental Activities as Confidence Building Measures, Vienna, 30 May 2011, pp.12-13.

<sup>962</sup> ---, ‘OSCE, ENVSEC Initiative’, available at <http://www.osce.org/eea/43651>, Accessed on 27 December 2013.

<sup>963</sup> ‘Discussion Paper on Economic and Environmental Confidence-and Peace-building Measures and the Role of the OSCE’, Ronald A. Kingham-Director, Institute for Environmental Security, For the

In the field of environment, the OSCE assists the participating States to implement commitments, norms and principles. In this respect, the OSCE believes that “a well-informed and vigorous civil society” can play an important role in environmental decision-making. Therefore, the OSCE works to advance “understanding of environment and security linkages among the civil society”.<sup>964</sup> In this respect, the OSCE has designed a small grants programme titled as ‘Civic Action for Security and Environment’ (CASE) to “support civil society organizations in addressing environment and security challenges, in co-operation with their governments”. CASE serves as a tool to introduce a civil society perspective to the environment and security fields. The OSCE through launching CASE aims at strengthening “the capacity of civil society organizations to respond to the environment and security challenges facing their countries and to participate in environmental governance, which in turn contributes to increased public awareness on environmental issues”.

Civil society takes part in the development and implementation of CASE projects. Government authorities with the help of the OSCE experts identify thematic priorities for CASE small grants. Civil society organizations can demand CASE support for their own environment and security-related projects. In addition to this, civil society representatives evaluate and select non-governmental organizations projects for CASE support. The OSCE field operations through the CASE country teams provide support to civil society organizations in their efforts for preparing and implementing environment and security projects.<sup>965</sup>

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OSCE Chairmanship Workshop on Economic and Environmental Activities as Confidence Building Measures, Vienna, 30 May 2011, pp.12-13.

<sup>964</sup> ---, ‘Factsheet of the Office of the Co-ordinator of OSCE Economic and Environmental Activities’, 20 February 2012, available at <http://www.osce.org/secretariat/30348?download=true>, Accessed on 1 December 2013.

<sup>965</sup> ---, ‘OSCE, Civic Action for Security & Environment’, available at <http://www.osce.org/eea/72778>, Accessed on 28 August 2014.



#### **6.4. Conclusion**

This chapter focused on the economic and environmental dimension of the OSCE. The OSCE always engages with economic and environmental issues as an integral component of the Organization's comprehensive approach to security. The OSCE has been successful in bringing economic and environmental issues to the security agenda, particularly through reviewing effectively the developments in the economic and environmental fields. The OSCE also provides a platform for co-operation on economic and environmental matters through common instruments.

The OSCE produced two milestone documents, namely Bonn Document and Maastricht Strategy Document for the Economic and Environmental Dimension, which have shaped the economic and environmental attention of the Organization. These two documents established basic commitments, identified main objectives and indicated threats in the field of economic and environmental dimension. The OSCE also developed a number of structures and instruments, focusing on the economic and environmental dimension with the purpose of addressing threats and challenges generating from economic and environmental domains.

The end of the Cold War period led to the beginning of the transition processes of former socialist countries towards market economy in Europe. The States in economic transition intensified their efforts to reform their economic policies, structures and institutions with the purpose of opening their national economies to international trade and investment which in turn can promote economic growth and development. While some OSCE participating States have been successful in transforming their economies according to the market economy principles, other participating States could not complete their economic reform process. The EU membership perspective has enabled some OSCE participating States to undertake economic reform measures. The EU has also provided financial and technical assistance to the transition countries for the full and effective implementation of the economic reform decisions as well as meeting the EU standards for the full membership. As a result, growing disparities have emerged between the OSCE participating

States which in turn seriously weakens social and economic stability within the OSCE region.<sup>966</sup>

Within the framework outlined above, several OSCE participating States have highly criticized the Organization's visibility and impact on the economic and environmental dimension. Nearly all participating States accept that "the OSCE is not an economic, financial, or donor organization, and that this limits its activities in the second dimension from the outset".<sup>967</sup> Most participating States do not consider the OSCE as an organization to act in the field of economy and environment. Additionally, it is obvious that the OSCE does not have adequate economic capabilities and resources.<sup>968</sup> The economic and environmental dimension of the OSCE is both under-funded and underdeveloped.<sup>969</sup> Notwithstanding, the participating States assert that the OSCE has neglected the economic and environmental dimension in favor of politico-military and human dimensions. The Organization does not tend to use all available resources and opportunities for the economic and environmental activities.<sup>970</sup>

The OSCE has failed in bringing out tangible resolutions for the economic and environmental problems and challenges, facing the participating States. The economic and environmental activities have been mostly carried out through implementation meetings, some specific conferences and seminars as well as small-scale projects. There is no doubt

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<sup>966</sup> John de Fonblanque, 'Strengthening the economic and environmental dimension of the OSCE (EED)', *Helsinki Monitor* 2005, no.3, p.181.

<sup>967</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.29.

<sup>968</sup> ---, 'Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE', 27 June 2005, p.15.

<sup>969</sup> Monika Wohlfeld, 'Reconceptualization of Security in the CSCE and OSCE', *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, p.649.

<sup>970</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.29.

that all these activities are useful and they can also play an important role in raising the awareness of the economic and environmental issues. However, these activities can just only provide a marginal contribution to addressing the risks, threats and challenges to security generating from economic and environmental matters. The OSCE could not develop operational capabilities for the economic and environmental issues.<sup>971</sup> As a result, the OSCE is still far from creating a real difference on the ground in relation to economic and environmental problems.<sup>972</sup>

Although the OSCE adopts a comprehensive security approach, the Organization's role in addressing economic and environmental aspects of security has been limited in practice. When considering the impact of the OSCE in the economic and environmental dimension, it can be said that "the Organization's commitment to comprehensive security remains at "rhetorical level than substantive" due to the imbalanced development of the OSCE's activities over three dimensions of security.<sup>973</sup>

Tüzel argues that

in line with a more balanced approach to the three dimensions, effective mechanisms in the economic and environmental dimension leading to concrete action should be considered. A more co-operative approach which would in the first place encourage participating states experiencing such problems to bring these to the attention of other participating states, and a mechanism that would ensure not only transfer of expertise but also transfer of resources and funds for addressing such difficulties in a concrete manner might be more beneficial

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<sup>971</sup> John de Fonblanque, 'Strengthening the economic and environmental dimension of the OSCE (EED)', *Helsinki Monitor* 2005, no.3, pp.180-181.

<sup>972</sup> Randolph Oberschmidt and Wolfgang Zellner, 'OSCE At the Crossroads', *Centre for Research-Institute for Peace Research and Security Policy Center for OSCE Research (CORE) Working Paper 2*, Hamburg, 2001, p.19.

<sup>973</sup> Andrew Cottey, 'The OSCE Crowning Jewel or Talking Shop?', in Martin A. Smith and Graham Timmins (eds), *Uncertain Europe: Building a New European Security Order?*, London: Routledge, 2002, pp.51-54.

and would certainly increase confidence in the OSCE. In this regard, the Office of the Economic and Environmental Co-ordinator should be upgraded to an institution of the organization.<sup>974</sup>

Reuchlin states that “as a part of its comprehensive approach to security, participating States have to struggle to turn the OSCE’s rhetoric for the Second dimension into a reality”.<sup>975</sup> Fonblanque argues that “transformation of the economic and environmental dimension to focus on assisting States to overcome their economic and environmental problems would meet a real need.”<sup>976</sup> The OSCE needs substantial improvements in dealing with the economic and environmental problems of the participating States which may have destabilizing effects on security and stability. However, most importantly, “what the economic and environmental dimension ultimately needs is more political will and a strategic vision on behalf of the participating States to whole-heartedly embrace the concept of comprehensive security”.<sup>977</sup>

Economic and environmental dimension can be evaluated as the less effective dimension of the OSCE. The main reason for this is that there is no consensus among the participating States with regard to the OSCE’s involvement in economic and environmental issues. While some participating States tend to establish a close link between economic and environmental matters and security, others are not in favor of bringing economic and environmental matters into the OSCE agenda. In other words, there are ongoing debates on which issues the OSCE should become engaged in the economic and environmental dimension. Some participating States assert that there are some specialized organizations

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<sup>974</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions* Vol. VIII No.1, March-May 2003, pp.25-26.

<sup>975</sup> Philip Reuchlin, ‘Environmental security: ways ahead for the OSCE’, *Helsinki Monitor: Security and Human Rights* 2007, no.1, p.64.

<sup>976</sup> John de Fonblanque, ‘Strengthening the economic and environmental dimension of the OSCE (EED)’, *Helsinki Monitor* 2005, no.3, pp.182-183.

<sup>977</sup> Philip Reuchlin, ‘Environmental security: ways ahead for the OSCE’, *Helsinki Monitor: Security and Human Rights* 2007, no.1, pp.75-76.

and institutions engaged in economic and environmental issues within the OSCE region. Therefore, the OSCE should not involve in economic and environmental-based issues dealt with by other organizations. Additionally, financial resources and staff allowed to the economic and environmental dimension within the OSCE context are inadequate. There is no institutional structure or autonomous institution for the economic and environmental dimension like the ODIHR, the HCNM and the RFM. The mandates of the OSCE field missions on economic and environmental issues are also so weak.<sup>978</sup>

The OSCE participating States agree that economic and environmental challenges and threats include direct and damaging effects on security. They are also convinced that economic and environmental dimension should be taken into account more seriously. However, it seems to be that the second dimension does not constitute a priority area for the participating States within the OSCE framework.<sup>979</sup>

Consequently, the OSCE's involvement in the economic and environmental dimension reflects the Organization's comprehensive approach to security.<sup>980</sup> However, the impact of the OSCE's economic and environmental dimension has been considerably limited in operational terms. The OSCE is far from finding concrete resolutions for the participating States' economic and environmental-based problems and preventing their negative effects on security. The OSCE's activities in the economic and environmental dimension have been distinctly restricted to raising the awareness on economic and environmental issues which can have destabilizing effects on security; organizing meetings for the reviewing of the implementation of the commitments by the participating States; and encouraging the participating States to intensify their efforts for co-operation on economic and environmental issues. Economic and environmental dimension turns out to be the weakest

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<sup>978</sup> Interview with Esra Buttanri, Environmental Affairs Adviser, Office of the Co-ordinator of OSCE Economic and Environmental Activities, Vienna, 14 November 2012.

<sup>979</sup> Interview with Mid-level Government Official 3, Permanent Mission of Turkey to the OSCE, Vienna, 19 October 2012.

<sup>980</sup> ---, 'Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE', 27 June 2005, p.16.

dimension of the OSCE in terms of the overall contribution of the OSCE to achieving comprehensive security. It can be concluded that economic and environmental matters have remained secondary in comparison to the non-military issues in the field of human dimension and non-military aspects of the politico-military dimension within the OSCE context.

## **CHAPTER 7**

### **HUMAN DIMENSION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

The seventh chapter focuses on the human dimension of the OSCE. In the Cold War era, the human dimension of the OSCE was basically developed around the human rights and fundamental freedoms, including the rights of persons belonging to national minorities. However, following the end of the Cold War period, the scope of the human dimension has substantially broadened, including a set of newly emerging issues such as gender equality, media freedom and tolerance and non-discrimination, which have significant impacts on security. In this new environment, democracy and democratization started to constitute one of central pillars of the OSCE's human dimension along with the human rights and fundamental freedoms. As a result, democracy and human rights are the main foundations of the OSCE's human dimension today. Therefore, the seventh chapter is divided into the two parts under the umbrella of the OSCE's human dimension: democracy and human rights. This chapter, firstly, tries to define the human dimension of the OSCE, indicating what the term 'human dimension' means. Secondly, this chapter focuses on the OSCE's activities in the field of human dimension, on the one hand, democratization, the rule of law, elections, and media freedom and development; on the other hand, human rights and fundamental freedoms, protection of minority rights, Roma and Sinti Issues, gender equality, combating human trafficking and tolerance and non-discrimination issues.

#### **7.1. Definition of Human Dimension of the Organization for Security and Co-operation in Europe**

The OSCE adopts a comprehensive approach to security. Therefore, the OSCE engages not only in politico-military-related issues but also economic-environmental and human-related issues in a comprehensive manner. The human dimension is an integral part of the OSCE's comprehensive approach to security along with the politico-military and economic and

environmental dimensions of security in promoting and strengthening security, stability, prosperity and peace across the entire OSCE region.<sup>981</sup> The OSCE terminology describes the term 'human dimension' as a set of norms, principles and politically binding commitments as well as human-related activities to "ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout the OSCE area". Since the Helsinki Final Act in 1975, the CSCE/OSCE has developed a wide range of catalogue covering the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law. This comprehensive framework is called as 'the human dimension of security' in OSCE terminology.

Human rights and democracy constitute vital elements of the OSCE's human dimension. The OSCE participating States are strongly convinced that "lasting security cannot be achieved without respect for human rights and functioning democratic institutions".<sup>982</sup> Hoyer states that "long-term stability and security can only be assured if human rights and rule of law standards are respected and democratic freedom of expression is guaranteed". In this regard, democratic institutions, free and fair elections, the rule of law, free media and respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities are common values for all the OSCE participating States.<sup>983</sup>

The OSCE acknowledges that "security is not merely the absence of conflict or war". Creating and maintaining security, stability and peace cannot be accomplished not only by the means of political or military tools but also by taking into consideration the security of the individual human being. The OSCE takes the view that security cannot be ensured in the

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<sup>981</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>982</sup> Factsheet of Office for Democratic Institutions and Human Rights.

<sup>983</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.117.



absence of “a democratic state abiding by the rule of law”. In other words, the OSCE participating States are agreed that security is not totally independent from the practice of strong democratic institutions, the rule of law and finally respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities. The OSCE takes the view that “states’ failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region”. Hence, the OSCE has performed a broad range of human dimension activities in a combination with the politico-military and economic-environmental dimensions with a view to effectively addressing and dealing with security risks, threats and challenges in its region.<sup>984</sup>

The OSCE has developed a well-established normative framework in the field of human dimension, including basic norms, principles and commitments. The human dimension commitments developed for protecting and improving basic human rights and fundamental freedoms within the participating States have become a central pillar of the OSCE acquis.<sup>985</sup> The OSCE human dimension norms and commitments include a broad range of categories than traditional human rights law.<sup>986</sup> The OSCE has also established a set of human dimension mechanisms and permanent institutions with a view to assist all the participating States in the implementation and monitoring of human dimension-based norms, principles and commitments.<sup>987</sup>

The OSCE has been developed as a political process over the years. Therefore, the OSCE human dimension commitments as well as politico-military and economic-environmental dimension ones are politically-binding, not legally-binding. It means that OSCE principles

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<sup>984</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

<sup>985</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

<sup>986</sup> ---, ‘OSCE, ODIHR, What is the human dimension’, available at <http://www.osce.org/odihr/43546>, Accessed on 5 September 2012.

<sup>987</sup> Factsheet of Office for Democratic Institutions and Human Rights.

and commitments cannot be enforced in legal terms. On the contrary to other human rights documents and treaties, “the OSCE has not created a court or other individual petition body to ensure the implementation of its commitments”. Nevertheless, it does not mean that the OSCE commitments do not have any binding force. “The distinction is here between legal and political and not between binding and non-binding. This means that OSCE commitments are more than a simple declaration of will or good intentions; rather, they are a political promise to comply with these standards”.

In this regard, the participating States acknowledge that ensuring an effective implementation of human dimension commitments can be achieved only with monitoring and reviewing the implementation of these commitments. Hence, the CSCE/OSCE has established a set of institutions, conferences, events, review meetings, seminars and mechanisms with a view to assist the participating States in implementing human dimension commitments as well as to monitoring the implementation of these commitments regularly.<sup>988</sup>

‘Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief for all without distinction as to race, sex, language or religion’, is among the ten guiding principles adopted in the 1975 Helsinki Final Act for governing the relations between the participating States.<sup>989</sup> The participating States expressed their determination “to promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development”. The participating States also acknowledged that “respect for human rights and fundamental freedoms is an essential factor for the peace, justice and wellbeing necessary to ensure the

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<sup>988</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication, OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.2-4.

<sup>989</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

development of friendly relations and co-operation among themselves as among all States”.<sup>990</sup>

Under the title of ‘Co-operation in Humanitarian and Other Fields’ in the Helsinki Final Act,

with a view to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion; conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims; determined therefore to cooperate among themselves, irrespective of their political economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims; and finally convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document,

the participating States have adopted commitments and common actions with regard to human contacts; information; co-operation and exchanges in the field of culture; and co-operation and exchanges in the field of education.<sup>991</sup>

Provisions for co-operation in the humanitarian and other fields include: facilitation of human contacts and free movement, in particular with regard to reunification of families or travel for personal or professional reasons; facilitation of the dissemination of information and co-operation in the field of information, including the improvement of working conditions for journalists; and co-operation and exchanges in the field of culture and

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<sup>990</sup> ---, ‘Conference on Security and Co-operation in Europe Final Act’, Helsinki 1975, p.6.

<sup>991</sup> Ibid., pp.38-56.

education, also recognizing the contributions by national minorities and regional cultures.<sup>992</sup>

With the Helsinki Process, human rights-related norms, principles and commitments, for the first time in the history were considered “as an explicit and integral element of a regional security framework on the same basis as politico-military and economic-environmental issues”, symbolizing a landmark in the field of human rights and fundamental freedoms.<sup>993</sup> The Helsinki Process introduced a new definition of security, emphasizing that “security is about more than alliances and treaties, military and economic strength”. The CSCE participating States agreed that “the security of states also depends on the security of the individuals”. This new outlook became a milestone in European security framework and marked one of the most important contributions of the Helsinki Process in the 1970s, bringing a new dimension to security, namely human dimension. Consequently, the participating States were strongly convinced that security cannot be achieved without respect for human rights and fundamental freedoms in political and civilian domain. Basic human rights were given an equal status as other basic guiding principles included in the Helsinki Final Act such as “sovereign equality and the territorial integrity of States”. With the signing of the Helsinki Final Act, all CSCE participating States have been obliged to assume collective responsibility with respect to the human rights developments in each individual State.

The CSCE participating States started to adopt norms and commitments on a wider range of human dimensions issues, covering democracy, the rule of law and political pluralism with the end of the Cold War period.<sup>994</sup> After the Helsinki Final Act, ‘A Conference on the Human

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<sup>992</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, p.3.

<sup>993</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>994</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

Dimension of the CSCE' was organized by the participating States in Copenhagen from 5 to 29 June 1990 in accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE. The conference produced the 'Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE'.<sup>995</sup> In the Copenhagen Document, the CSCE participating States acknowledge the necessity of pluralist democratic societies based on free elections and the rule of law in ensuring basic human rights and fundamental freedoms. The participating States also emphasize the need for developing human contacts and finding resolutions of other issues of a related humanitarian character.<sup>996</sup>

In the Copenhagen Document, the CSCE participating States reconfirm their strong commitment to the human dimension, reflecting the CSCE's balanced and comprehensive approach to security and stability in Europe.<sup>997</sup> The CSCE participating States agreed that "full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law" are essential conditions in creating and maintaining long-standing peace, security, stability, justice and cooperation within the whole CSCE region.<sup>998</sup> The Copenhagen Document points out that governments within the CSCE region are basically responsible for promoting and protecting human rights and fundamental freedoms.

The CSCE substantially broadened the scope of human dimension with the adoption of the Copenhagen Document in 1990. The Copenhagen Document is seen as one of the most significant sources for the human dimension norms and commitments within the CSCE/OSCE framework. The Copenhagen Document covers a wide range of human

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<sup>995</sup> ---, 'Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE', 1990, p.1.

<sup>996</sup> Ibid., p.2.

<sup>997</sup> Ibid., p.22.

<sup>998</sup> Ibid., p.2.

dimension commitments such as “the right to freedom of expression and thought, conscience and religion; the right of peaceful assembly and demonstration; the right peacefully to enjoy one’s property; and the rights of the child and the migrant worker”. The Copenhagen Documents also attaches great importance to “the independence of judges and the impartial operation of the public judicial service” in terms of promoting respect for the rights of persons belonging to national minorities as a necessary condition for security, stability and democracy. “Totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against any person as well as persecution on religious and ideological grounds” are strongly condemned by the CSCE participating States in the Copenhagen Document. In the Copenhagen Document, some specific problems facing Roma people within the CSCE region was addressed for the first time. Finally, the Copenhagen Document introduced some new election-related commitments. In this respect, political parties should compete on equal terms in free and fair elections and they should also access to the media without any impediment and discrimination. Regarding the elections, the Copenhagen Document puts a special emphasis on the importance of foreign or domestic observers in the electoral processes. In this respect, the CSCE participating States decided to “invite observers from any other CSCE participating State or any appropriate private institution and organization to observe their national election proceedings”.<sup>999</sup>

The participating States developed key human dimension commitments at the 1990 CSCE Paris Summit. These are as the following: “human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. The participating

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<sup>999</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.4-5.

States undertake to build, consolidate and strengthen democracy as the only system of government of our nations”.<sup>1000</sup>

The second important conference related to human dimension took place in Moscow in 1991. The CSCE participating States gathered in Moscow from 10 September to 4 October 1991 in accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE. At the end of the Conference, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’ was released. The CSCE participating States reaffirm their determination to implement fully all the principles, norms, commitments and provisions included in the previous official CSCE documents and other documents developed particularly for the human dimension. The participating States also declare their strong conviction that “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 a lasting order of peace, security, justice and co-operation in Europe”. In order to achieve the progress in these areas, they pledged to intensify their efforts and undertake all necessary measures in a co-operative way.<sup>1001</sup>

In the Moscow Document, the CSCE participating States clearly point out that

issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong

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<sup>1000</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1001</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.28-29.

exclusively to the internal affairs of the State concerned.<sup>1002</sup>

The phrase - 'the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned' - is of utmost importance in the human dimension history of OSCE. Because this commitment is a clear expression of the OSCE's approach to human dimension, emphasizing that "human rights and pluralistic democracy are not considered an internal affair of a state".<sup>1003</sup> In other words, "human dimension commitments are not matters purely of the domestic concern of a State".<sup>1004</sup> In this respect, "the Moscow Document is a milestone in the evolution of the CSCE/OSCE's human dimension commitments".<sup>1005</sup>

The CSCE participating States formulated a new understanding, establishing a close link between international security and human dimension issues at national level. This new approach emphasizes that "international stability and domestic human dimension-related issues are interdependent". Therefore, "human dimension commitments are no longer left solely to the discretion of individual states, but are guaranteed by collective responsibility". In other words, "reference to national sovereignty is no longer a sufficient reason to dismiss questions relating to the implementation of human dimension commitments as unjustified intervention in domestic affairs".<sup>1006</sup>

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<sup>1002</sup> Ibid., p.29.

<sup>1003</sup> ---, 'The Human Dimension of the OSCE: An Introduction', Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, p.3.

<sup>1004</sup> Audrey F. Glover, 'The Human Dimension of the OSCE: The ODIHR in Warsaw', in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin's Press, 1997, p.170.

<sup>1005</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.5-6.

<sup>1006</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.31.



As a result, although ‘the principle of non-intervention in the internal affairs of States’ is among the ten guiding principles of the Helsinki Decalogue, the absolute sovereignty of independent CSCE participating States are explicitly restricted with the adoption of the Moscow Document, “representing a major innovation introduced into contemporary international relations by the OSCE in 1991”.<sup>1007</sup>

Apart from this significant commitment, the CSCE participating States declare their common determination to protect basic human rights and fundamental freedoms and promote the consolidation of democratic gains within the CSCE region in the Moscow Document.<sup>1008</sup> Additionally, the participating States are strongly convinced that they need to intensify their efforts for promoting human rights, the rule of law and finally democracy with a view to strengthening security and stability within the entire CSCE region.<sup>1009</sup> Furthermore, the participating States reconfirm their strong determination to fully implement norms, principles, commitments and provisions related to respect for human rights and fundamental freedoms, democracy and the rule of law within the CSCE framework.<sup>1010</sup>

The Moscow Document also introduced a wide range of significant human dimension commitments and provisions with the purpose of strengthening human dimension. The participating States are committed to provide support to an elected democratic government; to protect human rights during a state of emergency; to contribute to the facilitation of democratic functioning and judicial control of law enforcement; to improve the conditions of individuals in detention or imprisonment; to ensure that their military and

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<sup>1007</sup> ---, ‘U.S Online Training Course for OSCE including REACT, Module 1. Introduction to the OSCE’, *developed by the United States Institute of Peace*, available at <http://www.usip.org>, Accessed on 10 December 2012, p.24.

<sup>1008</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.29-30.

<sup>1009</sup> *Ibid.*, p.36.

<sup>1010</sup> *Ibid.*, p.45.

paramilitary forces, internal security, intelligence services and police are subject to the effective direction and control of the appropriate civil authorities; to ensure unrestricted access of print and broadcast media to foreign news and information service and the freedom of the public to receive and impart information and ideas; and finally to promote gender equality.<sup>1011</sup>

In the 1992 CSCE Helsinki Summit Meeting Document, the participating States declare their strong commitment “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society”.<sup>1012</sup> Furthermore, the participating States adopted an approach that “pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively”.<sup>1013</sup>

At the 1999 OSCE Istanbul Summit, the participating States are committed that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”. They also declare that participating States are accountable to their citizens and responsible to each other for the implementation of their OSCE commitments”.<sup>1014</sup>

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<sup>1011</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.5-6.

<sup>1012</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

<sup>1013</sup> ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.1-2.

<sup>1014</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

The Document of 'OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century', adopted during the 2003 OSCE Maastricht Ministerial Council Meeting, states that "respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security". A wide range of threats can generate from the weak governance, and a failure of States, as well as systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities within the OSCE region. Respect for basic human rights and fundamental freedoms, creating strong and well-functioning democratic institutions and promoting the rule of law can play a substantial role in dealing with the existing and newly emerging threats to security and stability within the whole OSCE region.<sup>1015</sup> Within this framework, the participating States are agreed that the OSCE, through using its permanent institutions, structures and field missions, can play an important role in assisting all participating States in their efforts to fully implement human dimension commitments, particularly in the field of human rights, democracy and the rule of law.<sup>1016</sup>

2010 Astana Commemorative Declaration states that "the OSCE's comprehensive, co-operative, equal and indivisible approach to security is at the foundation of the Organization". The human dimension including the respect for human rights and fundamental freedoms, democracy and the rule of law is an integral part of the OSCE's comprehensive approach to security and stability. The OSCE takes the view that "security goes beyond politico-military issues to include, as integral parts, economic and environmental issues as well as human rights and democracy".<sup>1017</sup>

The OSCE has established a normative framework in the human dimension as portrayed above. Additionally, following the Cold War period, with the rapid institutionalization

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<sup>1015</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.1.

<sup>1016</sup> Ibid., p.4.

<sup>1017</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.1.

process of the OSCE from a conference approach to a full-fledged international organization, the OSCE started to establish a number of permanent institutions to assist all the participating States in implementing the human dimension commitments as well as to monitor the implementation of these commitments. The main institutions of the OSCE operating in the field of human dimension are 'the Office for Democratic Institutions and Human Rights' (ODIHR), initially created as 'the Office for Free Elections', 'the Representative on Freedom of the Media' (RFM) and 'the High Commissioner on National Minorities' (HCNM).

In addition to these permanent institutions, the OSCE Field Missions play an important role on the ground to assist the participating States in implementing the OSCE human dimension commitments developed for particularly ensuring basic human rights and fundamental freedoms including the rights of persons belonging to national minorities, democracy and the rule of law. The field operations are of vital importance to support the host participating States in their efforts for "putting the human dimension commitments into practice". The field missions advise and criticize the hosting States regarding their implementation of the human dimension commitments.<sup>1018</sup>

The central institution of the OSCE in the field of human dimension is the 'Office for Democratic Institutions and Human Rights' (ODIHR). The ODIHR was originally established as an 'Office for Free Elections' in Warsaw by the Charter of Paris for a New Europe in 1990. The 1992 CSCE Helsinki Summit transformed the Office for Free Elections to the ODIHR and broadened its mandate.<sup>1019</sup> The 1992 CSCE Helsinki Document defines the ODIHR as the main institution mandated to "assist all the participating States to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and in this regard, to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society".<sup>1020</sup> As a result, the ODIHR is designated as

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<sup>1018</sup> Harm Hazewinkel, 'The future of the human dimension', *Helsinki Monitor* 2005 no.3, p.241.

<sup>1019</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.46-47.

<sup>1020</sup> 'CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change'.

an institution to support all OSCE participating States in the implementation of human dimension commitments and monitoring of these commitments regularly. Glover states that “the ODIHR has the task of translating the grand principles set out in the OSCE documents into concrete realities”.<sup>1021</sup>

The ODIHR is composed of five main departments as “the primary building blocks of the institution”. These departments are the Elections, Democratization, Human Rights, Tolerance and Non-discrimination and the Contact Point for Roma and Sinti Issues. The ODIHR is best known for its election monitoring and observation works. In addition to this role, the ODIHR Elections Department has been engaged in several technical assistance projects such as reviewing the election-related legislation of the participating States and promoting domestic observer groups within the whole OSCE area. Democratization Department has the task of providing legislative support; promoting equal participation in political and public life and democratic governance; strengthening the rule of law; and contributing to the facilitation of freedom of movement. The Human Rights Department mainly focuses on the promotion of human rights and fundamental freedoms, the protection of human rights in the fight against terrorism, the organization of education and training programmes in the human rights field, and monitoring trials in the participating States. The Tolerance and Non-discrimination Department was created in 2004 as the newest department of the ODIHR with the purpose of effectively dealing with the problems generated from the violation of human rights and fundamental freedoms, specifically focusing on freedom of thought, conscience, religion or belief and hate crime as well as intolerance and discrimination. The Contact Point for Roma and Sinti Issues works to integrate Roma and Sinti people into the societies where they reside within the OSCE participating States. The Contact Point also provides early warning in order to prevent the emergence of conflicts including Roma and Sinti groups and mediates conflicts after they erupt.<sup>1022</sup>

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<sup>1021</sup> Audrey F. Glover, ‘The Human Dimension of the OSCE: The ODIHR in Warsaw’, in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin’s Press, 1997, p.172.

<sup>1022</sup> ---, ‘OSCE-ODIHR-Organizational structure’, available at [www.osce.org/odihr/43580](http://www.osce.org/odihr/43580), Accessed on 10 September 2012.

The ODIHR assists all the participating States to fully and effectively implement the OSCE human dimension commitments by providing expertise and practical support with a view to contributing to increasing security, stability and peace throughout the Euro-Atlantic and Eurasian regions. The ODIHR as a key human dimension institution of the OSCE supports all the participating States in complying with their commitments in the field of human dimension. At the same time, the ODIHR is mandated to monitor the implementation of the OSCE human dimension commitments by the participating States. In this respect, the ODIHR has a wide range of tasks including contributing to the efforts for dealing with trafficking in human beings; promoting democratization and democratic institutions through democracy assistance projects; strengthening the rule of law; assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance; ensuring respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities; promoting media freedom and gender equality; and finally combating intolerance and discrimination within the OSCE region. The ODIHR also provides assistance to the OSCE field presences “in their human dimension activities, through training, exchange of experiences, and regional co-ordination”.<sup>1023</sup>

In order to monitor and review the implementation of the OSCE human dimension commitments by the participating States, the ODIHR organizes human-dimension-related specific events such as meetings, seminars and review conferences on specific human dimension-related issues. The annual OSCE Human Dimension Implementation Meetings are also organized by the ODIHR with the purpose of regularly reviewing the implementation of a wide variety of human dimension commitments within the participating States and stimulating discussions with respect to the topics in the field of human dimension. The Human Dimension Implementation Meeting provides a platform for multilateral dialogue in the field of human dimension allowing all the participants to review the “progress in putting the human dimension commitments into practice” and creating an

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<sup>1023</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights.

opportunity for the non-governmental organizations to “freely voice their concerns”.<sup>1024</sup> Human Dimension Implementation Meeting is attended with an extensive participation of the representatives of the participating States, relevant international organizations, NGOs and academics.<sup>1025</sup> The annual OSCE Human Dimension Implementation Meetings is seen as “the main annual human rights event in the Euro-Atlantic region and as an international political ritual where the OSCE human dimension commitments are measured against reality”.<sup>1026</sup> Hazewinkel states that OSCE Human Dimension Implementation Meetings provide an international forum for NGOs to discuss and share their views regarding the human dimension issues within the OSCE framework, symbolizing “one of the great assets of the OSCE”.<sup>1027</sup> NGO representatives come from every participating States and they report their views. So, the implementation meetings are the voice of the NGOs.<sup>1028</sup>

In carrying out a wide range of human dimension-related activities, the ODIHR works in close and active co-operation with other OSCE’s permanent institutions, field operations, governments, civil society representatives as well as international governmental and non-governmental organizations, operating in the field of human dimension. The European Union, the Council of Europe and the UN Office of the High Commissioner for Human Rights are the main partners of the ODIHR.<sup>1029</sup>

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<sup>1024</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights.

<sup>1025</sup> ---, ‘ODIHR – Human Dimension Implementation Meetings’, available at <http://www.osce.org/odihr/44078>, Accessed on 20 October 2014.

<sup>1026</sup> Aaron Rhodes, ‘The OSCE Human Dimension at a crossroads’, *Helsinki Monitor: Security and Human Rights* 2007 no.4, p.275.

<sup>1027</sup> Harm Hazewinkel, ‘The future of the human dimension’, *Helsinki Monitor* 2005 no.3, pp.240-241.

<sup>1028</sup> Interview with Andreea Vesa (Human Rights Officer) and Oyvind Høyen (Human Rights Officer), OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

<sup>1029</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’ and ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

The OSCE has established two human dimension mechanisms, known as ‘the Vienna Mechanism (1989)’ and ‘the Moscow Mechanism (1991)’ with the aim of monitoring the implementation of the human dimension commitments developed within the CSCE/OSCE frameworks over the years. The Vienna and Moscow Mechanisms enable the OSCE to engage in human dimension-related problems. These two mechanisms can be invoked on an ad hoc basis by any individual OSCE participating State or group of States.<sup>1030</sup> The Vienna Mechanism enables participating States, “through an established set of procedures, to raise human rights violations and questions relating to the human dimension situation in other OSCE States”.<sup>1031</sup> According to the provisions of the Vienna Mechanism, a participating States is required to provide information relating to a human dimension issue.<sup>1032</sup> The Moscow Mechanism partly constitutes a further elaboration of Vienna Mechanism.<sup>1033</sup> In addition to the provisions included in the Vienna Mechanism, the Moscow Mechanism “provides for the additional possibility for participating States to establish ad hoc missions of independent experts or rapporteurs to assist in the resolution of a specific human dimension problem – either on their own territory or in other participating States”.<sup>1034</sup> The Moscow Mechanism also includes a set of actions such as “establishing the facts, reporting on them, giving advice on possible solutions to questions raised relating to the human

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<sup>1030</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, p.5.

<sup>1031</sup> ---, ‘OSCE-ODIHR-Human dimension mechanisms’, available at [www.osce.org/odihr/43666](http://www.osce.org/odihr/43666), Accessed on 15 September 2012.

<sup>1032</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.32.

<sup>1033</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’ Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, p.5.

<sup>1034</sup> ---, ‘OSCE-ODIHR-Human dimension mechanisms’, available at [www.osce.org/odihr/43666](http://www.osce.org/odihr/43666), Accessed on 15 September 2012.



dimension, and using the ad hoc mission's good offices and mediation services to promote dialogue and co-operation among the interested parties".<sup>1035</sup>

The ODIHR provides support for the effective implementation of the Moscow Mechanism. In this respect, the ODIHR holds a list of experts assigned by some of the participating States to carry out investigations with regard to the human rights violations within the OSCE region. To date, the Moscow Mechanism has been used seven times up to the present:

- "By the 12 states of the European Community and the United States on the issue of reports of atrocities and attacks on unarmed civilians in Croatia and Bosnia-Herzegovina (1992);
- By Estonia to study Estonian legislation and to compare it and its implementation with universally accepted human-rights norms (1992);
- By Moldova to investigate current legislation, interethnic relations and the implementation of minorities' rights on the territory of Moldova (1993);
- In June 1993, by the CSCE Committee of Senior Officials vis-à-vis Serbia-Montenegro, to investigate reports of human rights violations (this mission was unable to fulfill its task because of the Federal Republic of Yugoslavia's lack of co-operation);
- On 23 April 1999, the Vienna/Moscow Mechanism was activated by the Russian Federation in relation to NATO's military operation in the Former Federal Republic of Yugoslavia;
- By 10 OSCE participating States, in relation to Turkmenistan, to examine concerns arising out of investigations resulting from the reported attack on 25 November 2002 on President Niyazov, and to investigate all matters relating to the conduct of the investigation (December 2002 – March 2003);
- On 6 April 2011, by 14 participating States of the OSCE, to investigate the situation in Belarus after the presidential election of 19 December 2010".<sup>1036</sup>

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<sup>1035</sup> ---, 'The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones', OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.5-6.

<sup>1036</sup> ---, 'OSCE-ODIHR-Human dimension mechanisms', available at [www.osce.org/odihr/43666](http://www.osce.org/odihr/43666), Accessed on 15 September 2012.

Consequently, the OSCE has strengthened the human dimension framework over the years and today the Organization has a well-established human dimension framework, including norms, principles, and commitments and monitoring activities as well as permanent institutions and human dimension mechanisms.<sup>1037</sup> Zellner argues that “human dimension issues have become the OSCE’s most important field of activity and the area where the Organization’s worldwide profile is highest”. Election monitoring and assistance are among the main human dimension activities of the OSCE. In this field, “the OSCE is Europe’s leading creator of standards and, in many respects, its key implementing agent”.<sup>1038</sup> As Ghebali states that “OSCE activities in the field of human dimension are based on a massive and complex network of normative commitments and operational matters”, covering a broad range of human dimension-related issues.<sup>1039</sup>

## **7.2. Democracy**

The OSCE’s human dimension was only based on human rights-related issues in a narrow scope during the Cold War years. Although human rights-related subjects were separately categorized in the third basket of the Helsinki Final Act, they were mainly considered supplementary elements of the first basket, so-called ‘security dimension’. In this period, the human dimension of the OSCE was basically developed around the human rights and fundamental freedoms, including the rights of persons belonging to national minorities. However, following the end of the Cold War era, the democratic transformation processes of the former socialist countries in Central and Eastern Europe came to the fore. In this new environment, democracy and democratization efforts started to constitute one of central

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<sup>1037</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012

<sup>1038</sup> Wolfgang Zellner, ‘Managing Change in Europe Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.26.

<sup>1039</sup> Victor-Yves Ghebali, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper No.10*, Geneva, November 2005, p.5.

pillars of the OSCE's human dimension along with the human rights. In the following sections, the dissertation will analyze the OSCE's democracy-related activities. These activity fields include democratization, the rule of law, elections and media freedom and development.

### **7.2.1. Democratization**

Democracy constitutes an indispensable component of the OSCE's human dimension in accordance with the Organization's comprehensive approach to security.<sup>1040</sup> Hence, the OSCE has performed a broad range of human dimension activities in a combination with the politico-military and economic-environmental dimensions with a view to effectively addressing and dealing with security risks, threats and challenges in its region.<sup>1041</sup>

Human rights and democracy constitute vital elements of the OSCE comprehensive concept of security. The OSCE participating States are strongly convinced that "lasting security cannot be achieved without respect for human rights and functioning democratic institutions".<sup>1042</sup> The OSCE takes the view that security cannot be ensured in the absence of "a democratic state abiding by the rule of law and respect for human rights". In other words, the OSCE participating States are agreed that security is not totally independent from the practice of strong democratic institutions, the rule of law and finally respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities.<sup>1043</sup> Therefore, the OSCE has developed a wide range of catalogue

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<sup>1040</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1041</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

<sup>1042</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1043</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

covering the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law since the Helsinki Final Act in 1975.<sup>1044</sup> Particularly, the OSCE performs a wide range of activities aimed at promoting and strengthening democracy within the whole OSCE region. The Organization provides assistance and advice to the participating States in creating democratic societies and accountable state institutions.<sup>1045</sup>

One of the major human dimension commitments adopted by all the participating States of the OSCE is that “pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively”.<sup>1046</sup>

In the ‘Charter of Paris for a New Europe’ adopted at the 1990 CSCE Paris Summit, the participating States expressed their strong determination to maintain an active and close co-operation with the purpose of “making democratic gains irreversible”.<sup>1047</sup> Paris Charter also states that “the participating States undertake to build, consolidate and strengthen democracy as the only system of government of our nations”. Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law”.<sup>1048</sup>

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<sup>1044</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1045</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’ and ---, ‘OSCE, Good governance’, available at <http://www.osce.org/what/good-governance>, Accessed on 15 October 2015.

<sup>1046</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.1-2.

<sup>1047</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

<sup>1048</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012

In the 1990 Copenhagen Document, the CSCE participating States acknowledge the necessity of pluralist democratic societies based on free elections and the rule of law in ensuring basic human rights and fundamental freedoms. The CSCE participating States agreed that “full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law” are essential conditions in creating and maintaining long-standing peace, security, stability, justice and cooperation within the whole CSCE region.<sup>1049</sup>

In the 1991 Moscow Document, the participating States reiterate their strong conviction that “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 a lasting order of peace, security, justice and co-operation in Europe”.<sup>1050</sup> In the Moscow Document, the CSCE participating States declare their common determination to protect basic human rights and fundamental freedoms and promoting the consolidation of democratic gains within the CSCE region.<sup>1051</sup> Additionally, the participating States are strongly convinced that they need to intensify their efforts for promoting human rights, the rule of law and finally democracy with a view to strengthening security and stability within the entire CSCE region.<sup>1052</sup> The participating States reconfirm their strong determination to fully implement norms, principles, commitments and provisions related to respect for human rights and fundamental freedoms, democracy and the rule of law within the CSCE framework.<sup>1053</sup>

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<sup>1049</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

<sup>1050</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.28-29.

<sup>1051</sup> Ibid., pp.29-30.

<sup>1052</sup> Ibid., p.36.

<sup>1053</sup> Ibid., p.45.

In the 1992 CSCE Helsinki Summit Document, the participating States declared their strong commitment “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society”.<sup>1054</sup> The Charter for European Security and the Document of OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century state that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”. Ensuring respect for basic human rights and fundamental freedoms, creating strong functioning democratic institutions and promoting the rule of law can play a substantial role in preventing and dealing with the existing and newly emerging threats to security and stability within the whole OSCE region.<sup>1055</sup> Finally, 2010 Astana Commemorative Declaration states that the human dimension including the respect for human rights and fundamental freedoms, democracy and the rule of law is an integral part of the OSCE’s comprehensive approach to security.<sup>1056</sup>

The ODIHR is the key institution of the OSCE’s democratization activities within the framework of human dimension. In this respect, the ODIHR is tasked to promote democratization and democratic institutions through democracy assistance projects; strengthening the rule of law; and assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance. Democratization Department of the ODIHR has the tasks of providing legislative support; promoting equal participation in political and public life and democratic governance; strengthening the rule of law; and contributing to the facilitation of freedom of movement.

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<sup>1054</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

<sup>1055</sup> ---, ‘Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999’, Istanbul, 1999 and ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.1.

<sup>1056</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.1.

<sup>1057</sup> Democratization Department aims to create and strengthening democratic institutions and promoting “the inclusion of civil society actors in decision-making processes” within the participating States. The Democratization Department assists the participating States in their efforts towards facilitating more responsive, accountable and responsible political authorities. The Democratization Department also benefits from the recommendations made by the ODIHR election monitoring missions aimed at facilitating free, fair and democratic elections within the OSCE participating States which in turn contributes to achieving democratic consolidation.<sup>1058</sup>

The ODIHR Democratization Department pursues a long-term objective aimed enabling all citizens within the participating States to “participate freely, genuinely, and equitably in political and economic decision-making processes at all levels in society and are able to hold their respective governments to account”.

The OSCE takes the view that the active participation of governments and strong engagement of civil society are of vital importance in fostering transition towards democracy within the participating States. Therefore, the ODIHR works in close and active co-operation with governments and encourages the involvement of civil society actors with a view to promoting democratic consolidation. Furthermore, the ODIHR supports the OSCE field operations in their democratization activities through enhancing regional co-operation and encouraging exchange of information on democracy.

The ODIHR’s work in democratization consists of specific activities aimed at promoting democratic societies and institutions. First, the ODIHR provides the participating States with legislative support. The ODIHR’s Democratization Department supports all the participating States to comply their domestic laws with the OSCE norms and commitments as well as other relevant international standards. To achieve this, Democratization Department

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<sup>1057</sup> ---, ‘OSCE-ODIHR-Organizational structure’, available at [www.osce.org/odihr/43580](http://www.osce.org/odihr/43580)., Accessed on 10 September 2012.

<sup>1058</sup> ---, ‘OSCE-ODIHR-Democratization’, available at [www.osce.org/odihr/democratization](http://www.osce.org/odihr/democratization), Accessed on 20 October 2013.

engages in several projects aimed at reforming and reviewing the legislation within the OSCE participating States.<sup>1059</sup>

“Good and effective legislation” is highly important for each State to function properly according to the principles of the rule of law. The OSCE points out that all laws should be adopted in the light of required democratic procedures and they should also be in compliance with the relevant OSCE principles and commitments as well as relevant international treaties and conventions. The ODIHR reviews and assesses the lawmaking systems of the participating States and their relevant existing and draft legislation with the purpose of improving the efficiency and quality of the legislation in the field of human dimension. The ODIHR also aims at ensuring more transparent lawmaking systems within the participating States. The comprehensive legislative assessments made by the ODIHR focus on analyzing “the regulatory framework, structure, methods, and levels of interaction of lawmaking bodies, as well as the mechanisms and procedures in place for preparing, drafting, adopting, assessing, publishing, and monitoring the implementation of legislation”. In these legislative assessments, the main target of the ODIHR is to “provide accurate account of the legislative process in the country in question, together with an analysis leading to recommendations to improve the efficiency and transparency of the lawmaking procedure”. In this regard, the ODIHR assists the participating States by preparing legislative guidelines focusing on specific human dimension issues, for instance, political party legislation and freedom of assembly. The ODIHR organizes several workshops and seminars, bringing together high-level government and parliamentary officials from the participating States and working in close co-operation with the interested participating States in order to facilitate the exchange of information with regard to the lawmaking systems.

OSCE participating States and OSCE field missions can request an assessment on their legislation from the ODIHR. Following the review and assessment on compliance of lawmaking systems and draft or existing legislation with the OSCE commitments and

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<sup>1059</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights.



international standards, the ODIHR offers recommendations on how to improve the current legislation with a view to ensure respect for human rights and fundamental freedoms.

The ODIHR develops guidelines concerning the specific legislative issues, including recommendations and expertise. The primary resources of these guidelines are regional and universal treaties designed for contributing to the effective protection of human rights and fundamental freedoms; evolving state practice; and finally the general principles of law.

The legislation guidelines for the participating States are generally prepared by means of a comprehensive consultative process with the broad involvement of representatives from numerous participating States of the Organization in specific events such as thematic roundtables and expert discussion meetings. Lawmaking systems and legal traditions are not uniform within the OSCE region. Therefore, the OSCE works to provide clarifications for the significant legislative issues and good practices for states rather than trying to create general framework in the field of legislation as a single model for all the participating States.

In order to create an opportunity for the participating States to directly access to international norms and standards; and domestic and international legislation in the field of specific human dimension issues, the ODIHR established an online legal database titled 'Legislationline'. This online database serves as a tool which can allow the participating States to facilitate exchange their good practices and lessons-learned among them.<sup>1060</sup>

Second, the ODIHR, as an integral part of its democratization activities, carries out a range of technical assistance projects aimed at promoting the rule of law within the participating States.<sup>1061</sup> The Rule of Law Unit in the ODIHR's Democratization Department performs a

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<sup>1060</sup> ---, 'OSCE-ODIHR-Legislative Support', available at [www.osce.org/odihr/legislativesupport](http://www.osce.org/odihr/legislativesupport), Accessed on 20 October 2013 and ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1061</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

series of activities and projects on institutional development and professional skills development in the field of criminal justice reform. The Rule of Law Unit provides assistance and expert advice for the benefit of all the participating States in terms of complying with OSCE commitments and relevant international standards related to criminal justice systems. The Rule of Law Unit also focuses on some specific programmes such as “independence of the Judiciary, criminal justice, the legal profession, public law, and finally institutional memory” in its main activities. Furthermore, the Rule of Law Unit also supports the OSCE field missions in their activities aimed at promoting the rule of law within the host countries. By doing this, the Rule of Law Unit tries to create an institutional memory in the field of the rule of law through bringing together lessons-learnt and good practices which can be useful for all the participating States.<sup>1062</sup>

Third, the ODIHR helps the participating States in the field of criminal justice reform. In this regard, the ODIHR assists the participating States in their efforts for fulfilling relevant OSCE commitments and international standards in ensuring fair trial and related guarantees. Through offering institutional reforms, the ODIHR works to create a better environment for the criminal justice chain to properly and effectively function criminal justice system. Achieving more transparent and compatible criminal justice systems with international human rights standards is highly important from the OSCE’s point of view. To acquire concrete outcomes in these areas, the ODIHR serves as a platform among the participating States to exchange their best practices, views and lessons-learnt in the field of criminal justice system. The ODIHR also provides assistance and expertise to the participating States in reforming their criminal justice systems.<sup>1063</sup> In this respect, the ODIHR supports the OSCE participating States through offering training programmes and practical assistance and advice in the field of criminal justice reform and fair trials. These training programmes and

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<sup>1062</sup> ---, ‘OSCE-ODIHR-Rule of Law’, available at [www.osce.org/odihr/rol](http://www.osce.org/odihr/rol), Accessed on 20 October 2013.

<sup>1063</sup> ---, ‘OSCE-ODIHR-Criminal justice reform’, available at [www.osce.org/odihr/criminal\\_justice](http://www.osce.org/odihr/criminal_justice), Accessed on 20 October 2013.

practical assistance are provided for the government authorities, judges, lawyers and prosecutors as well as relevant civil society representatives in the participating States.<sup>1064</sup>

Fourth, the OSCE recognizes the importance of the independence of the judiciary as an integral part of democracy and the rule of law-based activities. Ensuring the judicial independence is of vital significance in terms of protecting human rights and fundamental freedoms. The concept of 'separation of powers' requires judicial independence in any individual State. In the field of judicial independence, the 'Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia' was published by the ODIHR as an instrument based on relevant OSCE commitments. This document outlines policy recommendations in three specific fields relating to the independence of the judiciary; "judicial administration with a focus on judicial councils, judicial self-governing bodies, and the role of court chairs; judicial selection criteria and procedures; and finally accountability of judges and judicial independence in adjudication". The suggestions included in this document are used by the ODIHR in organizing several follow-up activities with a view to developing the existing reform discussions on judicial independence within some participating States such as Armenia, Kazakhstan, Kyrgyzstan, Moldova, and the Russian Federation.<sup>1065</sup>

Fifth, the OSCE is mainly interested in 'democratic governance'. 'Democratic governance' means that all State institutions function according to democratic norms, principles and processes. The primary building parts of the democratic governance are "political pluralism, institutional accountability and responsiveness, human rights, the rule of law, and democratic elections as well as an active civil society". The principle of democratic governance implies more accountable and transparent institutions and processes in a country.

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<sup>1064</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1065</sup> ---, 'OSCE-ODIHR-Independence of the judiciary', available at [www.osce.org/odihr/judiciary](http://www.osce.org/odihr/judiciary), Accessed on 20 October 2013.

In order to promote democratic governance within the participating States, the ODIHR performs a wide range of activities such as “increasing the level of women’s participation in politics, strengthening parliaments, developing multiparty political landscapes, preventing the abuse of state resources, and following up on the recommendations made by election observation missions”. In these activities, the ODIHR works in close and active co-operation with local civil society organizations in order to facilitate their active contribution to the promotion of democratic governance. The ODIHR also aims at strengthening the capacities of the local civil society institutions through ensuring their accession to the ODIHR’s facilities.

One of the most important priorities pursued by the ODIHR is to give support to the OSCE participating States in ensuring the full institutionalization and protection of their multiparty systems. Enabling political parties to function according to democratic principles and norms requires “well-designed and properly enforced laws and regulations” concerning the political parties within the OSCE region.

The ODIHR assists the OSCE field missions in their activities aimed at addressing the needs of the national parliaments within the host countries. The ODIHR provides the field operations with the exchange of information, advice and expertise in order to enable them to efficiently carry out their various duties. The ODIHR also maintains close and active co-operation with the national parliaments of the participating States in order to strengthen democratic governance.<sup>1066</sup>

The ODIHR carries out democratic governance-related activities in close co-operation and co-ordination with government institutions and civil society organizations with a view to promote more transparent and accountable institutions; facilitate wider participation in policy-making processes; and finally strengthen the rule of law within the whole OSCE area.<sup>1067</sup>

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<sup>1066</sup> ---, ‘OSCE-ODIHR-Democratic governance’, available at [www.osce.org/odihr/demgov](http://www.osce.org/odihr/demgov), Accessed on 25 October 2013.

<sup>1067</sup> ---, Factsheet of Office for Democratic Institutions and Human Rights’.

Sixth, the ODIHR supports the participating States to ensure gender equality in closely linked to democracy. Ensuring “equality between men and women” is an integral component of the OSCE’s approach to the long-term security and stability within the entire OSCE area. Promoting gender equality is one of the major objectives of the OSCE in the field of human dimension. Therefore, the Organization works to effectively address the existing inequalities between men and women in all domains including state and societal levels.

Over the years, the OSCE has developed a series of commitments on gender equality. The ODIHR provides assistance to the participating States to fulfill their gender equality commitments. The main target of the ODIHR in gender-related issues is to protect the women’s rights; promote the equal participation of women in political and public life and democratic processes; and finally women’s active and strong engagement on policy-making and decision-making processes.

As an integral part of the OSCE’s democratization activities, the ODIHR performs a broad range of specific activities with the purpose of improving and protecting the women’s rights and promoting gender equality in all spheres. The ODIHR organizes expert-level roundtable meetings and training seminars and foster the exchange of best practices and lessons-learned aimed at protecting the women’s rights. With these events, the ODIHR aims at strengthening the national capacities and mechanisms of the participating States in the field of gender equality. The ODIHR also supports the participating States to develop their non-discriminatory legal and policy frameworks such as national action plans for gender equality. Furthermore, the ODIHR stimulates discussions with regard to gender equality and encourages contacts and co-ordination among gender equality advocates, civil society representatives and government officials from the OSCE participating States.

The ODIHR assists the participating States to identify and eliminate discrimination-based policies, laws and practices; to facilitate sharing of good practices and experiences; and finally undertake required effective measures aimed at promoting the women’s participation in political and public life as well as increasing their engagement in democratic processes. The ODIHR observes that women’s participation in elections remains at low

levels. Therefore, the ODIHR gives a special emphasis on the women's participation in the election processes. In this respect, a 'Handbook for Monitoring Women's Participation in Elections' was prepared by the ODIHR with the aim of providing a "detailed guidance on promoting women's participation throughout the election cycle". The ODIHR supports the participation of women in policy-making processes. Furthermore, in its election monitoring missions, the ODIHR employs gender analysts tasked to analyzing the level of women's participation in the elections and offering recommendations aimed at increasing women's political and electoral participation.

Violence against women and girls constitutes a serious threat and challenge to all societies' security and stability within the whole OSCE region. Hence, "preventing and combating violence against women" is highly significant in terms of protecting and promoting women's rights. In this regard, the ODIHR particularly focuses on "strengthening the legal and policy framework for preventing and combating violence against women". Additionally, the ODIHR recognizes the necessity of "increasing gender sensitivity of security sector and security-sector reform processes".<sup>1068</sup>

Seventh, an affective and qualified population registration system has wide ranging implications on individuals' engagement in democratic processes. Population registration helps individuals to enjoy their political, civil and social rights as well as to access to state or social services in a country. A good and effective population registration system as a determining element plays a constructive role in individuals' eligibility for participating in elections and for benefiting from education opportunities and health care services provided by States. State authorities make contact with their citizens through population registration. The OSCE takes the view that "reforming population registration systems can strengthen the protection of human rights and fundamental freedoms and the promotion of the rule of law and good governance". Therefore, the ODIHR provides expertise and advice to the participating States to modernize and reform their population registration systems which in turn contributes to the promotion of democracy and the rule of law. In

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<sup>1068</sup> ---, 'OSCE-ODIHR-Gender equality', available at [www.osce.org/odihr/gender](http://www.osce.org/odihr/gender), Accessed on 25 October 2013.

this regard, the ODIHR works to “raise awareness among policymakers; assess the existing systems; and finally developing new reform strategies” aimed at ensuring more effective and qualified population registration systems within the OSCE participating States. ‘The Guidelines on Population Registration Document’ was published by the ODIHR with a view to provide a tool on population registration for the policy-makers and interested State authorities. This document is designed to help the participating States to assess the quality and effectiveness of their national population register systems and reform them when necessary.<sup>1069</sup>

Eighth, the ODIHR supports the participating States efforts to promote freedom of movement. The term ‘freedom of movement’ is defined by the OSCE as covering a broad scale of subjects such as “the right of all people to leave and return to their state, and to move freely within the borders of their own states” as well as the rights of foreigners to unrestricted movement within state orders and the facilitation of freer cross-border movement and contacts among people, institutions and organizations in participating States”. Freedom of movement is recognized as a basic human right by all the OSCE participating States. 1990 Copenhagen Document states that “freer contacts” among the participating States’ citizens is an integral component of the Organization’s overall approach, focusing on protecting and promoting human rights and fundamental freedoms.

The ODIHR assists the participating States to comply with the OSCE commitments in the field of freedom of movement aimed at promoting freer contacts of individuals within the entire OSCE region. In this regard, the ODIHR encourages the exchange of good practices and lessons-learned among the participating States in the field of cross-border mobility. In this field, the ODIHR also focuses on the implementation of visa application procedures with the purpose of facilitating and promoting “freer cross-border travel and respect for individual rights and freedoms”.<sup>1070</sup>

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<sup>1069</sup> ---, ‘OSCE-ODIHR-Population registration’, available at [www.osce.org/odihr/registration](http://www.osce.org/odihr/registration), Accessed on 25 October 2013.

<sup>1070</sup> ---, ‘OSCE-ODIHR-Freedom of movement’, available at [www.osce.org/odihr/movement](http://www.osce.org/odihr/movement), Accessed on 25 October 2013.

A system on registration of place of residence can sometimes be problematic and create serious problems and obstacles to the practice of freedom of movement for individuals or certain parts of all the population. Therefore, the ODIHR provides advice and expertise to the participating States in their efforts to develop and implement legal and regulatory frameworks for better population registration systems which “respect the right to freedom of movement and free choice of place of residence”.

Finally, as an integral part of its democratization efforts, the OSCE through ODIHR and its field missions carries out trial-monitoring activities aimed at contributing to the practice of fair trial cases and to the promotion of information and experience sharing. The ODIHR also collects data regarding the general trends of trial cases within the OSCE participating States.<sup>1071</sup>

The OSCE works to promote and strengthen democratic institutions and societies in its region. However, the OSCE region has been challenged by a democratic deficit problem. It is claimed that “the participating States of the OSCE do not have the same democratic level and standards. They have also different political traditions and meanings of democracy”. It is also argued that the transformation processes towards democracy and market economy have not resulted in equal terms in all former Socialist countries. While democracy has taken root in Central Europe and some parts of the South Eastern Europe, some OSCE participating States still lack democratic standards. “In a number of participating States, including most CIS States, the transformation process has been much more contradictory and has led first to the emergence and consolidation of semi-authoritarian regimes and the status of democratic governance in these countries has not significantly improved”.<sup>1072</sup>

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<sup>1071</sup> ---, ‘OSCE-ODIHR-Democratization’, available at [www.osce.org/odihr/democratization](http://www.osce.org/odihr/democratization), Accessed on 20 October 2013.

<sup>1072</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, 2009, Hamburg, pp.12-13.



Within the OSCE framework, democracy as a concept and democracy-related norms and commitments has not been discussed at substantial level among the participating States. “The meaning of democracy, its essential common elements, and the different forms and traditions of democracy” have not been debated within the OSCE context. Discussions on democracy have been maintained at more instrumental level, mainly focusing on election-related commitments and the ODIHR’s election observation activities. However, the divergent views of the participating States on democracy should be clearly addressed within the OSCE framework. In this regard, it is suggested that

the prime objective of a substantive discussion of democracy should be to elaborate the common core elements that any democratic system of governance must provide irrespective of its specific form and traditions. One basic precondition for achieving this goal is the development of a deeper understanding of the conditions for democracy and democratization in different States. One of the key difficulties regarding democracy in the OSCE area is the lack of simultaneity in democratic development that has arisen due to the entirely different starting conditions in various States and regions.<sup>1073</sup>

The ODIHR’s election observation activities have been strongly criticized by the Russian Federation and several other CIS countries. Russia and some CIS States tend to “limit and control the OSCE’s human dimension activities”, which symbolizes the OSCE’s most significant activity field for nearly all Western participating States of the Organization.<sup>1074</sup> Russia and some CIS States adopt an approach that “all key decisions including those on publishing election reports should be taken by the PC. While Western States insist on the autonomy of ODIHR election observation missions, Russia and some other CIS States aim at controlling them through the PC, where any single State can prevent consensus at any time”.<sup>1075</sup>

For the US, “the core mission of the OSCE” is to foster democratic change. On the other hand, Russia wants to

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<sup>1073</sup> Ibid., pp.22-23.

<sup>1074</sup> Ibid., pp.12-13.

<sup>1075</sup> Ibid., p.24.

curb the OSCE's human-dimension and in particular its election-related activities by making election-observation report a subject of PC decisions and destroying or at least decreasing the autonomy of the ODIHR and the other two OSCE semi-autonomous institutions. Because the contradictions between the positions of the US and the EU and other states, on the one hand, and Russia and some other CIS States on the other, are linked to power politics, they cannot simply be bridged.<sup>1076</sup>

Nevertheless, it is widely accepted that “criteria and methodology on election monitoring that ensure objectiveness, transparency and professionalism should be further developed and an approach should be taken that guarantees equal treatment of all participating States”.<sup>1077</sup>

### **7.2.2. Rule of Law**

The principle of the rule of law is included in the UN Charter. The UN Preamble states that UN aims at “establishing conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. One of major purposes of the UN is to promote international peace, security and stability in accordance with the principles of international law and justice. By doing this, the UN seeks the peaceful settlements of international disputes. ‘The Universal Declaration of Human Rights’ of 1948 states that “all human beings have fundamental rights and freedoms, and human rights should be protected by the rule of law”. The UN defines the rule of law as follows:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and

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<sup>1076</sup> Wolfgang Zellner, ‘The Reform of the OSCE: Problems, Challenges and Risks’, in Victor-Yves Ghebali and Daniel Warner (eds), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, PSIO Occasional Paper 2/2006, pp.93-94.

<sup>1077</sup> ---, ‘Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE’, 27 June 2005, p.17.

which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

There is a close connection between the principle of the rule of law and the principle of justice, covering “an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs”.

The UN attaches great importance to the full and effective application of the principle of the rule of law both at the national and international domains. At the national level, the UN supports its member States in their efforts for developing and implementing a clear and consistent framework for the effective practice of the principle of the rule of law. Well-established structures and institutions in the fields of justice, governance, security and human rights and fundamental freedoms are integral parts of the societies where the principle of the rule of law prevails. A strong and active public and civil society and accountable state authorities, officials and institutions to law are also equally important elements, contributing substantially to the promotion of the rule of law.

The application of the principle of the rule of law at the international level is closely linked to the relevant components in the conduct of relations between or among States. The UN, therefore, aims to promote the principle of the rule of law among States at the international level.<sup>1078</sup> On the other hand, strengthening the rule of law is of vital importance in term of protecting and improving human rights and fundamental freedoms; achieving sustainable economic growth and social development; and finally facilitating long-lasting peace, security and stability particularly following the conflict periods.<sup>1079</sup>

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<sup>1078</sup> ---, ‘The United Nations Rule of Law, What is the rule of law?’, available at [http://www.unrol.org/article.aspx?article\\_id=3](http://www.unrol.org/article.aspx?article_id=3), Accessed on 5 October 2014.

<sup>1079</sup> ---, ‘The United Nations Rule of Law’, available at <http://www.un.org/en/ruleoflaw/>, Accessed on 5 October 2014.

The principle of the rule of law also constitutes an integral component of the OSCE's comprehensive approach to security. The OSCE has developed a broad range of norms, principles and commitments relating to democracy, the rule of law and human rights and fundamental freedoms including the rights of persons belonging to national minorities since the 1975 Helsinki Final Act.<sup>1080</sup> The norms, principles, commitments and activities in the field of the rule of law constitute an important part of the human dimension of the OSCE. To abide by the rule of law has been one of the fundamental aspects of the OSCE's approach to security and stability along with promoting democracy and strengthening democratic institutions as well as ensuring respect for human rights and fundamental freedoms.<sup>1081</sup>

The OSCE participating States are strongly agreed that security cannot be ensured in the absence of "a democratic state abiding by the rule of law". The OSCE participating States takes the view that security is not totally independent from the practice of strong democratic institutions, the rule of law and finally respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities. As far as the OSCE is concerned, "states' failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region".<sup>1082</sup> According to Hoyer, "long-term stability and security can only be assured if human rights and rule of law standards are respected and democratic freedom of expression is guaranteed".<sup>1083</sup> The OSCE participating States are committed that "pluralistic democracy based on the rule of law is the only system of

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<sup>1080</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1081</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1082</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

<sup>1083</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.117.

government suitable to guarantee human rights effectively”.<sup>1084</sup> Democracy has as its foundation respect for the human person and the rule of law”.<sup>1085</sup>

In the Helsinki Final Act, the human dimension was defined in terms of the respect for human rights and fundamental freedoms and humanitarian co-operation”, including a series of subject matters such as “human contacts and information and cultural and educational exchange”. Then, the CSCE participating States widened the CSCE’s human dimension framework through adding democracy and the rule of law. The 1990 Copenhagen Document outlines the basic aspects of the rule of law and democracy. The 1990 Copenhagen Document defines the rule of law as an instrument for the establishment of the rule of justice.<sup>1086</sup> In the Copenhagen Document, the CSCE participating States declare their determination to “support and advance the principles of justice which form the basis of the rule of law”. The CSCE participating States also stress that “the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression”.<sup>1087</sup>

The 1990 Copenhagen Document emphasizes the importance and necessity of pluralist democratic societies based on free elections and the rule of law in ensuring basic human rights and fundamental freedoms. The CSCE participating States are strongly convinced that

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<sup>1084</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.1-2.

<sup>1085</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1086</sup> Frank Evers, ‘OSCE Efforts to Promote the Rule of Law History, Structures, Survey’, *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.3.

<sup>1087</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.3.

“full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law” are essential conditions in creating and maintaining long-standing peace, security, stability, justice and cooperation within the whole CSCE region.<sup>1088</sup>

In the 1991 Moscow Document, the CSCE participating States agreed that “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 a lasting order of peace, security, justice and co-operation in Europe”.<sup>1089</sup> The CSCE participating States also declare their strong determination to intensify their efforts for promoting the rule of law along with the human rights and democracy with the purpose of strengthening security and stability within the entire CSCE region.<sup>1090</sup> Finally, the participating States declare their strong determination to fully implement norms, principles, commitments and provisions related to the principle of the rule of law as well as respect for human rights and fundamental freedoms and democracy within the CSCE framework.<sup>1091</sup>

According to the Moscow Document, the commitments in the field of the rule of law along with the other commitments on the human rights and fundamental freedoms and democracy included in the human dimension of the Organization are matters of international concern and they cannot be considered as an internal affair of any OSCE participating State.<sup>1092</sup>

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<sup>1088</sup> Ibid., p.2.

<sup>1089</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.28-29.

<sup>1090</sup> Ibid., p.36.

<sup>1091</sup> Ibid., p.45.

<sup>1092</sup> Frank Evers, ‘OSCE Efforts to Promote the Rule of Law History, Structures, Survey’, *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.4.

In the 1992 CSCE Helsinki Summit Meeting Document, the participating States declare their strong commitment “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society”.<sup>1093</sup>

The 2003 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century states that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”. A wide range of threats can generate from the weak governance, and a failure of States, as well as systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities within the OSCE region. Respect for basic human rights and fundamental freedoms, creating strong functioning democratic institutions and promoting the rule of law can play a substantial role in preventing and dealing with the existing and newly emerging threats to security and stability within the whole OSCE region.<sup>1094</sup>

2010 Astana Commemorative Declaration states that the human dimension including the respect for human rights and fundamental freedoms, democracy and the rule of law is an integral part of the OSCE’s comprehensive approach to security.<sup>1095</sup>

The OSCE has taken several decisions in the field of the rule of law and developed the rule of law-based commitments over the years. The 2008 OSCE Helsinki Ministerial Council meeting adopted a decision titled as ‘Further Strengthening the Rule of Law in the OSCE Area’ (Decision No.7/08). In this decision, the OSCE participating States reaffirm their strong

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<sup>1093</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

<sup>1094</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.1.

<sup>1095</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.1.

commitments to the principle of the rule of law. The decision emphasizes the necessity and importance of relevant UN documents implying the full and effective implementation of the rule of law at both national and international levels. The participating States put a special importance on their commitment with regard to “an international order based on the rule of law and international law”. The decision articulates that the rule of law, democracy and human rights and fundamental freedoms are closely “inter-linked and mutually reinforcing”. The rule of law as a cross-dimensional issue has positive effects on a wide range of OSCE’s activities such as “ensuring respect for human rights and democracy, security and stability, good governance, mutual economic and trade relations, investment security and a favorable business climate; and effective fight against corruption, organized crime and all kinds of illegal trafficking including in drugs, weapons and trafficking in human beings”. In this respect, the rule of law can be considered as an indispensable pillar of the OSCE’s overall efforts aimed at achieving political, economic, social and environmental progress within the whole OSCE area. The OSCE works to develop new initiatives aimed at serving as a platform for facilitating exchange of information and sharing of good practices concerning the rule of law-related subject matters.

The 2008 PC Decision on the principle of the rule of law calls all the participating States to meet the relevant OSCE commitments with regard to the rule of law at national and international levels and to increase their compliance with the obligations generated from international law. In the decision, the participating States encourages the relevant OSCE executive structures and participating States to intensify their efforts toward strengthening and promoting the rule of law in some specific areas. These areas are as follows:

independence of the judiciary; effective administration of justice; right to a fair trial; access to court; accountability of state institutions and officials; respect for the rule of law in public administration; the right to legal assistance and respect for the human rights of persons in detention; honoring obligations under international law as a key element of strengthening the rule of law in the OSCE area; adherence to the principle of peaceful settlement of disputes; respect for the rule of law and human rights in the fight against terrorism according to their obligations under international law and OSCE commitments; efficient legislation and an administrative and judicial framework in order to facilitate economic activities, trade and



investments in participating States and between them; the role of constitutional courts or comparable institutions of the participating States as an instrument to ensure that the principles of the rule of law, democracy and human rights are observed in all state institutions; the observation of rule of law standards and practices in the criminal justice system; and finally the fight against corruption.<sup>1096</sup>

The rule of law constitutes an essential element of the OSCE's multidimensional approach to security. In this regard, the ODIHR assists the participating States to strengthen the institutional framework for the full and effective application of the principle of the rule of law within the OSCE participating States. From the OSCE's point of view, in addition to the commitments in the field of current legislation of the OSCE participating States, the principle of the rule of law is closely linked to democracy, human rights, free and fair elections, institutions for democratic law-making and the proper administration of justice. The OSCE defines the rule of law in close connection with the human rights.<sup>1097</sup> For the OSCE, the full and efficient implementation of the principle of the rule of law is a necessary condition in protecting and improving the human rights and fundamental freedoms in an individual country. In other words, ensuring respect for human rights and fundamental freedoms including the rights of persons belonging to the national minorities is substantially based on the effective practice of the rule of law.<sup>1098</sup>

The OSCE puts a special emphasis on the full and effective implementation of the principle of the rule of law in close connection with democratization activities.<sup>1099</sup> The OSCE takes the view that there is a strong interconnectedness between democracy and the rule of law and

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<sup>1096</sup> ---, 'Decision No. 7/08 Further Strengthening the Rule of Law in the OSCE Area', OSCE Ministerial Council Helsinki 2008, 5 December 2008, available at [www.osce.org/mc/35494](http://www.osce.org/mc/35494), Accessed on 20 May 2012.

<sup>1097</sup> Frank Evers, 'OSCE Efforts to Promote the Rule of Law History, Structures, Survey', *Center for OSCE Research (CORE) Working Paper 20*, March 2010, pp.5-6.

<sup>1098</sup> *Ibid.*, pp.2-3.

<sup>1099</sup> *Ibid.*, p.11.

“democracy is an inherent element of the rule of law”.<sup>1100</sup> Evers states that “the OSCE’s promotion of the rule of law is the promotion of the democratic rule of law”. From the OSCE’s point of view, democracy and the rule of law are complementary instruments and cannot be separated easily from each other.<sup>1101</sup> Therefore, the OSCE works to promote democratic rule of law within the participating States with a view to strengthening security and stability within the entire OSCE region.<sup>1102</sup>

At the 1991 CSCE Stockholm Ministerial Council meeting, the CSCE participating States agreed that they needed to strengthen the rule of law as a part of measures aimed at preventing, managing and resolving the conflicts within the CSCE region. So, the participating States established a link between the CSCE’s conflict management activities and democracy and the rule of law. The OSCE views the promotion of democracy and the rule of law as two vital instruments for the long-term stability, which can be used effectively to prevent and resolve conflicts in the OSCE area as a part of its overall conflict management efforts.<sup>1103</sup> Furthermore, during the 2009 OSCE Athens Ministerial Council meeting, the participating States emphasized the importance of “strict compliance with the international law and principles of the Charter of the UN” in terms of addressing and dealing with threats, risks and challenges to the security and stability in the OSCE region. They also declared that strengthening democratic institutions and promoting the rule of law can contribute substantially to the prevention of transnational threats and challenges.

In the politico-military dimension, ‘the Code of Conduct on Politico-Military Aspects of Security’, adopted at the 1994 CSCE Budapest Summit, provides a basic framework for the democratic civilian control of armed forces which is also closely linked to the promotion of the rule of law. The Code of Conduct identifies the major norms, principles and

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<sup>1100</sup> Ibid., pp.1-3.

<sup>1101</sup> Ibid., pp.11-12.

<sup>1102</sup> Ibid., pp.1-2.

<sup>1103</sup> Ibid., pp.3-4.

commitments made by the participating States in terms of maintaining the democratic control of armed forces including military, paramilitary, intelligence services, internal security forces and the police.

In the field of economic and environmental dimension, the OSCE establishes a close link between the principle of the rule of law and sustainable economic growth and social development. The OSCE also attaches great importance to the equal protection of all market economy-related actors on the basis of the rule of law. Furthermore, the OSCE recognize the necessity and importance of promoting the rule of law and developing “transparent and predictable legal systems in the economic sphere”.<sup>1104</sup>

The major permanent institution of the OSCE, generally operating in the human dimension area, particularly in the field of the rule of law, is the ODIHR.<sup>1105</sup> The ODIHR performs a wide variety of human dimension-related activities aimed at strengthening security, stability, peace and prosperity within the entire OSCE region.<sup>1106</sup> The OSCE engages in a series of activities aimed at strengthening and promoting the rule of law within all the participating States. In this respect, the ODIHR supports the participating States to make their domestic laws compliant with the OSCE’s relevant norms and commitments in the field of judicial independence, access to the legal profession and justice, and criminal justice systems. The ODIHR provides assistance and expertise to the participating States through developing domestic initiatives and legislation review with a view to increasing transparency and improving the effectiveness of the national legislative systems.<sup>1107</sup>

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<sup>1104</sup> Ibid., pp.4-5.

<sup>1105</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.46-47.

<sup>1106</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1107</sup> Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

The ODIHR's Democratization Department includes two major specialized units operating for the promotion of the rule of law.<sup>1108</sup> Firstly, Democratization Department's Rule of Law Unit aims at providing support to the participating States in their efforts to promote the rule of law in line with OSCE's relevant norms and commitments and international law. Through developing and implementing projects, the Rule of Law Unit carries out a series of activities aimed at "supporting participating states on fair trial monitoring, criminal and administrative justice reform and independence of the judiciary in the OSCE region". The Rule of Law Unit also offers policy advice, expertise and assistance for the participating States on the rule of law issues. Furthermore, the Rule of Law Unit supports the OSCE field operations in their works and projects with regard to the promotion of the rule of law.<sup>1109</sup> Secondly, legislative support is one of most important activity field of the ODIHR. The Legislative Support Unit within the ODIHR's Democratization Department provides assistance, advice and expertise to the interested participating States in legislation-related areas. The Legislative Support Unit assists the participating States to create effective and transparent legislative processes. The Unit also reviews the existing and draft legislations regarding the human dimension commitments and supports the participating States to improve their law-making systems in accordance with the relevant OSCE commitments. Finally, the Legislative Support Unit created an online database available at [Legislationline.org](http://Legislationline.org) which can be freely used by the participating States and other interested units, structures and institutions as well as persons.<sup>1110</sup>

Over the years, the OSCE has developed required structures to carry out the rule of law-related works and activities aimed at promoting the rule of law within the participating States. The ODIHR with five main departments and OSCE field operations are the major

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<sup>1108</sup> ---, 'OSCE-ODIHR-Organizational structure', available at [www.osce.org/odihr/43580](http://www.osce.org/odihr/43580), Accessed on 10 September 2012.

<sup>1109</sup> Frank Evers, 'OSCE Efforts to Promote the Rule of Law History, Structures, Survey', *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.8.

<sup>1110</sup> *Ibid.*, p.9.

actors of the OSCE operating in the promotion of the rule of law.<sup>1111</sup> OSCE field operations conduct several projects in the field of the rule of law in the host countries with the purpose of strengthening and promoting the rule of law.<sup>1112</sup> Additionally, the HCNM, the RFM, the OSCE Parliamentary Assembly and several units included in the OSCE Secretariat such as the SPMU, the ATU, Border Management Unit and Gender Section as well as Legal Service Unit performs the rule of law-related works.<sup>1113</sup> The OSCE Court of Conciliation and Arbitration was created as an instrument in 1995 with the aim of “managing all kinds of disputes between the States”. The Court can principally contribute to the promotion of the rule of law. The Court can function provided that any participating State requests. However, the Court has not been convened up to the present.<sup>1114</sup>

### 7.2.3. Elections

Democracy is an indispensable element of the OSCE’s comprehensive approach to security along with human rights and the principle of rule of law. The OSCE participating States are strongly convinced that “lasting security cannot be achieved without respect for human

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<sup>1111</sup> Lorenz Barth, ‘OSCE, Rule of Law, Ministerial Council Decision No. 7/08 on Strengthening the Rule of Law – The Search for Common Ground in the Third Dimension’, *OSCE Yearbook 2009*, p.285, available at <http://www.osce.org/what/rule-of-law>, Accessed on 10 May 2012 and Frank Evers, ‘OSCE Efforts to Promote the Rule of Law History, Structures, Survey’, *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.7.

<sup>1112</sup> Lorenz Barth, ‘OSCE, Rule of Law, Ministerial Council Decision No. 7/08 on Strengthening the Rule of Law – The Search for Common Ground in the Third Dimension’, *OSCE Yearbook 2009*, p.285, available at <http://www.osce.org/what/rule-of-law>, Accessed on 10 May 2012 p.279.

<sup>1113</sup> Lorenz Barth, ‘OSCE, Rule of Law, Ministerial Council Decision No. 7/08 on Strengthening the Rule of Law – The Search for Common Ground in the Third Dimension’, *OSCE Yearbook 2009*, p.285, available at <http://www.osce.org/what/rule-of-law>, Accessed on 10 May 2012 and Frank Evers, ‘OSCE Efforts to Promote the Rule of Law History, Structures, Survey’, *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.7.

<sup>1114</sup> Frank Evers, ‘OSCE Efforts to Promote the Rule of Law History, Structures, Survey’, *Center for OSCE Research (CORE) Working Paper 20*, March 2010, p.8.

rights and functioning democratic institutions”.<sup>1115</sup> The OSCE takes the view that security cannot be ensured in the absence of “a democratic state abiding by the rule of law”. The OSCE participating States are agreed that security is not totally independent from the practice of strong democratic institutions, the rule of law and finally respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities. “States’ failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region”.<sup>1116</sup> The OSCE participating States are strongly committed that “pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively”.<sup>1117</sup> The OSCE believes that long-lasting stability and peace within the OSCE region can be only achieved through establishing democratic institutions and societies.<sup>1118</sup> The OSCE has developed a wide range of catalogue covering the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law.<sup>1119</sup> The activities of the OSCE within the framework of its human dimension particularly focus on building, strengthening and protecting democratic institutions within all the participating States.<sup>1120</sup> Recognizing the importance of spreading democracy within all the participating States and as an integral part of its democratization efforts, the OSCE takes the view that being able to

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<sup>1115</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1116</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

<sup>1117</sup> ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.1-2.

<sup>1118</sup> Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.117.

<sup>1119</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1120</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

conduct free, fair and democratic elections within the OSCE region is highly important.<sup>1121</sup> Enabling free, fair, transparent and democratic election processes has vital importance in facilitating the effective and legitimate governments within the participating States. Carrying out democratic elections is highly important for the countries in transition process to democracy. Ensuring free and fair elections is generally viewed as one of the most decisive indicators for a country's political development.<sup>1122</sup>

Over the years, the OSCE has established general norms, principles and commitments in the field of elections as a normative framework. In the 1990 CSCE Paris Summit meeting, the CSCE participating States express that democracy is the only system of government of the CSCE participating States and they decided to undertake all necessary measures aimed at consolidating and strengthening democracy. They also clearly put forward that “democratic government is based on the will of the people, expressed regularly through free and fair elections”.<sup>1123</sup>

The 1990 Copenhagen Document identified the main norms, principles and commitments related to conduct of democratic elections within the OSCE region.<sup>1124</sup> The democratic elections-related commitments identified by the Copenhagen Document provide a framework for the ODIHR for its election-related works and activities. Since its adoption in 1990, the Copenhagen Document has kept its relevance as an international text in the field

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<sup>1121</sup> Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.117.

<sup>1122</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21st Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.182.

<sup>1123</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1124</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

of elections through involving a broad range of commitments with regard to the conduct of free, fair and democratic elections.<sup>1125</sup>

In the 1990 Copenhagen Document, the CSCE participating States articulated that pluralist democratic societies based on free elections and the rule of law are of utmost importance in ensuring basic human rights and fundamental freedoms. In this regard, the participating States are strongly determined to promote “democracy and political pluralism as well as to “build democratic societies based on free elections and the rule of law”.<sup>1126</sup>

In the Copenhagen Document, the CSCE participating States committed to “respect each other’s right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems”. Additionally, “each individual has the right guaranteed by international law to participate in free and fair elections”.<sup>1127</sup>

In the Copenhagen Document, the participating States famously point out that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all governments”. The participating States also express their commitment to “respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair

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<sup>1125</sup> ---, ‘Existing Commitments for Democratic Elections in OSCE Participating States’, OSCE-ODIHR, Warsaw, October 2003, p.7.

<sup>1126</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

<sup>1127</sup> --- ‘Existing Commitments for Democratic Elections in OSCE Participating State’s, OSCE-ODIHR, Warsaw, October 2003, p.11-12



electoral processes”.<sup>1128</sup> With this commitment, the OSCE has become “a prime defender of the right of citizens to participate in governing their own countries”.<sup>1129</sup>

The 1990 Copenhagen Document states that all the participating States should ensure the following principles aimed at promoting democratic elections: the basis of the governmental authority in a country is originated from the will of the people; free elections are carried out at reasonable intervals and in a popular vote; equal and universal suffrage to adult citizens are guaranteed; citizens cast their votes by secret ballot or by equivalent free voting procedure, “under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives” and votes are counted and reported to public in an honest manner; the governmental authorities should establish respect for the citizens’ rights to “seek political or public office, individually or as representatives of political parties or organizations” without any discrimination; the governmental authorities should provide respect for the individuals’ and groups’ rights to establish freely establish their own political parties or other political organizations and these political parties and at the same time essential legal guarantees are provided to these political parties or other political organizations in terms of “competing with each other on a basis of equal treatment before the law and by the authorities”; political campaigning for elections are carried out in a free and fair environment; the candidates can freely express their qualifications and views and citizens can vote free of fear of retribution; all political parties, groupings and individuals wishing to participate in the elections can access freely to the media without facing any obstacle; and finally candidates in the elections acquiring “the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures” in a country.

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<sup>1128</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, pp.5-6.

<sup>1129</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.47-48.

With the Copenhagen Document, recognizing the importance of both domestic and international election observation teams in the national and local electoral processes, the CSCE participating States decided to “invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings”.<sup>1130</sup> In the Copenhagen Document, the participating States agreed that “elections will be monitored and assessed in terms of specific commitments, as well as in terms of the process of consolidating democratic institutions”.<sup>1131</sup> The 1990 Copenhagen Document set the primary seven criteria for the democratic election processes: “universal, equal, fair, secret, free, transparent, and accountable”.<sup>1132</sup>

The OSCE is the leading organization in its region in the field of election observation and assistance. The ODIHR works as the specialized permanent institution of the OSCE aimed at promoting democratic elections across the entire OSCE region. The ODIHR engages in promoting democratization and democratic institutions through democracy assistance projects; and in assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance.<sup>1133</sup> The key unit of the ODIHR in the field of elections is the ‘Elections Department’. As an integral component of the OSCE’s democratization efforts within the participating States, the ODIHR’s Elections Department engages in a wide variety of election-related activities and works within the whole OSCE region.<sup>1134</sup>

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<sup>1130</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, pp.5-6.

<sup>1131</sup> ---, ‘Existing Commitments for Democratic Elections in OSCE Participating States, OSCE-ODIHR, Warsaw, October 2003, pp.11-12.

<sup>1132</sup> ---, ‘OSCE-ODIHR-Overview’, available at [www.osce.org/odihr/elections/72781](http://www.osce.org/odihr/elections/72781), Accessed on 5 November 2013.

<sup>1133</sup> ---, ‘OSCE ODIHR, Elections’, available at <http://www.osce.org/odihr/elections/115947>, Accessed on 5 November 2013.

<sup>1134</sup> ---, ‘OSCE, Elections’, available at <http://www.osce.org/what/elections>, Accessed on 5 November 2013.

The ODIHR has supported the participating States in their efforts for creating a tradition of free and fair elections since 1990. In this respect, election observation is one of the most effective ways in “establishing a tradition of free elections” for the countries experiencing transition process to democracy. Furthermore, the ODIHR also provides assistance to the participating States in terms of strengthening their compliance with the elections-related norms and commitments adopted within the CSCE/OSCE framework.

The ODIHR’s election observation activities deserve a special emphasis. From the OSCE’s point of view, monitoring elections plays a constructive role in meeting election-related international standards as well as in complying with the OSCE’s norms and commitments in the field of elections. In this respect, the OSCE participating States are provided with the election observation service by the ODIHR as an efficient and valuable instrument aimed at strengthening and promoting free, fair, transparent and democratic election processes.<sup>1135</sup>

The OSCE has adopted norms, principles and commitments in the field of elections with a view to promoting democratic elections within the OSCE region. These commitments cover different aspects of the electoral process: “legal framework: scope and system; equality; impartiality: administration and management; universality: right to vote; candidacies and political parties; election campaign, including financing and media; voting process; results: determination, publication, and implementation; complaints and appeals; domestic and international observation; and finally co-operation and Improvement”.<sup>1136</sup>

Since 1994, the ODIHR has deployed long-term election observation teams to monitor national and local elections within the OSCE participating States. The ODIHR assess these

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<sup>1135</sup> Audrey F. Glover, ‘The Human Dimension of the OSCE: The ODIHR in Warsaw’, in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin’s Press, 1997, pp.173-174.

<sup>1136</sup> ---, ‘Existing Commitments for Democratic Elections in OSCE Participating States’, OSCE-ODIHR, Warsaw, October 2003, pp.11-12.

elections' compliance with the OSCE commitments on democratic elections and other international standards for democratic elections.<sup>1137</sup>

The ODIHR pursues two basic objectives in all election observation activities: firstly, "to assess electoral processes in accordance with OSCE election-related commitments; and secondly, to offer recommendations, where necessary, to bring electoral processes into line with those commitments". The ODIHR aims to provide constructive feedback to the participating States instead of commending their performance or simply criticizing their election processes when their election performance is lack of fulfilling the OSCE election-based commitments and other international standards. The ODIHR offers specific recommendations for the participating States to improve further their electoral processes and to eliminate their shortcomings with respect to the elections.<sup>1138</sup>

In election observation works, the ODIHR uses a well-developed and comprehensive methodology covering all aspects of an electoral process; "before, during, and after polling day".<sup>1139</sup> The ODIHR, as a leading and specialized institution in the field of election monitoring in Europe, implements a "systematic, comprehensive and verifiable election observation methodology" in its election observation works. On the basis of its recognition that "an election is more than a one-day event", the methodology developed by the ODIHR serves as a comprehensive framework including all essential components of a democratic election process. The ODIHR's comprehensive methodology for its election observation work has been outlined in the 'Election Observation Handbook' in detailed. The ODIHR Election Observation Handbook serves as a "reference guide for election observation methodology within the OSCE area and beyond". The Handbook identifies a broad range of specific areas related to whole electoral process such as "the legal and regulatory

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<sup>1137</sup> ---, 'OSCE ODIHR, Elections', available at <http://www.osce.org/odihr/elections/115947>, Accessed on 5 November 2013.

<sup>1138</sup> ---, 'OSCE-ODIHR-Overview', available at [www.osce.org/odihr/elections/72781](http://www.osce.org/odihr/elections/72781), Accessed on 5 November 2013.

<sup>1139</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

framework; the planning, deployment and implementation of an election observation mission; the election campaign, including the media environment; the registration of voters and candidates; the conduct of election stakeholders and administration; the voting process; the vote count; the tabulation of the results; the announcement of results; the complaints and appeals process; and finally the post-election dispute resolution process".<sup>1140</sup> The ODIHR has recently started to deploy election assessment missions in more-advanced democracies among the OSCE participating States with the purpose of providing in-depth evaluations on particular subjects of an electoral process.<sup>1141</sup>

The election observation missions deployed by the ODIHR have the task of observing the whole electoral process and making assessment regarding the implementation and organization of the elections according to the following fundamental principles: "universality, equality, fairness, secrecy, freedom, transparency, and accountability". The ODIHR can deploy long-term and short-term election observation missions in the host countries. In a short time after the election day, a joint statement is delivered to public by the ODIHR election observation team and other election monitoring missions from different international organizations. In analyzing and concluding its initial findings on the organization and implementation of the entire electoral process, the ODIHR co-operate and co-ordinates closely with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament. Eventually, a 'final election report' including recommendations is prepared and published by the ODIHR. The OSCE participating States have been committed to "follow up promptly the ODIHR's election assessment and recommendations" since 1999.<sup>1142</sup>

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<sup>1140</sup> ---, 'OSCE-ODIHR-Overview', available at [www.osce.org/odihr/elections/72781](http://www.osce.org/odihr/elections/72781), Accessed on 5 November 2013 and Hrair Balian, 'ODIHR's election work: Good value?', *Helsinki Monitor* 2005 no.3, pp.169-170.

<sup>1141</sup> ---, 'OSCE-ODIHR-Overview', available at [www.osce.org/odihr/elections/72781](http://www.osce.org/odihr/elections/72781), Accessed on 5 November 2013.

<sup>1142</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

Along with the OSCE's election observation works, the ODIHR Elections Department conducts numerous technical election assistance projects with a view to promoting democratic election processes; strengthening democratic participation in elections and improving the electoral processes within the OSCE participating States.<sup>1143</sup> The election assistance projects include the review of electoral legislation of the participating States; providing recommendations on several specific subjects such as "effective voter registration, exchange of experience with domestic observer networks, and finally overall assistance in the implementation of recommendations made in the final election observation report".<sup>1144</sup>

In maintaining its election observation work and election assistance projects for the participating States, the ODIHR works in close and active co-operation and co-ordination with the OSCE field presences; the OSCE parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and European Parliament as well as other international observation missions participating the elections.

In addition to the Election Observation Handbook, the ODIHR published a number of specific documents aimed at promoting democratic elections within the OSCE region. These publications are as follows: 'Guidelines to Assist National Minority Participation in the Electoral Process'; 'Handbooks for Monitoring Women's Participation in Elections and for Domestic Election Observers' and finally 'Guidelines for Reviewing a Legal Framework for Elections'.<sup>1145</sup>

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<sup>1143</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1144</sup> ---, 'OSCE-ODIHR-Organizational structure', available at [www.osce.org/odihr/43580](http://www.osce.org/odihr/43580), Accessed on 22 June 2013 and ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1145</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.47-48.

Today there are serious challenges to the OSCE's commitments on democratic elections in some participating States. From the OSCE's point of view, these challenges can be summed up as the followings:

attempts to limit competition of parties and candidates, and ultimately their ideas, which may result in diminished possibilities for voters' choices; refusal of registration and/or deregistration of candidates in unclear proceedings with the potential to impose disproportionate sanctions for minor violations; misuse of state administrative resources by incumbents; pressure on the electorate to vote in a specific manner; media bias, particularly with regard to state-controlled media, in favor of incumbents; election administrations whose composition is not sufficiently inclusive to ensure confidence; lack of transparency and accountability during the vote count, the tabulation of the vote, and the announcements of results; complaints and appeals procedures that do not always permit a timely effective redress of complaints; perpetuation of a culture of impunity by failing to hold individuals accountable for election-law violations; and finally lack of sufficient will to rectify identified shortcomings.<sup>1146</sup>

The Russian Federation and some CIS countries have accused the ODIHR of applying double standards and delivering biased assessments of election results. The CIS States sometimes claim that the OSCE through its election observation activities has been interfering in internal affairs and failing to respect the sovereignty of States. Furthermore, the ODIHR has been criticized for "frequently politicizing and failing to take into account the domestic realities and specific features of individual countries". It is also argued that the ODIHR has made "unwarranted criticism of the domestic political situation" within the participating States. For this reason, critical views call the ODIHR to ensure development and implementation of universal and common standards and criteria in order to comprehensively observe electoral process and publishing unbiased assessment of the election results within the entire OSCE region.

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<sup>1146</sup> ---, 'OSCE-ODIHR, Challenges to OSCE Election Commitments', available at <http://www.osce.org/odihr/elections/43736>, Accessed on 10 November 2013.

The double standard criticism made against the ODIHR is heavily based on the fact that the ODIHR has carried out its election observation works and activities in the former republics of the Soviet Union and Yugoslavia as well as in the former member countries of the Warsaw Pact. The absence of democratic traditions and strong democratic institutions as well as the lack of civil society in these countries constitute the main rationale behind the ODIHR's special focus on the 'east of Vienna' States. In this respect, the ODIHR has worked to contribute to the consolidation of democracy and the emergence of civil society during the transition periods of these States. The ODIHR has also supported the participating States in their transition periods in the field of election observation and election assistance. In order to respond effectively to the double standard criticism, the ODIHR started to deploy missions in the OSCE participating States having long-established democratic traditions and well-functioning democratic institutions (west of Vienna) with the purpose of providing assessments regarding the particular aspects of the electoral process. Deploying election assessment missions focusing on specific aspects of the election-related issues could be very instrumental in other participating States, facing serious challenges in the field of elections. However, this new policy has a risk of overconsumption of human and financial resources, so that ODIHR could not suffice to function properly in transition countries for its election observation works and election assistance projects.<sup>1147</sup>

The ODIHR has been highly criticized in its election-observation works. However, creating and maintaining confidence before, during and after an electoral event is one of the most important factors affecting the whole election process. The ODIHR's election observation missions in the host countries have contributed substantially to the entire electoral process through "increasing the level of confidence, transparency and credibility particularly in sensitive and highly contested elections". As a result, the OSCE's election monitoring works can be seen as a significant instrument in the promotion of democratic elections through increasing the level of confidence.<sup>1148</sup>

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<sup>1147</sup> Hrair Balian, 'ODIHR's election work: Good value?', *Helsinki Monitor* 2005 no.3, pp.172-174.

<sup>1148</sup> *Ibid.*, pp.169-170.



Consequently, the ODIHR has accumulated a remarkable expertise in the area of election monitoring and assistance within the OSCE region since 1991. The ODIHR has established a well-developed and comprehensive methodology for observing elections. The methodology, expertise, best practices, and standards developed by the ODIHR with a view to promoting democratic elections can be also used effectively in the electoral process of other regions outside the OSCE area.<sup>1149</sup>

#### **7.2.4. Media Freedom and Development**

Free and well-developed media are an essential foundation of democratic societies and institutions.<sup>1150</sup> Freedom of expression is among the indispensable human rights. Freedom of expression is also an important fundamental right which enables people to freely express their opinions. People not only receive information from media but also they impart their views to others by means of media. That is why media plays such an important role and free and well-developed media are an important part of democratic and pluralistic societies. The right to freedom of expression is overwhelmingly expressed via the media. In this respect, keeping the media free is so important.<sup>1151</sup>

OSCE's approach is that sustainable democracy can only be achieved on the condition that the rights of free expression, free publication and dissemination of opinions and ideas among people are widely available within societies. In order to create and maintain democratic societies, all states must ensure that people can access, share and discuss information, ideas and opinions without any obstacle or interference. Additionally, free and independent media serve as an instrument for exchanging views and in this regard it plays

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<sup>1149</sup> Ibid., p.175.

<sup>1150</sup> ---, 'OSCE, Media freedom and development', available at <http://www.osce.org/what/media-freedom>, Accessed on 15 October 2013.

<sup>1151</sup> Interview with Nora Isaac, Adviser, OSCE Office of the Representative on Freedom of the Media, Vienna, 9 November 2012.

an important role in reducing the risks of international tensions and conflicts which in turn contributes to strengthening stability, peace and democracy.<sup>1152</sup>

Freedom of expression and freedom of the media are closely linked to security. There is a close interconnectedness between free media or free expression and security. It means that ensuring free media and free expression within a society is among the major prerequisites in fostering long-standing security and sustainable democracy.<sup>1153</sup>

Recognizing the vital importance of “the free flow of information in reducing tensions and maintaining peace and stability” during the Cold War period, in the third basket of the Helsinki Final Act, the CSCE participating States declare their strong conviction to co-operate in the field of information and to improve access to information.<sup>1154</sup> Furthermore, they identify various specific measures for the improvement of working conditions for journalists within the CSCE region.<sup>1155</sup> In the 1983 Concluding Document of the Madrid Meeting of the CSCE, the participating States express their determination to enhance “co-operation among mass media and their representatives, especially between the editorial staffs of press agencies, newspapers, radio and television organizations as well as film companies”.<sup>1156</sup> At the 1989 Concluding Document of the Vienna meeting of the CSCE, the participating States agreed to ensure that “journalists and media representatives are free to

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<sup>1152</sup> ---, ‘Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters’, 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1153</sup> ---, ‘The OSCE Representative on Freedom of the Media, Internet Freedom Factsheet’.

<sup>1154</sup> --- ‘Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters’, 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1155</sup> ---, ‘Conference on Security and Co-operation in Europe Final Act, Helsinki 1975’, p.44.

<sup>1156</sup> ---, ‘Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 6 September 1983, Madrid, p.22.

seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected".<sup>1157</sup>

In the 1991 Moscow Document, the CSCE participating States reconfirm their strong adherence to "the right to freedom of expression, including the right to communication and the right of the media to collect report and disseminate information, news and opinions". The Moscow Document also states that "independent media are essential to a free and open society and accountable systems of government and is of particular importance in safeguarding human rights and fundamental freedoms". Furthermore, the Moscow Document points out that the participating States should ensure that information services and foreign news can be easily accessible by the broadcast and print media without any restriction. The public should be also free to access and share information, opinions and ideas without any obstruction by public authority.<sup>1158</sup> Finally, in the Moscow Document, the participating States declared that they would make all required efforts for ensuring freedom of information and freedom of expression within the CSCE region in conformity with international obligations and standards. They also pledged to undertake no measures aimed at creating obstacles or restrictions for the journalists to exercise their work.<sup>1159</sup>

At the 1994 CSCE Budapest Summit meeting, the participating States tasked the ODIHR to serve as a "clearing-house for the exchange of information on media issues; to encourage governments, journalists and non-governmental organizations to provide the ODIHR with information regarding the recent developments in the field of media; and finally to monitor and evaluate the existing conditions for free and independent functioning of the media" during the elections within the CSCE region. The 1994 CSCE Budapest Summit Declaration also clearly states that "freedom of expression is a fundamental human right and a basic

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<sup>1157</sup> ---, 'Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference', Vienna 1989, p.32.

<sup>1158</sup> ---, 'Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE', 1991, p.41.

<sup>1159</sup> Ibid., p.43.

component of a democratic society”. In this regard, free, pluralistic and independent media are very instrumental in achieving a free, transparent and open society as well as accountable governments to citizens.<sup>1160</sup>

The 1996 Lisbon Document states that “freedom of the press and media are among the basic prerequisites for truly democratic and civil societies”. Therefore, the OSCE participating States stress the necessity and significance of more effective implementation of the OSCE’s principles and commitments on freedom of the media and freedom of expression.<sup>1161</sup>

In the Charter for European Security adopted during the 1999 OSCE Istanbul Summit meeting, the OSCE participating States articulate that “independent media and the free flow of information as well as the public’s access to information” are of utmost importance for the whole OSCE region. Hence, the participating States are committed to undertake all required measures and steps in order to provide primary conditions for the emergence of free and independent functioning media and free flow information within a State. Free and independent media are viewed as an indispensable element of a democratic, transparent, free and open society.<sup>1162</sup>

The 1999 OSCE Istanbul Summit Declaration states that ensuring free media is one of the major significant pillars of the whole efforts for creating democratic and pluralistic societies. Additionally, the right of free expression is an integral component of democratic and open societies. In this regard, the OSCE Office of the Representative on Freedom of the

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<sup>1160</sup> ---, ‘CSCE Summit, 1994, Budapest, Budapest Document 1994-Towards a Genuine Partnership In a New Era-Budapest Summit Declaration’.

<sup>1161</sup> ---, ‘Organization for Security and Co-operation in Europe Lisbon Summit, 1996, Lisbon Document 1996’, Lisbon, 1996, p.6.

<sup>1162</sup> ---, ‘Charter for European Security, Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999’, Istanbul, 1999, p.7.

Media will be always supported by the participating States in its efforts aimed at promoting free and independent media.<sup>1163</sup>

At the 2010 OSCE Astana Summit, the participating States, as a part of the OSCE's comprehensive approach to security including the three dimensions, emphasize the importance and valuable effects of the media and civil society in terms of establishing respect for human rights and fundamental freedoms; promoting democracy and free and fair elections; and finally strengthening the principle of the rule of law.<sup>1164</sup>

Today, there are serious challenges undermining the freedom of media and freedom of expression within the OSCE region. Freedom of the media is being seriously threatened by several problems and challenges. These challenges include the practice of:

harassment, intimidation, incarceration and physical attacks, including murder, of journalists and other members of the press; restrictions on media pluralism, especially in broadcasting, by undue governmental control and pressure over broadcasters, favoritism toward state-owned media, bringing criminal defamation charges against journalists for writing critical stories about public officials; legislative attempts to over-regulate traditional media and the Internet; denial of access to information held by government agencies; coercion of journalists to reveal their confidential sources to law enforcement agencies; government attempts to label offending or critical views "extremism" or "hate speech"; and finally administrative obstacles to media operations, including excessive registration, licensing and accreditation requirements.<sup>1165</sup>

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<sup>1163</sup> ---, 'Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999', Istanbul, 1999, p.51.

<sup>1164</sup> ---, 'Astana Commemorative Declaration towards a Security Community', *Security and Human Rights*, 2010, p.266.

<sup>1165</sup> ---, 'Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters', 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

In order to address the challenges and problems with respect to freedom of the media outlined above, the OSCE works to promote media freedom and supports media development within the participating States as a part of its democracy-promotion.<sup>1166</sup> Within the normative framework regarding the freedom of the media and freedom of expression described above, OSCE engages in a series of activities aimed at promoting media freedom and development. In this respect, the OSCE monitors and observes media developments within the Participating States with the purpose of addressing and dealing with the violations of freedom of expression. In doing so, the OSCE provides early warning for the violations of the right for free expression. The OSCE supports the participating States to foster a well-developed media through offering training and education opportunities for journalists and editors. The OSCE also assists the participating States by reviewing their legislation in the field of the media and works to protect journalists in the case of persecution and harassment.<sup>1167</sup>

‘The Office of the OSCE Representative of the Freedom of the Media’ (RFM), as an independent institution, was established in 1997 with a view to ensuring and strengthening the implementation of the OSCE’s norms, principles and commitments aimed at promoting media freedom and development.<sup>1168</sup> The RFM is mandated to observe relevant media developments within the OSCE participating States, and to support the participating States in ensuring compliance with Organization’s norms and commitments with regard to the freedom of the media and freedom of expression.<sup>1169</sup> The RFM works as a media-watchdog to deal with media-related challenges and problems and protect and promote the freedom

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<sup>1166</sup> Walter Kemp, ‘Targeting Its Constituency: Political Will, Public Relations, and the OSCE’, in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, p.256.

<sup>1167</sup> ---, ‘OSCE, Media freedom and development’, available at <http://www.osce.org/what/media-freedom>, Accessed on 15 October 2013.

<sup>1168</sup> ---, ‘Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters’, 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1169</sup> ---, ‘The OSCE Representative on Freedom of the Media, Safety of Journalists Factsheet’.

of the media across the entire OSCE area. The RFM is responsible for giving a rapid response to serious inconsistencies by the participating States with the commitments on the freedom of the media and media development.

The Office of the RFM is based in Vienna and the representative carries out his activities in close co-operation with other two permanent institution of the OSCE, namely the ODIHR and the HCNM. The RFM, furthermore, maintains close co-operation with various partners such as regional, national and international organizations engaged in human-dimension related issues as well as several media foundations and journalists from the whole OSCE region.<sup>1170</sup> The OSCE has close co-operation with all relevant international organizations in the field of media like the UN, Council of Europe and the EU. The OSCE regularly co-operate with these organizations to avoid duplication.<sup>1171</sup>

The Office of the RFM engages in a wide range of specific activities with the aim of protecting the freedom of the media and promoting free and independent media. These include:

protecting journalists in cases of harassment, incarceration and physical attack; promoting pluralism in broadcast, print and new media; advocating media freedom on the Internet; assisting participating States in reforming media laws through reviewing their legislation; strengthening the role of public service broadcasters; promoting self-regulation mechanisms; promoting access to government-held information; promoting journalists' right to keep sources confidential; organizing annual conferences on media issues in different regions of the OSCE area, offering a unique forum to establish face-to-face professional connections; exchange views on the region's media situation and address topics of interest to journalists'; and finally fighting deliberate and violent hate speech while preserving freedom of expression.

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<sup>1170</sup> ---, 'Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters', 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1171</sup> Interview with Nora Isaac, Adviser, OSCE Office of the Representative on Freedom of the Media, Vienna, 9 November 2012.

The RFM maintains routine consultation with the OSCE Chairmanship and informs the participating States in the OSCE PC meetings through delivering regular reports with respect to its activities and offering recommendations concerning the specific media developments and situations within the related participating States. The Office of the RFM operates through developing and implementing a broad range of projects in the field of media with a view to supporting the participating States in terms of protecting and promoting the freedom of the media. Governments, public authorities and the representative of the non-governmental organizations benefit substantially from these projects to develop and implement reform proposals for the media within their countries.

The Office of the RFM involves in media developments and situations which include particularly serious violations of freedom of the media and free expression. The Representatives can involve in problematic cases through different methods such as “behind-the-scenes ‘quiet diplomacy’; establishing contacts with the participating States’ foreign ministers; and finally raising public awareness through press standards”. The RFM prepares various in-depth reports aimed at analyzing the draft and existing media legislations of the participating States and on several aspects of the media. The Office organizes visits and delivers reports regarding the recent developments and situations in the field of the media within the participating States. Through these visits, the Representative and her team can consult with journalists, media representatives and the representative of the non-governmental organizations as well as high-level State officials from the OSCE participating States.<sup>1172</sup>

In the noncompliant cases with the OSCE’s commitments on media freedom and development, the RFM contacts directly with the related State and other interested parties; tries to contribute to the resolution of the problem; and finally provides regularly participating States with information through the PC meetings.<sup>1173</sup>

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<sup>1172</sup> ---, ‘Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters’, 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1173</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.49.



One of the main priority areas of the Office of the RFM is the safety of journalists within the framework of the freedom of the media and freedom of expression. The safety of journalists means that providing and meeting suitable working conditions for journalists, and ensuring that they can carry out their work independently from any political pressure or a kind of threat which can undermine their safety. Today, safety of journalists is under threat in some OSCE participating States. Journalists have a specific role in democracy. They provide information to the public. They need to work freely and to express their opinions freely even if they are critical for State authorities.<sup>1174</sup> In this respect, the issue of ensuring secure working conditions for journalist “without fear of being harassed, attacked, beaten and killed” is always viewed as an important pillar of the overall measures developed and implemented for promotion of the freedom of expression and freedom of the press. Over the years, the OSCE participating States have developed a series of commitments based on media freedom and development with a view to ensuring a secure and free environment for journalists to carry out their professional work properly. During the period of Lithuanian Chairmanship of the OSCE in 2011, ‘the Vilnius Recommendations on Safety of Journalists’ was released, outlining the recommendations for the safety of journalists within the OSCE participating States. According to these recommendations, the OSCE’s main approach is that all the participating States must view “violence against journalists as a direct attack on freedom of expression”. Secondly, the OSCE takes the view that governments of the participating States must undertake every necessary political measures aimed at providing “safe and unimpeded conditions for journalists to perform their professional duties”. Finally, the OSCE will always provide support to the OSCE field missions in their work aimed at helping the participating States to foster a free and well-developed media. In this respect, field operations can contribute significantly to the promotion of the free media and media development through undertaking specific projects, focusing on the capacity building and training of the media.<sup>1175</sup> The Office of the RFM offers several guideline documents aimed at assisting government officials and journalists in their work. These are: “Guide for

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<sup>1174</sup> Interview with Nora Isaac, Adviser, OSCE Office of the Representative on Freedom of the Media, Vienna, 9 November 2012.

<sup>1175</sup> ---, ‘The OSCE Representative on Freedom of the Media, Safety of Journalists Factsheet’.

journalists on how to access government information (2010); The Guide to the Digital Switchover (2010); and The Media Self-Regulation Guidebook (2008)".<sup>1176</sup>

Finally, the OSCE gives a special importance to Internet freedom within the framework of the media freedom and freedom of expression. The right for the use of and access to Internet is increasingly seen as a human right by the international community. Internet is becoming more and more necessary instrument in fostering "the worldwide exchange of ideas and the free flow of information". People can enjoy their fundamental rights related to the freedom of expression and freedom of information via Internet in today's information societies. Internet allows people to access and seek information.<sup>1177</sup> It is an important source for all the citizens within a country. Internet contributes a lot to the promotion of people-to people contact across borders.<sup>1178</sup> Today, each democratic government is obliged to undertake all required measures for the formulation, regulation and effective implementation of the legislations relating to Internet with a view to providing Internet accession without any restriction. The OSCE's approach is that each participating State must ensure that "independent and pluralistic media, the free flow of information across borders and unhindered access to the Internet" really appear. The OSCE takes the view that Internet should be always open, free and accessible in compliant with OSCE's norms and commitments on media freedom and other international agreements based on the freedom of expression.<sup>1179</sup> The office of the RFM compares the legislations of the participating States with the commitments of the OSCE which basically prescribe that authorities have a responsibility to keep free flow of information on the Internet and to

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<sup>1176</sup> ---, 'Factsheet of the OSCE on Representative on Freedom of the Media, Why Free Media Matters', 3 April 2012, available at <http://www.osce.org/fom/31230?download=true>, Accessed on 15 October 2013.

<sup>1177</sup> ---, 'The OSCE Representative on Freedom of the Media, Internet Freedom Factsheet'.

<sup>1178</sup> Jeff Goldstein, 'Can a summit advance the OSCE's work in the Human Dimension?', *Security and Human Rights* 2010 no.2, p.113.

<sup>1179</sup> ---, 'The OSCE Representative on Freedom of the Media, Internet Freedom Factsheet'.

enable people to express their opinions freely.<sup>1180</sup> In this regard, Goldstein argues that the OSCE can play a constructive role in outlining common principles concerning the Internet in accordance with the OSCE commitments in the field of media freedom and free expression.<sup>1181</sup>

### **7.3. Human Rights**

The human dimension of the OSCE was limited with the human rights-based issues in a narrow sense during the Cold War years. Although human rights-related subjects were separately categorized in the third basket of the Helsinki Final Act, they were mainly considered supplementary elements of the first basket, so-called 'security dimension'. However, with the end of the Cold War era, new human rights issues have come into the agenda which resulted in broadening of the OSCE's human dimension. Today, the issue of human rights is one of the two main components of the OSCE's human dimension along with democracy. In the following sections, the dissertation will portray and discuss the OSCE's human rights-oriented activities. These activity fields cover human rights and fundamental freedoms, minority rights, Roma and Sinti Issues, gender equality, trafficking in human beings and tolerance and non-discrimination issues.

#### **7.3.1. Human Rights and Fundamental Freedoms**

Protecting and improving human rights and fundamental freedoms as well as establishing respect for them has been always an integral element of the OSCE's human dimension. Respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities is an indispensable component of the OSCE's

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<sup>1180</sup> Interview with Nora Isaac, Adviser, OSCE Office of the Representative on Freedom of the Media, Vienna, 9 November 2012.

<sup>1181</sup> Jeff Goldstein, 'Can a summit advance the OSCE's work in the Human Dimension?', *Security and Human Rights* 2010 no.2, p.113.

comprehensive approach to security.<sup>1182</sup> The human dimension commitments aimed at protecting and improving basic human rights and fundamental freedoms within the participating States have become a central pillar of the OSCE acquis.<sup>1183</sup> The OSCE has developed a well-established normative and operational frameworks and instruments in order to protect and improve human rights and fundamental freedoms over the years.

Human rights and fundamental freedoms along with democracy and the principle of the rule of law constitute vital elements of the OSCE's comprehensive concept of security. The OSCE participating States are strongly convinced that "lasting security cannot be achieved without respect for human rights".<sup>1184</sup> Hoyer argues that "long-term stability and security can only be assured if human rights and rule-of-law standards are respected and democratic freedom of expression is guaranteed".<sup>1185</sup> The OSCE participating States are agreed that security is not totally independent from the practice of respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities as well as strong democratic institutions and the rule of law. The OSCE's approach is that "states' failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region".<sup>1186</sup>

The OSCE has an approach that security cannot be ensured without taking human rights into consideration. This is why human rights and security are simultaneous obligations.

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<sup>1182</sup> ---, 'Human rights', available at <http://www.osce.org/what/human-rights>, Accessed on 1 December 2013.

<sup>1183</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

<sup>1184</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1185</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.117.

<sup>1186</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

Indeed, these two do not compete with each other but they are complementary. In this regard, the OSCE's approach is that "security can only be achieved and maintained through the promotion and protection of human rights and fundamental freedoms along with democracy and the principle of the rule of law". In other words, ensuring respect for human rights and fundamental freedoms, strengthening democratic institutions and finally promoting the rule of law can serve as "the best long-term guarantor of security and stability" within the whole OSCE region.<sup>1187</sup> In this respect, the activities of the OSCE in the field of human rights and fundamental freedoms, as an integral component of the Organization's comprehensive approach to security, serve as a significant contributor to the strengthening and promoting security and stability within the entire OSCE region.<sup>1188</sup>

The Principle VII of the Helsinki Decalogue, adopted in the 1975 Helsinki Final Act, is "respect for human rights and fundamental freedoms". The participating States declare that "they will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion". They also express their determination "to promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development". Furthermore, the participating States acknowledge that "respect for human rights and fundamental freedoms is an essential factor for the peace, justice and wellbeing necessary to ensure the development of friendly relations and co-operation among themselves as among all States".<sup>1189</sup>

In the Helsinki Final Act, the CSCE participating States agreed that "the security of states also depends on the security of the individuals". This new outlook became a milestone in European security framework and marked one of the most important contributions of the

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<sup>1187</sup> Ibid., p.13.

<sup>1188</sup> Emmanouil Athanasiou, 'The human rights defenders at the crossroads of the new century: Fighting for freedom and security in the OSCE area', *Helsinki Monitor* 2005, no.1, p.14.

<sup>1189</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', p.6.

Helsinki Process in the 1970s, bringing a new dimension to security, namely human dimension. The participating States were also strongly convinced that security cannot be achieved without respect for human rights and fundamental freedoms in political and civilian domain. Basic human rights were given an equal status as other basic guiding principles included in the Helsinki Final Act such as “sovereign equality and the territorial integrity of States”. With the signing of the Helsinki Final Act, all CSCE participating States have been obliged to assume collective responsibility with respect to the human rights developments in each individual State.<sup>1190</sup>

As a result, human rights-related norms, principles and commitments, for the first time in the history, were considered “as an explicit and integral element of a regional security framework on the same basis as politico-military and economic-environmental issues”, symbolizing a landmark in the field of human rights and fundamental freedoms.<sup>1191</sup>

The 1990 Copenhagen Document points out that governments within the CSCE region are basically responsible for promoting and protecting human rights and fundamental freedoms and at the same time establishing and maintaining lasting peace, security, justice and freedom requires full respect and implementation of these rights within all the CSCE participating States.<sup>1192</sup> In the Copenhagen Document, the CSCE participating States acknowledge the necessity and importance of creating and strengthening pluralist democratic societies based on free elections and the rule of law in ensuring basic human rights and fundamental freedoms. The participating States also emphasize the need for

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<sup>1190</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.30.

<sup>1191</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1192</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.4-5.

developing human contacts and finding resolutions of other issues of a related humanitarian character.<sup>1193</sup>

The CSCE substantially broadened the scope of human dimension with the adoption of the Copenhagen Document in 1990. The Copenhagen Document covers a wide range of human dimension commitments such as “the right to freedom of expression and thought, conscience and religion; the right of peaceful assembly and demonstration; the right peacefully to enjoy one’s property; and the rights of the child and the migrant worker”. The Copenhagen Document also attaches great importance to “the independence of judges and the impartial operation of the public judicial service” in terms of promoting respect for the rights of persons belonging to national minorities as a necessary condition for security, stability and democracy. “Totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against any person as well as persecution on religious and ideological grounds” are strongly condemned by the CSCE participating States in the Copenhagen Document. In the Copenhagen Document, some specific problems facing Roma people within the CSCE region were addressed for the first time.<sup>1194</sup>

The Charter of Paris for a New Europe, adopted during the 1990 CSCE Paris Summit meeting, states that

human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an over mighty State. Their observance and full exercise are the foundation of freedom, justice and peace. Democracy has as its foundation respect for the human person and the rule of law. Every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression,

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<sup>1193</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

<sup>1194</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.4-5.

freedom of association and peaceful assembly, freedom of movement. Everyone also has the right: to know and act upon his rights, to participate in free and fair elections, to fair and public trial if charged with an offence, to own property alone or in association and to exercise individual enterprise, to enjoy his economic, social and cultural rights. Ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.<sup>1195</sup>

In the 1991 Moscow Document, the participating States declare their strong conviction that “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 a lasting order of peace, security, justice and co-operation in Europe”. In order to achieve the progress in these areas, they pledged to intensify their efforts and undertake all necessary measures in a co-operative way.<sup>1196</sup>

In the Moscow Document, the CSCE participating States clearly point out that

issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

In the Moscow Document, the CSCE participating States declare their common determination to protect basic human rights and fundamental freedoms and promote the consolidation of democratic gains within the CSCE region.<sup>1197</sup> Additionally, the participating

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<sup>1195</sup> ---, ‘Charter of Paris for A New Europe, Paris 1990’, pp.3-4.

<sup>1196</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.28-29.

<sup>1197</sup> Ibid., pp.29-30.



States are strongly convinced that they need to intensify their efforts for promoting human rights, the rule of law and finally democracy with a view to strengthening security and stability within the entire CSCE region.<sup>1198</sup> The participating States reconfirm their strong determination to fully implement norms, principles, commitments and provisions related to respect for human rights and fundamental freedoms within the CSCE framework.<sup>1199</sup>

In the 1992 CSCE Helsinki Summit Meeting Document, the participating States declare their strong commitment “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society”.<sup>1200</sup> ‘OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century’ states that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”. A wide range of threats can generate from the weak governance, and a failure of States, as well as systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities within the OSCE region. Respect for basic human rights and fundamental freedoms, creating strong and well-functioning democratic institutions and promoting the rule of law can play a substantial role in preventing and dealing with the existing and newly emerging threats to security and stability within the whole OSCE region.<sup>1201</sup> 2010 Astana Commemorative Declaration states that human dimension including the respect for human rights and fundamental freedoms, democracy and the rule of law is an integral part of the OSCE’s comprehensive approach to security.<sup>1202</sup>

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<sup>1198</sup> Ibid., p.36.

<sup>1199</sup> Ibid., p.45.

<sup>1200</sup> ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

<sup>1201</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.1.

<sup>1202</sup> ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.1.

The central institution of the OSCE in the field of human rights and fundamental freedoms is the ODIHR. The ODIHR supports all the participating States to ensure full respect for human rights and fundamental freedoms.<sup>1203</sup> The ODIHR also assists the participating States in improving and protecting basic human rights and fundamental freedoms, including the rights of persons belonging to national minorities.<sup>1204</sup> Furthermore, the ODIHR is mandated to monitor the implementation of the OSCE human rights-based commitments by the participating States.

The ODIHR's Human Rights Department is basically active in a wide range of human rights-related areas such as the protection and promotion of human rights and fundamental freedoms; the promotion and protection of human rights in the fight against terrorism; the organization of education and training programmes in the human rights field; and finally monitoring trials in the participating States.<sup>1205</sup> The ODIHR monitors the human rights situations and developments within the OSCE participating States.<sup>1206</sup> In order to protect and promote human rights and fundamental freedoms, the ODIHR monitors and reports the participating States' compliance with the OSCE's human dimension commitments, focusing on some specific areas such as "freedom of assembly and association, the right to liberty and a fair trial, the death penalty"<sup>1207</sup>, freedom of movement and religion, torture and finally trafficking in human beings.<sup>1208</sup> In the field of freedom of assembly, the ODIHR

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<sup>1203</sup> ---, 'CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change'.

<sup>1204</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1205</sup> ---, 'OSCE-ODIHR-Organizational structure', available at [www.osce.org/odihr/43580](http://www.osce.org/odihr/43580), Accessed on 22 June 2013.

<sup>1206</sup> ---, 'OSCE, Human rights', available at <http://www.osce.org/what/human-rights>, Accessed on 1 December 2013.

<sup>1207</sup> ---, 'OSCE-ODIHR-Human rights', available at <http://www.osce.org/odihr/43642>, Accessed on 1 December 2013.

<sup>1208</sup> ---, 'OSCE, Human rights', available at <http://www.osce.org/what/human-rights>, Accessed on 1 December 2013.

monitors whether the right to freedom of assembly is being protected and respected by all parties to the particular assembly. In this regard, the ODIHR monitored the events in Spain, Macedonia, Montenegro, Lithuania, Russia, Albania, Czech Republic, Belgium, Canada, Serbia, Belarus and Portugal.<sup>1209</sup>

The ODIHR carries out human rights-oriented training and education activities for governmental authorities and civil society groups as well as OSCE staff with the purpose of raising the awareness of the human rights issues within the OSCE region. The ODIHR assists and supports the participating States to strengthen their capacities towards fully implementing international legal standards and obligations as well as relevant OSCE norms and commitments on anti-terrorism in line with international human rights standards. The ODIHR also focuses on several initiatives aimed at enhancing the capacity and effectiveness of human rights defenders and encouraging an active and close co-operation and co-ordination between state authorities, national human rights institutions and human rights defenders.<sup>1210</sup> Numerous specific events such as meetings or conferences related to human rights issues are regularly organized by the ODIHR.<sup>1211</sup>

The ODIHR assists the participating States in their efforts to create a balance between establishing respect for human rights and fundamental freedoms and their security responsibilities aimed at protecting citizens against insecurities and instabilities.<sup>1212</sup>

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<sup>1209</sup> Interview with Andreea Vesa (Human Rights Officer) and Oyvind Høyen (Human Rights Officer), OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

<sup>1210</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1211</sup> ---, 'OSCE-ODIHR-Human rights', available at <http://www.osce.org/odihr/43642>, Accessed on 1 December 2013.

<sup>1212</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.13.

The OSCE puts a special emphasis on trafficking in human beings. Human trafficking is a serious violation of human rights and fundamental freedoms within the entire OSCE region. Trafficking in human beings as a cross-dimensional transnational threat affects significantly all participating States as an origin, destination or transit country. Therefore, the OSCE has been engaged in developing and implementing a human rights-based approach and anti-trafficking measures to protect the rights of trafficked persons and vulnerable groups and to prosecute traffickers as well as to prevent trafficking in human beings through working in close co-operation with other interested regional and international institutions as well as OSCE field missions.<sup>1213</sup> The ODIHR specifically focuses on building national referral mechanisms for victims of trafficking within the OSCE participating States.<sup>1214</sup>

The ODIHR monitors the use of the death penalty within the OSCE participating States with the aim of enhancing transparency “in the application of the death penalty and to promote compliance with international safeguards”, which in turn contributes to the facilitation of information and statistics publicly regarding “the abolition of the death penalty” and “the identity of individuals sentenced to death or executed”. The ODIHR publishes an annual document with the title of ‘the Death Penalty in the OSCE Area’ which is designed to provide “a comparative overview of the use of the death penalty throughout the OSCE region on the basis of information provided by the participating States”.<sup>1215</sup>

Human rights defenders and national human rights institutions within the OSCE participating States play an important role in the protection and promotion of human rights and fundamental freedoms.<sup>1216</sup> National human rights defenders monitor the

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<sup>1213</sup> ---, ‘OSCE-ODIHR-Anti-trafficking’, available at <http://www.osce.org/odihr/43658>, Accessed on 2 December 2013.

<sup>1214</sup> Interview with Andreea Vesa (Human Rights Officer) and Oyvind Høyen (Human Rights Officer), OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

<sup>1215</sup> ---, ‘OSCE-ODIHR-Death penalty’, available at <http://www.osce.org/odihr/43635>, Accessed on 2 December 2013.

<sup>1216</sup> ---, ‘OSCE-ODIHR-Human rights defenders and national human rights institutions’, available at <http://www.osce.org/odihr/44936>, Accessed on 2 December 2013.

developments within the participating States in order to provide early warning on the violations of human rights and fundamental freedoms.<sup>1217</sup> ‘A Focal Point for Human Rights Defenders and National Human Rights Institutions’ was established by the ODIHR in 2007. The Focal Point is tasked to monitoring the situation of human rights defenders and national human rights institutions and strengthening their positions within the participating States. The Focal Point has produced reports with regard to human rights defenders and identified basic priority areas for monitoring since 2007. The Focal Point conducts its work in close co-operation and co-ordination with other relevant regional and international organizations as well as non-governmental institutions active in the field of human rights. The Council of Europe and the UN Office of the High Commissioner for Human Rights are the main partners of the ODIHR’s Focal Point for Human Rights Defenders and National Human Rights Institutions.<sup>1218</sup>

Organizing numerous human rights training and education activities is seen as an instrumental and effective way of protecting and promoting human rights and fundamental freedoms within the OSCE region.<sup>1219</sup> Human rights education paves the way for establishing links between “human rights, skills and values with the actions, strategies and advocacy to claim rights”. Through human rights training projects and education programmes, the ODIHR aims at enhancing the capacity of State authorities and officials in terms of protecting, respecting and fulfilling human rights and fundamental freedoms. The ODIHR also works to strengthen the capacity and ability of the OSCE field missions, national human rights institutions and civil society institutions in their work aimed at monitoring and reporting situations and developments in the field of human rights and fundamental

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<sup>1217</sup> Interview with Andreea Vesa (Human Rights Officer) and Oyvind Høyen (Human Rights Officer), OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

<sup>1218</sup> ---, ‘OSCE-ODIHR-Human rights defenders and national human rights institutions, available at <http://www.osce.org/odihr/44936>’, Accessed on 2 December 2013.

<sup>1219</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

freedoms.<sup>1220</sup> All these efforts and activities serve to raise the awareness in the human rights area within the OSCE participating States.<sup>1221</sup>

The OSCE adopts an approach that protecting and promoting human rights and democratic societies is an indispensable pillar of the overall efforts aimed at reaching more effective, democratic, transparent and accountable security sector institutions. Security sector institutions are responsible for addressing risks and threats to individual human security along with the States' interests. The OSCE also adopts a gender perspective for the security sector institutions. As an integral part of the Organization's overall activities aimed at fostering the protection and promoting of human rights and fundamental freedoms, the OSCE supports the participating States to ensure that men and women should have equal access to employment within the police, armed forces, and other security sector institutions". The OSCE recognizes that long-standing security, stability and peace require equal rights for women and men. "A gender balanced and diverse security sector" can serve in a more efficient manner in terms of meeting the needs of the community. "A human rights and gender sensitive approach" can increase the efficiency and flexibility of the security sector institutions such as armed forces, the police, border agencies and other actors operating in the security sector. Therefore, the ODIHR supports the participating States in their efforts to incorporate "a human rights and gender perspective" into the security sector institutions' work. In this respect, the ODIHR aims to promote gender balance and diversity within the security sectors institutions. In doing this, the ODIHR maintains a close and active co-operation and co-ordination with OSCE field missions, other interested local and international partners, non-governmental institutions and all members of the security sector within the participating States as well as relevant OSCE structures and units such as the 'Gender Section' of the OSCE Secretariat and the 'Transnational Threats Department' in the OSCE Secretariat.

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<sup>1220</sup> ---, 'OSCE-ODIHR-Human rights training and education', available at <http://www.osce.org/odihr/43552>, Accessed on 2 December 2013.

<sup>1221</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

On the other hand, the participating States ensure that human rights and fundamental freedoms of the security sector personnel are respected and protected. All members of the security sector should enjoy their all political, civil, economic, and social rights. The OSCE's approach that "when the human rights and fundamental freedoms of security sector personnel are protected, they will be more likely to uphold and respect the rights and freedoms of others when carrying out their duties".<sup>1222</sup> In this regard, the 'Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel' was published in 2008 as a joint work of the ODIHR and the Geneva Centre for the Democratic Control of the Armed Forces. "This handbook presents an overview of legislation, policies, and mechanisms for ensuring the protection and enforcement of the human rights and fundamental freedoms of armed forces personnel. It is aimed at all individuals who play a role in promoting, protecting, and enforcing the human rights of armed forces personnel, such as parliamentarians, government officials, policy makers, military personnel, judges, professional military associations, and non-governmental organizations".<sup>1223</sup> With a view to raising the awareness on the rights of personnel working in security sector, the ODIHR has also organized discussion meetings with the participation of the OSCE field missions, non-governmental organizations and defense institutions from the participating States as well as research centers.<sup>1224</sup>

Finally, the OSCE gives a special importance to the protection and promotion of human rights and fundamental freedoms in the fight against terrorism. The OSCE's approach is that the participating States' anti-terrorism efforts and measures must be developed in line with their human dimension-related commitments, international obligations and international human rights standards. The OSCE believes that some counter-terrorism measures and

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<sup>1222</sup> ---, 'OSCE-ODIHR-Human rights, gender and the security sector', available at <http://www.osce.org/odihr/44713>, Accessed on 2 December 2013.

<sup>1223</sup> ---, 'The Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel', available at <http://www.osce.org/odihr/31393>, Accessed on 2 December 2013 and ---, 'OSCE-ODIHR-Human rights, gender and the security sector', available at, <http://www.osce.org/odihr/44713>, Accessed on 2 December 2013.

<sup>1224</sup> ---, 'OSCE-ODIHR-Human rights, gender and the security sector', available at <http://www.osce.org/odihr/44713>, Accessed on 2 December 2013.

activities can have detrimental effects on the daily practice of basic human rights and fundamental freedoms. These kinds of measures can violate basic human rights and international human rights standards and weaken the credibility of State authorities and the principle of the rule of law. Therefore, the OSCE adopts a comprehensive approach in the fight against terrorism including preventive action. In this respect, the ODIHR focuses on creating democratic institutions and societies, strengthening the rule of law and promoting human rights and fundamental freedoms, including the rights of persons belonging to national minorities as key elements of a long-term security strategy. This kind of strategy can help the participating States to eliminate political, economic, social and other conditions which creates favorable environments for terrorist organizations and activities. The OSCE also takes the view that ensuring respect for human rights and fundamental freedoms can be very instrumental as a way of preventing and dealing with terrorism as a transnational threat.

The ODIHR carries out a series of activities with a view to protecting human rights and fundamental freedoms from the negative effects of States' anti-terrorism measures and efforts. Firstly, the ODIHR offers advice, assistance and expertise for the participating States on the significant human rights-related subjects and conditions which might create favorable environments for terrorist acts. In this regard, the ODIHR develops several background documents and organizes expert meetings on a series of terrorism-related issues such as "civil society, victims of terrorism, radicalization and the prevention of terrorism, incitement to terrorism, and international co-operation in counter-terrorism among others". Secondly, the ODIHR works to enhance the capacity building of the participating States to develop anti-terrorism measures in accordance with human rights and fundamental freedoms as well as international human rights standards. In this regard, the ODIHR supports the State authorities and officials to identify helpful methods of protecting human rights and fundamental freedoms in the process of combating against terrorism. Thirdly, the ODIHR offers technical and legislative assistance for the participating States with the purpose of supporting their "drafting anti-terrorism legislation and strengthening existing legislation in line with international human rights standards". In this respect, the ODIHR designed an online legislative database aimed at serving as a guidance document for the ODIHR's work in delivering legislative and technical assistance to the



participating States to fully implement the provisions and obligations generating from international legal conventions and protocols based on anti-terrorism.<sup>1225</sup>

The OSCE adopts a comprehensive approach to the protection of human rights and fundamental freedoms in the fight against terrorism. Firstly, the ODIHR tries to contribute to the prevention of terrorism through addressing conditions and factors in which terrorist organizations may recruit. Secondly, the ODIHR encourages the participating States through providing assistance and advice to implement “international legal provisions and obligations as well as relevant OSCE norms and commitments in the field of anti-terrorism efforts and measures in compatible with international human rights standards. Finally, the ODIHR monitors and analyze the human rights situations and developments in the participating States within the framework of countering terrorism measures.<sup>1226</sup>

In carrying out its activities with respect to human rights and anti-terrorism, the ODIHR works in close and active co-operation with relevant OSCE units and structures such as the Action Against Terrorism Unit and Strategic Police Matters Unit as well as other regional and international organizations operating in the anti-terrorism field such as the Council of Europe, the UN Office of the High Commissioner for Human Rights, the UN Office on Drugs and Crime, and finally the UN Regional Centre for Preventive Diplomacy for Central Asia.<sup>1227</sup>

### **7.3.2. Protection of Minorities**

Protecting and improving human rights and fundamental freedoms including the rights of persons belonging to national minorities as well as establishing respect for them has been always an integral and indispensable component of the OSCE’s comprehensive security

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<sup>1225</sup> ---, ‘OSCE-ODIHR-Human rights and anti-terrorism’, available at <http://www.osce.org/odihr/43638>, Accessed on 2 December 2013.

<sup>1226</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

<sup>1227</sup> ---, ‘OSCE-ODIHR-Human rights and anti-terrorism’, available at <http://www.osce.org/odihr/43638>, Accessed on 2 December 2013.

approach.<sup>1228</sup> The human dimension commitments aimed at protecting and improving basic human rights and fundamental freedoms within the participating States have become a central pillar of the OSCE Acquis.<sup>1229</sup> The OSCE participating States recognize the importance of establishing respect for human rights and fundamental freedoms, including the rights of national minorities in terms of achieving long-standing security and stability within the entire OSCE area.<sup>1230</sup> It is widely accepted that long-term security and stability cannot be accomplished without establishing respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities.<sup>1231</sup> In other words, the OSCE participating States agree that security is not totally independent from the practice of respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities as well as strong democratic institutions and the rule of law. The OSCE's approach is that "states' failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region".<sup>1232</sup> Therefore, the participating States must ensure that human rights and fundamental freedoms, including the rights of persons belonging to national minorities are protected and respected.<sup>1233</sup> In this respect, the OSCE has developed a well-established normative and operational framework and instruments in the human dimension of security. The normative framework established by the OSCE participating States includes common specific principles and commitments in the field of

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<sup>1228</sup> ---, 'OSCE, Human rights', available at <http://www.osce.org/what/human-rights>, Accessed on 1 December 2013.

<sup>1229</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

<sup>1230</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.117.

<sup>1231</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1232</sup> ---, 'Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension', OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

<sup>1233</sup> Werner Hoyer, 'A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe', *Security and Human Rights* 2010 no.2, p.117.

human rights and fundamental freedoms, including the rights of persons belonging to national minorities.<sup>1234</sup>

Within the overall framework of the Organization's human dimension, the OSCE has been always interested in the protection and promotion of the rights of persons belonging to national minorities since the Helsinki Final Act in 1975. In this respect, the OSCE engages in a broad range of activities aimed at creating norms and standards for the rights of national minorities and improving the rights of persons belonging to minority groups, specifically focusing on the situation of Roma and Sinti groups within the OSCE participating States. Furthermore, the OSCE aims at "identifying and seeking early resolution of ethnic tensions that might endanger peace and stability" within the OSCE region.<sup>1235</sup>

The OSCE has established a normative framework for the rights of national minorities. In the Helsinki Final Act, the CSCE participating States declare their strong determination to establish respect for and protect the rights of persons belonging to minorities in their territory. Additionally, they also emphasize the importance of providing "the full opportunity for the actual enjoyment of human rights and fundamental freedoms" to the minority groups within the CSCE participating States.<sup>1236</sup> The CSCE's approach in the Helsinki Final Act is that national minorities or regional cultures can contribute to security and stability through co-operation among them in several areas.<sup>1237</sup>

In the 1986 Madrid Follow-up Meeting Concluding Document, the CSCE participating States reaffirm their conviction on the necessity and significance of "ensuring the respect for and

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<sup>1234</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1235</sup> ---, 'OSCE, Minority rights', available at <http://www.osce.org/what/minority-rights>, Accessed on 8 December 2013.

<sup>1236</sup> ---, 'Conference on Security and Co-operation in Europe Final Act, Helsinki 1975', p.6.

<sup>1237</sup> Ibid., p.51.

actual enjoyment of the rights of persons belonging to national minorities as well as protecting their legitimate interests.”<sup>1238</sup> At the 1989 Vienna Follow-up Meeting Concluding Document, the CSCE participating States agreed to “take all the necessary legislative, administrative, judicial and other measures and apply the relevant international instruments” with the purpose of protecting human rights and fundamental freedoms of persons belonging to national minorities as well as preventing any discrimination against minority groups within their territory. The participating States were also determined to make every required effort for creating suitable conditions “for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory”. The participating States must ensure that persons belonging to minorities enjoy their rights freely and have full equality with other people within the territory of the participating States.<sup>1239</sup> For the national minorities or regional cultures within the CSCE participating States, it is highly important to have an ability of maintaining and developing “their own culture in all its aspects, including language, literature and religion” as well as preserving “their cultural and historical monuments and objects”.<sup>1240</sup>

The 1990 Copenhagen Document established a detailed and comprehensive normative framework with regard to minority rights throughout the OSCE region. The Copenhagen Document outlines a series of norms and commitments aimed at providing a primary source for the protection and promotion of the rights of persons belonging to national minorities. First of all, the Copenhagen Document puts forward a definition about what a national minority is. In this regard, “to belong to a national minority is a matter of a person’s individual choice and no disadvantage may arise from the exercise of such choice”.

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<sup>1238</sup> ---, ‘Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, 6 September 1983, Madrid, p.6.

<sup>1239</sup> ---, ‘Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference’, Vienna 1989, p.10.

<sup>1240</sup> Ibid., p.34.

In the 1990 Copenhagen Document, the CSCE participating States acknowledge that “the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary”. They reiterate their strong conviction that establishing respect for and protect the rights of persons belonging to national minorities, as an integral component of the universally recognized human rights and fundamental freedoms, is of utmost importance as a necessary condition in terms of strengthening security, stability, democracy and justice across the entire CSCE region. The CSCE participating States must ensure that minority groups can enjoy their human rights and fundamental freedoms freely, fully, effectively, in full equality before law, full equality with other citizens and finally without facing any discrimination.<sup>1241</sup> The 1990 Copenhagen Document particularly puts a special emphasis on “the independence of judges and the impartial operation of the public judicial service”

The Copenhagen Document states that each participating State should undertake all essential measures towards creating favorable conditions for the persons belonging to national minorities within their territory to express freely their views; maintain, preserve and develop “their ethnic, cultural, linguistic or religious identity” without any assimilation attempt.<sup>1242</sup>

Another important issue related to the rights of national minorities emphasized by the Copenhagen Document is the necessity of providing equal and effective participation opportunities for the national minorities in public affairs particularly in the field of the protection and promotion of their identity.

Finally, in the Copenhagen Document, the participating States stress that enhancing constructive co-operation among them in the field of problems regarding the national

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<sup>1241</sup> ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.18.

<sup>1242</sup> ---, ‘The OSCE Concept of Comprehensive and Co-operative Security An Overview of Major Milestones’, OSCE Secretariat Conflict Prevention Centre Operations Service, Vienna, June 2009, pp.4-5.

minorities can contribute to the promotion of mutual understanding and confidence, friendly and good-neighborly relations, international peace, security and justice". The Copenhagen Document outlines the main guiding principles for the solutions of minority-related problems within the CSCE region as follows: "mutual respect and understanding; co-operation; solidarity; and finally dialogue". All the participating States must ensure that there will be no distinction "among all persons living on their territory as to ethnic or national origin or religion".<sup>1243</sup>

According to 'OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century', respect for human rights and fundamental freedoms, along with the democracy and the rule of law constitutes the core of the OSCE's comprehensive approach to security. A series of threats can generate from the systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities within the OSCE region. In this regard, respect for basic human rights and fundamental freedoms, including the rights of persons belonging to minorities can play a substantial role in preventing and dealing with the existing and newly emerging threats to security and stability within the whole OSCE region.<sup>1244</sup>

With the end of the Cold War period, ethno-political conflicts emerged in Europe. The outbreak of the inter-ethnic violent conflicts in the former Yugoslavia and the former Soviet Union region started to pose serious risks and challenges to the security and stability of the whole OSCE area. Furthermore, the eruption of these intra-state conflicts has had an undermining effect on the security of national minorities within the OSCE participating States. On the other hand, it is very clear that ethno-political conflicts can be generated from the problems related to national minorities. The rights of persons belonging to national minorities were violated in several cases in the OSCE region. Therefore, the protection of the rights of persons belonging to national minorities has been considered

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<sup>1243</sup> ---, 'Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE', 1990, p.20.

<sup>1244</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.1.

highly sensitive issue in close connection with the ethno-political conflicts within the OSCE area.<sup>1245</sup>

The primary consideration for minority protection has always been security, stability and prevention of conflict. With the end of the Cold War, violent ethnic tensions and conflicts emerged. At that time, it was widely accepted that there was no way for addressing the national minorities' problems with only a general human rights framework. It is not possible to judge the claims for separate education, use of language and self-administration. So, in this new environment, international community needed to establish specific standards for the minority rights.<sup>1246</sup>

Recognizing the fact that "ethnic tensions could be a key source of large-scale violence in Europe" after the end of the Cold War era, the institution of the HCNM was created by the CSCE participating States at the 1992 CSCE Helsinki Summit meeting<sup>1247</sup> in order to address effectively violent ethno-political conflicts or intra-state conflicts which can create insecurities and instabilities for the national minorities. At that time, the CSCE participating States developed this unique instrument with a view to providing early warning and conflict prevention for the newly emerging ethno-political conflicts, which might have undermining effects on national minorities within the participating States.<sup>1248</sup> In the early of the 1990s, the OSCE participating States were convinced that the violation of human rights and

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<sup>1245</sup> Wolfgang Zellner, 'The OSCE's High Commissioner on National Minorities – His Work, Effectiveness, and Recommendations to Strengthen the HCNM as an Institution', in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe's New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp. 265-266.

<sup>1246</sup> Interview with Vincent de Graaf, Senior Legal Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>1247</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.40.

<sup>1248</sup> Wolfgang Zellner, 'The OSCE's High Commissioner on National Minorities – His Work, Effectiveness, and Recommendations to Strengthen the HCNM as an Institution', in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe's New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp. 265-266.

fundamental freedoms, including the rights of persons belonging to national minorities could lead to conflict.<sup>1249</sup> On the other hand, the HCNM is interested in norms, principles and commitments developed within the human dimension framework of the Organization. So, the HCNM can be seen as a unique tool, establishing a close link between the first and the third dimensions of security, namely politico-military and human dimensions. This link reflects very well the OSCE's comprehensive concept of security.<sup>1250</sup>

Although the possibility of any armed conflict between the countries has weakened after the end of the Cold War period, one can easily observe the increasing of risks and challenges within a state via inter-ethnic or intra-state conflicts. The outbreak of a violent ethno-political conflict within a state can have damaging spillover effects on neighboring countries, resulting in instabilities and tensions between States. In this regard, the post of the HCNM was designed with the aim of "addressing tensions and preventing inter-State hostilities over national minority issues".<sup>1251</sup>

The OSCE High Commissioner is mandated to "provide early warning and, as appropriate, take early action at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential to develop into a conflict within the OSCE area". In this regard, the HCNM is also tasked to work as a conflict prevention instrument at the earliest possible stage. The High Commissioner becomes engaged in preventive diplomacy aimed at reducing the risk of ethnic tensions which might be turned into a conflict, undermining the rights and security of national minorities within the OSCE region. The High Commissioner fulfills two specific missions: "to try to contain and de-escalate tensions and to act as a 'tripwire' – alerting the OSCE when the situation threatens

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<sup>1249</sup> Interview with Alexander Hug, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>1250</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.40.

<sup>1251</sup> ---, 'Factsheet on the OSCE High Commissioner on National Minorities', 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.



to develop beyond a level which he is able to contain with the diplomatic means at his disposal”.

The HCNM is an autonomous institution which has a conflict prevention mandate and early warning function. The High Commissioner looks at the situations in all participating States of the OSCE regarding tensions related to national minorities and takes early action in order to prevent the eruption of conflicts. Hence, the High Commissioner is basically interested in pre-conflict stages. Furthermore, the High Commissioner is also active in post-conflict areas.<sup>1252</sup> However, the OSCE High Commissioner does not work “as an ombudsman for national minorities or as an investigator of individual human rights violations”. He functions as the OSCE’s Commissioner on National Minorities and not for National Minorities. The difference between ‘on’ and ‘for’ is highly significant in terms of the High Commissioner’s mandate. Individual cases with regard to persons belonging to national minorities are not included in the HCNM’s mandate. The High Commissioner involves in national minority concerns which have implications on the security of the persons belonging to national minorities.<sup>1253</sup>

If the institution were for national minorities, he or she would naturally become an ombudsperson. He or she does not speak only on behalf of the national minorities. The High Commissioner looks at countries and situations where tensions erupt or are caused by issues that relate to national minorities. That is why the High Commissioner does not deal with specific or individual cases regarding the national minorities. He is not mandated to act as an ombudsperson for national minorities.<sup>1254</sup>

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<sup>1252</sup> Interview with Alexander Hug, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>1253</sup> ---, ‘Factsheet on the OSCE High Commissioner on National Minorities’, 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.

<sup>1254</sup> Interview with Alexander Hug, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

The mandate of the HCNM identifies the main principles for the effective conduct of the High Commissioner's activities. These are independence, confidentiality, impartiality and co-operation. These principles provide essential conditions for the activities of the HCNM. Firstly, the High Commissioner does not need any approval from any OSCE decision-making body such as the OSCE PC or the States concerned when he functions. It means that he can decide and act independently. In other words, "the decision as to where and when to become engaged in a situation is left to the discretion of the High Commissioner". The High Commissioner's independence provides him a considerable flexibility in his involvement in national minority issues as an early warning and conflict prevention instrument. Secondly, the OSCE High Commissioner works in confidence. This confidentiality principle serves to create trust between the High Commissioner and the related parties. Thirdly, according to his mandate, the High Commissioner must be always impartial as a third party in national minority-related tensions. Finally, the High Commissioner provides regular information to the OSCE PC concerning his activities and recommendations submitted for the related parties. The High Commissioner also works in close contact with OSCE CiO, other relevant OSCE structures or institutions as well as other international organizations. Working in close contact with other OSCE decision-making bodies, institutions and interested international organizations ensure necessary political support for the High Commissioner to function properly and effectively.<sup>1255</sup> Furthermore, the HCNM has formal and informal co-operative relationships with regional and international organizations and agencies. The Office has increasing co-operation with the EU and the UN. The Office has also close and institutionalized links with NGOs and academia.<sup>1256</sup>

Over the years, several international legal norms and standards have been developed in order to effectively protect the rights of persons belonging to national minorities. Additionally, the OSCE High Commissioner has been engaged in several activities for developing certain specific thematic recommendations and guidelines with regard to the

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<sup>1255</sup> ---, 'Factsheet on the OSCE High Commissioner on National Minorities', 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.

<sup>1256</sup> Interview with Alexander Hug, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

rights of national minorities within the OSCE participating States. These specific issues contain educational and linguistic rights of minorities, participation of minorities in public life, media broadcasting in minority languages and finally policing practices in multi-ethnic societies. These specific guidelines outline the main minority rights-related guiding principles for States engaged in finding working solutions to the inter-ethnic problems.

The High Commissioner uses different methods to carry out his activities. The High Commissioner participates in meetings and makes visits with a view to discuss the current situations and developments with related sides. The High Commissioner also provides written recommendations to governments. Furthermore, the High Commissioner conducts numerous specific minority-related projects aimed at addressing inter-ethnic tensions and providing assistance to participating States in terms of implementing the recommendations provided by him. These specific projects cover a series of fields such as “monitoring networks, providing expertise to pedagogical institutions, capacity building, language training, legal aid, and institution building”.<sup>1257</sup>

According to its mandate, the HCNM mainly engages in short-term conflict prevention. On the other hand, long-term conflict prevention and long-term perspectives are required to effectively address structural issues with regard to the relations between the majority and minorities. Long-term conflict prevention should be based on a comprehensive framework, reflecting the OSCE’s multidimensional approach to security and stability. Long-term perspectives are necessary to acquire sustainable solutions to inter-ethnic problems. In this respect, enhancing co-operation between the parties is a key factor in reaching concrete results.<sup>1258</sup>

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<sup>1257</sup> ---, ‘Factsheet on the OSCE High Commissioner on National Minorities’, 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.

<sup>1258</sup> Wolfgang Zellner, ‘The OSCE’s High Commissioner on National Minorities – His Work, Effectiveness, and Recommendations to Strengthen the HCNM as an Institution’, in Heinz Gärtner, Adrian Hyde-Price, and Erich Reiter (eds), *Europe’s New Security Challenges*, London: Lynne Rienner Publishers, 2001, pp.270-271.

The HCNM is not interested in any definition of a national minority. Neither States nor international organizations including the OSCE have been successful in reaching a clear-cut definition of minority as a term or concept. However, Max van der Stoep, the first High Commissioner of the OSCE, put his famous statement on minorities: “I know a minority when I see one”. Furthermore, he put forward a definition of minority: “first of all, a minority is a group with linguistic, ethnic or cultural characteristics which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.”<sup>1259</sup> For Max van der Stoep, minority rights consist of “the joint exercise of certain rights in the fields of language, culture and religion that enables the persons belonging to a minority to preserve their identity” as well as universally recognized human rights and fundamental freedoms.<sup>1260</sup> Zellner states that Max van der Stoep identified two basic characteristics of a minority. “First, every minority has at least one characteristic related to its own identity that distinguishes it from the majority; and second, it wants to preserve such characteristics and the dissimilarity constituted by them”.<sup>1261</sup>

A description or definition of what constitutes a national minority is not included in the High Commissioner’s mandate. Nevertheless, the 1990 Copenhagen Document sets forth that “to belong to a national minority is a matter of a person’s individual choice.” It means that “the existence of a minority does not depend on a decision by the State, determined by objective criteria such as language, ethnicity or religion, but on self-identification. It depends on the will and decision of those individuals who collectively see themselves as different to the majority, on a sense of belonging to the group and a commitment to the preservation of the identity of the group”.<sup>1262</sup> The OSCE’s approach is that “to belong to a

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<sup>1259</sup> Ibid., p.267.

<sup>1260</sup> Ibid., p.269.

<sup>1261</sup> Ibid., p.267.

<sup>1262</sup> ---, ‘OSCE, HCNM, Mandate’, available at <http://www.osce.org/hcnm/43201>, Accessed on 15 December 2013.

national minority is a matter of individual choice and that no disadvantage may arise from the exercise of such a choice". From the HCNM's point of view, "the existence of a minority" is directly related to a question of fact and not definition. Moreover, the HCNM also outlines certain specific criteria regarding what constitutes a minority. Ethnic, cultural or linguistic characteristics distinct from the majority are the most determining factors for the emergence of a national minority group. Minority groups mostly aim at strengthening their identity as well as seeking several ways to maintain their identity.<sup>1263</sup>

When he deals with the minority-related inter-ethnic problems, the High Commissioner does not try to reach applicable solutions for each case. Instead, the High Commissioner assesses "each case in its own specific context and on its own particular merits". However, it is possible to draw some commonly accepted conclusions from different cases. Firstly, the protection and promotion of the rights of persons belonging to national minorities is closely linked to the issue of good governance. Inter-ethnic problems can be satisfactorily resolved "in the interests of the State and of the majority, not only of the minority". Packer argues that in addressing inter-ethnic tensions, the OSCE HCNM's main principle is based on successfully integrating the persons belonging to national minorities to society within a State and respecting diversity. If minorities are well integrated to a society, they will most likely give loyalty to a State in which they reside. If the rights and identity of national minorities are respected and they can participate in public, political and economic life of the State in full equality with other citizens and without any discrimination; they can enjoy their rights freely and effectively through the State institutions and they will also have a feeling of responsibility and belonging to a State in which they live. Therefore, there will be no reason to seek for alternative ways or solutions to the problems of the national minorities.

The second conclusion is that solutions to the inter-ethnic problems should be found "to the extent possible within the framework of the State itself". Seeking solutions to the minority related inter-ethnic problems can contribute to diminishing the potential risk of

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<sup>1263</sup> ---, 'Factsheet on the OSCE High Commissioner on National Minorities', 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.

spill-over of a conflict into a neighboring State, deteriorating the relations between States. In this regard, encouraging constructive dialogue between the majority and minorities and ensuring active and effective participation of minorities in public, political and economic life within a State are of great value in terms of finding lasting solutions to the inter-ethnic problems. The self-assertion of minorities does not necessarily require a form of territorial expression. It can be also achieved very well by undertaking legal measures aimed at strengthening the identity of minorities in a number of fields such as public life, culture or education.<sup>1264</sup>

As a result, the HCNM works as an early warning and conflict prevention instrument. The OSCE's preventive diplomacy approach is very well reflected in the High Commissioner's works aimed at promoting security, stability and peace within the whole OSCE region.<sup>1265</sup> The HCNM's approach is that security and stability can be best achieved and maintained through creating suitable conditions for the persons belonging to national minorities to efficiently exercise their rights.<sup>1266</sup>

The HCNM is considered as one of the OSCE's success stories. The Office has had a lot of success stories over the years. However, it is very difficult to prove the prevention of conflict. It works behind the scenes.<sup>1267</sup> About the performance of the HCNM, it is very difficult to make a judgement in general. How can you prove that your contribution has led to no conflict? It is very difficult to assess, because there is no conflict. The fact that governments ask the Office for help in their relations to national minorities can be shown as a signal of success of the HCNM, because it shows that states trust in the HCNM. States

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<sup>1264</sup> John Packer, 'Confronting the contemporary challenges of Europe's minorities', *Helsinki Monitor* 2005 no.3, p.228.

<sup>1265</sup> ---, 'Factsheet on the OSCE High Commissioner on National Minorities', 3 December 2013, available at <http://www.osce.org/hcnm/33317?download=true>, Accessed on 15 December 2013.

<sup>1266</sup> *Ibid.*

<sup>1267</sup> Interview with Vincent de Graaf, Senior Legal Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

take into account the recommendations made by the HCNM. Despite a limited amount of resources, the HCNM plays an important role. The HCNM has a perspective which differentiates it from other OSCE institutions, because the HCNM acts as a cross-dimensional institution by carrying out activities related to the first and the third dimensions of security.<sup>1268</sup>

The ODIHR also carries out a wide range of human dimension-related activities aimed at strengthening security, stability, democracy and prosperity within the entire OSCE region. In this regard, the ODIHR provides assistance and expertise to the participating States to ensure full respect for human rights and fundamental freedoms.<sup>1269</sup> The ODIHR also works to improve and protect basic human rights and fundamental freedoms, including the rights of persons belonging to national minorities.<sup>1270</sup>

### **7.3.3. Roma and Sinti Issues**

The OSCE gives a special importance on the security of Roma and Sinti groups within the participating States as an integral part of the Organization's human dimension. OSCE's human dimension covers human rights and fundamental freedoms, including the rights of persons belonging to national minorities.

Roma and Sinti communities live in the whole OSCE region. However, they are mostly populated in Central and South-Eastern Europe. Roma and Sinti people are the largest ethnic minority in today's Europe and they have common ethnic, linguistic and cultural characteristics. They all are generally called 'Roma' as a term. Roma and Sinti people have been facing widespread societal prejudice, intolerance, violence, racism and discrimination

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<sup>1268</sup> Interview with Alexander Hug, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

<sup>1269</sup> ---, 'CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change'.

<sup>1270</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

throughout their history. They have been also subject to multiple forms of persecution. They constitute “the most vulnerable and disadvantaged ethnic minorities in Europe”. They have been seriously limited to enjoy their basic rights and to access public services and they cannot participate satisfactorily in the public and political life within societies they reside in.<sup>1271</sup>

The primary institution of the OSCE in the field of human dimension is the ODIHR. The ODIHR carries out a wide range of human dimension-related activities aimed at strengthening security, stability, democracy and prosperity within the entire OSCE region. The ODIHR works to improve and protect basic human rights and fundamental freedoms including the rights of persons belonging to the national minorities.<sup>1272</sup> Recognizing the importance of specific security problems, facing Roma and Sinti in the early 1990s, the OSCE participating States agreed to establish a ‘Contact Point for Roma and Sinti Issues’ within the ODIHR in 1994. The main purpose of the OSCE Contact Point for Roma and Sinti Issues is to work for promoting full and successful integration of Roma and Sinti people into the societies where they live. The Contact Point also aims at enabling Roma and Sinti communities to preserve and maintain their identity. Another major mission of the Contact Point for Roma and Sinti Issues is to protect and improve the rights of Roma and Sinti within the OSCE participating States. In this regard, the OSCE is particularly interested in providing early warning and conflict prevention to reduce the risk of the emergence of violent inter-ethnic conflicts covering Roma and Sinti people as well as to fulfill conflict mediation and post-conflict rehabilitation activities in the regions including Roma and Sinti communities. The Contact Point offers recommendations to the governments and State authorities to effectively implement their policies with regard to Roma and Sinti groups; works to increase the capacity-building of and network opportunities for Roma and Sinti leaders; provides a

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<sup>1271</sup> ---, ‘Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area’, OSCE PC Decision no.3/03, 1 and 2 December 2003, Maastricht, available at <http://www.osce.org/odihr/17554?download=true>, Accessed on 20 December 2013 and ---, ‘OSCE, Roma and Sinti’, available at <http://www.osce.org/odihr/roma>, Accessed on 20 December 2013.

<sup>1272</sup> ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.



platform, serving for the exchange of information and best practices and experiences; and finally operates to promote interaction and facilitate contact between the relevant OSCE structures and institutions, governments and international and non-governmental organizations.<sup>1273</sup>

The OSCE has been engaged in a wide range of specific Roma and Sinti-related activities as an integral component of its efforts aimed at facilitating full integration of Roma and Sinti people into the societies where they reside. Firstly, the ODIHR Contact Point for Roma and Sinti Issues monitors and reviews the implementation of the 'OSCE's Action Plan on improving the Situation of Roma and Sinti within the OSCE Area'. Secondly, the Contact Point provides assistance and expertise through projects to Roma and Sinti organizations to increase their capacity-building. Thirdly, the ODIHR Contact Point supports the participating States to prevent human trafficking particularly including Roma and Sinti people. The exploitation of children and early/arranged marriages pose serious risks and problems for Roma and Sinti groups. Fourthly, the ODIHR makes efforts to increase the awareness within the participating States with respect to accession of Roma and Sinti people to education and on "information campaigns targeting Roma and Sinti communities, including campaigns that address irregularities within Roma and Sinti communities". Fifth, the Contact Point supports the participating States to acquire long-lasting and working solutions to the problems of internally displaced Roma and Sinti persons. Finally, the ODIHR Contact Point works in close and active co-operation and co-ordination with relevant governmental authorities and State officials with a view to creating confidence and mutual understanding between the police and Roma and Sinti people as well as promoting young Roma's joining to the police forces within the participating States.<sup>1274</sup>

The Contact Point aims to contribute to the efforts towards finding durable and working solutions to the problems Roma and Sinti communities confront with. The Contact Point

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<sup>1273</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights and ---, 'OSCE-ODIHR-Organizational structure', available at <http://www.osce.org/odihr/43580>, Accessed on 22 June 2013.

<sup>1274</sup> ---, 'OSCE, Roma and Sinti', available at <http://www.osce.org/odihr/roma>, Accessed on 20 December 2013.

also works to contribute to the monitoring and review of the implementation of OSCE commitments on Roma and Sinti people through collecting and disseminating related documents and information.<sup>1275</sup>

The OSCE aims at advancing the rights and situations of Roma and Sinti people by carrying out various specific projects focusing on “political participation, education, housing, civil registration, combating racism and discrimination, and protecting the rights of displaced persons”.<sup>1276</sup>

The Contact Point co-operates closely with civil society groups, international and non-governmental organizations as well as local and national governments from the participating States with the purpose of protecting and improving the rights and situations of Roma and Sinti people and at the same time creating equal opportunities for their participation in the public, political and economic life of the societies they live in.<sup>1277</sup>

The OSCE Maastricht Ministerial Council adopted an “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (Decision No. 3/03) in December 2003. First of all, in the Action Plan, the OSCE participating States declare their strong commitment to “respect of human rights and fundamental freedoms for all, without adverse distinction of any kind, such as race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status”. Secondly, the OSCE participating States emphasize the importance and necessity of effectively addressing the specific problems and difficulties, facing Roma and Sinti people. In this respect, the participating States are agreed to undertake all required measures and attempts aimed at

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<sup>1275</sup> Audrey F. Glover, ‘The Human Dimension of the OSCE: The ODIHR in Warsaw’, in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin’s Press, 1997, pp.176-177.

<sup>1276</sup> ---, ‘OSCE, Roma and Sinti Issues’, available at <http://www.osce.org/what/roma>, Accessed on 20 December 2013.

<sup>1277</sup> ---, ‘OSCE, Roma and Sinti’, available at <http://www.osce.org/odihr/roma>, Accessed on 20 December 2013.

eliminating intolerance and discrimination against Roma and Sinti groups and providing equal conditions and opportunities. The participating States state that Roma and Sinti people constitute a source of cultural, linguistic and historical richness and diversity within the national structures and traditions of the OSCE participating States.<sup>1278</sup>

The main purpose of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area is to “reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them”. The main aspects and specific measures of the Action Plan aimed at protecting and advancing the rights and situations of Roma and Sinti people are based on OSCE’s Roma and Sinti-related principles and commitments, regional and international human rights law, and the ‘International Convention on the Elimination of All Forms of Racial Discrimination’ as well as the best-practices cases of various European countries. The Action Plan calls all the participating States and OSCE’s relevant structures and institutions as well as Roma and Sinti communities and organizations to contribute to the full and effective implementation of the Action Plan.<sup>1279</sup>

The Action Plan points out that the participating States should adapt and effectively implement their national policies and implementation strategies through taking into consideration the particular needs of Roma and Sinti communities. The participating States must also develop necessary mechanisms in order to ensure the implementation of their national policies at the local level. Furthermore, all efforts of the OSCE participating States and relevant OSCE institutions and structures should be guided by a principle implying that all national policies and implementation strategies should be assessed, formulated and implemented with the real and active involvement of Roma and Sinti groups within the

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<sup>1278</sup> ---, ‘Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area’, OSCE PC Decision no.3/03, 1 and 2 December 2003, Maastricht, p.1, available at <http://www.osce.org/odihr/17554?download=true>, Accessed on 20 December 2013.

<sup>1279</sup> Ibid., p.3.

OSCE participating States. An active and constructive participation of Roma and Sinti communities in the decision processes related to their lives must be ensured.

With a view to combating racism and prejudice and eradicating discrimination against Roma and Sinti people, the Action Plan recommends various activity areas for the OSCE institutions and structures and participating States. These activity fields include mass media, police and legislation and law enforcement.<sup>1280</sup>

The Action Plan addresses socio-economic issues with regard to Roma and Sinti people. The Action Plan states that all participating States should undertake all required measures to enable Roma and Sinti communities to exercise and access social and economic rights with full equality with other citizens and without any discrimination in societies where they live. In this regard, successfully integrating Roma and Sinti groups into the economic and social life of the societies where they reside and effectively dealing with poverty and isolation they face are of utmost importance in terms of improving the situations of Roma and Sinti people within the participating States. The Action Plan also identifies the main action areas for the participating States and OSCE structures and institutions. These areas include health care; housing and living conditions; and finally unemployment and economic problems.<sup>1281</sup>

The Action Plan points out that Roma and Sinti people should have full and equal access to education opportunities at all levels within the societies they live in. The Action Plan gives a special emphasis on education because education is seen as an important instrument in the “participation of Roma and Sinti people in the political, social and economic life of their countries” with full equality with other people in the respective participating States. Therefore, the participating States should ensure that Roma and Sinti groups are successfully integrated into the mainstream education of the participating States, while taking the cultural differences of Roma and Sinti people into account. The Action Plan recommends specific education-related action areas to participating States and relevant

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<sup>1280</sup> Ibid., pp.4-7.

<sup>1281</sup> Ibid., pp.7-9.

OSCE institutions and structures with the aim of improving the equal access of Roma and Sinti people to education.<sup>1282</sup>

With the implementation of the Action Plan, the participating States aim to enhance the participation of Roma and Sinti groups in the public and political life of the participating States. Roma and Sinti people have been facing particular challenges and obstacles with regard to their participation in the public and political life of their respective countries. They could not participate satisfactorily in the public and political life. “Low level of education and discrimination against Roma and Sinti people” are the main reasons for their poor representation at all levels of society and government within the participating States. In this respect, the participating States should ensure that equal rights are provided for Roma and Sinti people to participate in public and political affairs. These rights include “the rights to vote, stand for election, participate in public affairs and form political parties without discrimination”.<sup>1283</sup>

The Action Plan obliges the participating States to guarantee all human rights and fundamental freedoms, including the rights of refugees based on legal international documents and conventions, of Roma and Sinti people in crisis and post-crisis situations.<sup>1284</sup>

The participating States also emphasize the importance and necessity of maintaining close and active co-ordination and co-operation on Roma and Sinti-related issues with other relevant international and non-governmental organizations as well as civil society groups in terms of fostering the full and effective implementation of the Action plan and avoiding the duplication.<sup>1285</sup> All the participating States are called to review progress made in the implementation of the Action Plan through the Human Dimension Implementation

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<sup>1282</sup> Ibid., p.10.

<sup>1283</sup> Ibid., pp.11-12.

<sup>1284</sup> Ibid., p.14.

<sup>1285</sup> Ibid., p.15.

Meetings, various review conferences and specific human-dimension-related events. The participating States are also demanded to provide regular information regarding the recent developments in the situation of Roma and Sinti people and measures and policies developed according to the Action Plan at the annually organized Human Dimension Implementation Meetings. The regular information exchange contributes substantially to the conducting of an affective assessment and review process for the implementation of the Action Plan. All relevant OSCE structures, permanent institutions and OSCE field missions should maintain a close co-operation and co-ordination with the participating States with a view to support them in their efforts towards implementing the Action Plan.<sup>1286</sup>

#### **7.3.4. Combating Human Trafficking**

‘Trafficking in Human Beings’ poses a serious threat to security of individuals and of the OSCE participating States “either as countries of origin or destination”. Human trafficking has significant impacts on a broad range of issues such as poverty, migration, discrimination and inequality, corruption, human rights and fundamental freedoms, the rule of law, crime control and finally law enforcement.<sup>1287</sup>

Human trafficking is a “gross violation of human rights, fundamental freedoms and human dignity”. Trafficking in human beings is also a crime largely put into practice by transnational organized crime networks which acquire substantial profits for their human-trafficking-based activities.<sup>1288</sup> Human trafficking is one of the most profitable transnational

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<sup>1286</sup> Ibid., p.16.

<sup>1287</sup> ---, ‘OSCE, Combating human trafficking’, available at <http://www.osce.org/what/trafficking>, Accessed on 10 March 2013.

<sup>1288</sup> ---, ‘Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings’, 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

organized crimes along with the gun smuggling and trafficking in narcotic drugs.<sup>1289</sup> Trafficking on human beings has also different implications on societies weakening the rule of law; foster corruption; and deteriorating economic stability. In this respect, trafficking in human beings constitutes a serious transnational threat to security of each individual and to societies in a wider sense within the entire OSCE area. Therefore, the OSCE attaches great importance to fighting effectively against trafficking in human beings.

Today, trafficking in human beings is viewed as 'Modern-day Slavery'. Trafficking basically depends on the exploitation of vulnerable persons including women and children in equal conditions to slavery. The International Labour Organization estimates that nearly 2.5 million people all over the world are exposed to trafficking and exploitation. The OSCE region includes 500.000 trafficked people. Trafficked people are "forced to work under violence, threat or coercion" and exploited for profit. People are trafficked for different purposes, including sexual exploitation; labor exploitation; forced begging, forced criminality and finally the removal of organs.

Trafficking in human beings is a cross-dimensional issue. Hence developing "a multidisciplinary and comprehensive approach" is essential for efficiently combating trafficking in human beings. The OSCE's politically-binding commitments in all three dimensions of security provide a basic framework for the efforts aimed at preventing and fighting against trafficking in human beings within the whole OSCE region. In 2000, the OSCE participating States started to adopt several decisions with respect to the trafficking in human beings with a view to effectively addressing this issue as a priority area for the Organization.<sup>1290</sup>

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<sup>1289</sup> ---, 'Turkey on Trafficking in Human Beings', Republic of Turkey Ministry of Foreign Affairs, available at <http://www.mfa.gov.tr/turkey-on-trafficking-in-human-beings.en.mfa>, Accessed on 15 December 2013.

<sup>1290</sup> ---, 'Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings', 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

Combating human trafficking is mainly structured in the human dimension of the OSCE. Combating human trafficking started in 1999 with the first anti-trafficking program of the ODIHR. The ODIHR focused on the protection of human rights of the victims. Then, with the adoption of the Action Plan in 2003, the participating States tasked other units like the SPMU, Gender Adviser, Border Unit and ATU to engage in combating human trafficking. Finally, the office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings was established, covering all areas related to human trafficking and co-ordinating the work of the OSCE in all directions. Therefore, combating human trafficking is a really comprehensive and cross-dimensional issue.

In order to prevent and combat trafficking in human beings within the OSCE region, the Organization created a position of “the OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings” as a high level instrument. The OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings engages in developing and promoting “human rights-based approaches” in addressing human trafficking problem.<sup>1291</sup> ‘Anti Trafficking Assistance Unit within the OSCE Secretariat provides support for the Representative’s work.’<sup>1292</sup>

The OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings is tasked to raise the political and public awareness in the field of fight against trafficking in human beings; to support the participating States, upon their request, to improve the implementation of relevant OSCE commitments in this field; and finally co-operate and co-ordinate with other relevant OSCE institutions and structures as well as international organizations, non-governmental organizations and civil society actors in

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<sup>1291</sup> Interview with Vera Gracheva, Co-ordination Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Vienna, 8 November 2012.

<sup>1292</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, p.51.



combating trafficking in human beings.<sup>1293</sup> The OSCE Special Representative is also mandated to support the participating States in complying with their commitments on trafficking in human beings outlined in the 'OSCE Action Plan to Combat Trafficking in Human Beings' adopted in 2003.<sup>1294</sup>

The Special Representative has a very broad political mandate to co-operate with participating States at high level and to engage with other governmental officials, parliamentarians, decision-makers in a political dialogue with the name to raise priorities of combating human trafficking in the national efforts and national legislations as well as in every anti-trafficking measure. She has the opportunity in the course of country visits or bilateral work with the delegations of the OSCE participating States in the course of national events. She conducts high-level political dialogue. She facilitates to stimulate anti-trafficking efforts. The second area of her activities is the co-ordination of major international organizations, including the internal and the external co-ordination with other structures such as the ODIHR, OSCE field operations and other related structures in the OSCE Secretariat.<sup>1295</sup>

The Special Representative aims at a 'promoting human rights-based approach' and a 'child-sensitive approach'; maintaining an active and close co-operation with other relevant actors; and finally adopts a 'gender perspective' in conducting and developing all anti-trafficking activities and policies. In this regard, four basic strategic priorities are identified for the future by the Special Representative: "enhancing strategies and action to better prevent trafficking in human beings; raising the profile and quality of the criminal justice

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<sup>1293</sup> ---, 'Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings', 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

<sup>1294</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.51.

<sup>1295</sup> Interview with Vera Gracheva, Co-ordination Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Vienna, 8 November 2012.

response to trafficking in human beings; promoting protection of victims' rights; and finally strengthening partnership in the Alliance against Trafficking in Persons". 'The Alliance against Trafficking in Persons' created and hosted by the OSCE serves as a platform at international level, bringing together over forty intergovernmental and non-governmental organizations with a view to stimulate discussion in the field of trafficking in human beings.<sup>1296</sup> This initiative does not have any bureaucracy, budget, or charter. It is just goodwill of international organizations to join efforts to exchange experiences and best practices and to identify gaps and main challenges with regard to the trafficking in human beings. The OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings also maintains specific and different forms of co-operation with the other international organizations such as the Council of Europe, UNDOC, ILO, UNICEF and NATO.<sup>1297</sup>

The OSCE participating States adopted the 'OSCE Action Plan to Combat Trafficking in Human Beings' (Decision No.557) on 24 July 2003 "in order both to incorporate best practices and an advanced approach into its anti-trafficking policies, and to facilitate co-operation among participating States, and tasks all OSCE bodies with enhancing participation in anti-trafficking efforts".<sup>1298</sup> The position of the 'OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings' was created with the adoption of this Action Plan. The Action Plan constitutes the main framework of the OSCE's anti-trafficking activities, policies and strategies and reflects very well the OSCE's approach to the issue of trafficking in human beings. The OSCE participating States are strongly

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<sup>1296</sup> ---, 'Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings', 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

<sup>1297</sup> Interview with Vera Gracheva, Co-ordination Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Vienna, 8 November 2012.

<sup>1298</sup> ---, 'OSCE Action Plan to Combat Trafficking in Human Beings', OSCE Permanent Council Decision no. 57, 24 July 2003.

convinced that fully and effectively implementing the Action Plan is essential condition in preventing and combating trafficking in human beings in the OSCE region.<sup>1299</sup>

The main target of the OSCE Action Plan to Combat Trafficking in Human Beings is to “provide participating States with a comprehensive toolkit to help them implement their commitments to combating trafficking in human beings”. The Action Plan is also designed to serve as a follow-up tool with a view to encouraging co-operation between the participating States within the framework of relevant OSCE institutions and structures as well as other relevant international organizations. The Action Plan adopts a comprehensive approach in the fight against trafficking in human beings. This multidimensional approach covers recommendations and strategies for “the protection of victims, the prevention of trafficking in human beings and the prosecution of those facilitate or commit the crime”. The recommendations outlined in the Action Plan provide guidance for the OSCE participating States, relevant OSCE institutions, structures and bodies as well as OSCE field missions to tackle with trafficking in human beings, taking into consideration all the aspects of the problems in terms of political, legal, law enforcement, economic and educational matters.

The Action Plan takes the following definition as a basis for trafficking in human beings. According to definition identified in ‘Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime’:

Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for, the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of

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<sup>1299</sup> ---, ‘Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings’, 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

In the Action Plan, the participating States reconfirm their strong belief that “trafficking in human beings and other contemporary forms of slavery” constitutes a serious threat to the basic human rights and fundamental freedoms as well as to human dignity. The Action Plan clearly states that despite all efforts to prevent and combat trafficking in human beings in recent periods, the root causes of trafficking are not sufficiently addressed and thus human trafficking is substantially increasing in terms of scale and of the number of the victims. Transnational organized crime networks gain huge profits from their trafficking activities. States and international organizations face serious obstacles and difficulties to effectively deal with trafficking in human beings in some situations. Trafficking in human beings is driven by a broad range of factors such a lack of employment opportunities and equal opportunities, weak social and economic structures, violence against women and children, discrimination based on sex, race and ethnicity, poverty, corruption, unresolved conflicts and post-conflict situations, demand for sexual exploitation and finally inexpensive, socially unprotected and often illegal labor. The participating States declare their strong determination to implement relevant commitments and decisions aimed at contributing to the efforts towards combating trafficking in human beings. Furthermore, the Action Plan puts a special emphasis on the importance of several relevant regional and international instruments in the fight against trafficking in human beings, particularly ‘2000 UN Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’, and ‘the Protocol against the Smuggling of Migrants by Land, Sea and Air’. In this respect, the OSCE works to encourage the participating States to sign, ratify and fully implement these international conventions and protocols.

The Action Plans outlines the recommendations for action at the national level and for the relevant OSCE bodies, structures and institutions with the purpose of effectively combating trafficking in human beings. These recommendations are made in three basic fields: ‘investigation, law enforcement and prosecution’; ‘prevention of trafficking in human beings’; and ‘protection and assistance’.

The Action Plan offers recommendations for action in terms of investigation, law enforcement and prosecution in the fight against trafficking in human beings at the national level. These recommendations contain “criminalization; law enforcement response; law enforcement co-operation and information exchange between participating States; assistance and protection of witnessed and victims in the criminal justice systems; training; border measures; security and control of documents; and finally legitimacy and validity of documents”. The Action Plan also gives recommendations for action in terms of prevention of trafficking in human beings at the national level. These recommendations cover “data collection and research; border measures; economic and social policies aimed at addressing root causes of trafficking in human beings; awareness-raising; and finally legislative measures”. Furthermore, the Action Plan also provides recommendations for action in terms of protection and assistance at the national level. These recommendations include “data collection and research; legislative measures; national Referral Mechanisms; Shelters; provision of documents; provision of social assistance; repatriation, rehabilitation and reintegration; provision of a reflection delay and temporary or permanent residence permits; ensuring the rights to apply for asylum; and finally protection of children”. For the relevant OSCE institutions, structures and bodies, the Action Plan recommends the following actions in terms for protection and assistance in the field of trafficking in human beings: “national referral mechanism; protection and children; training; and finally legislative measures”.

Furthermore, the OSCE PC offers recommendations for action at the national level in the Action Plan. These recommendations cover a wide range of areas such as the establishment of Anti-Trafficking Task Forces or other similar structures which can be tasked to co-ordinate anti-trafficking activities among the States agencies and non-governmental organizations within an individual country; undertaking essential measures for the prevention of trafficking in human beings and protection of victims; entrusting national rapporteurs or similar mechanisms with monitoring the anti-trafficking activities of State agencies and institutions and the implementation of national legislation requirements; promoting co-operation and co-ordination between State institutions and national non-governmental organizations engaged in providing assistance and protection to the victims

of trafficking in human beings; and finally fighting against violence, facing women and children.

In addition to the national level, the Action Plan also identifies the recommendations for the relevant OSCE institutions, structures and bodies in the field of investigation, law enforcement and prosecution. These recommendations cover the areas of “legislative review and reform; law enforcement response; disciplinary response; training, and finally security and control of documents”.<sup>1300</sup>

The best practices, lessons-learnt and guidelines put forward by prominent international organizations and non-governmental organizations and the OSCE’s experiences particularly acquired through its field missions on the ground and the ODIHR are the main determining elements of the formulation of recommendations included in the Action Plan in combating trafficking in human beings.<sup>1301</sup>

The Action Plan mentions about decisions, declarations and action plans where the OSCE commitments in these fields are undertaken. These official documents are as follows: “the 1975 Helsinki Final Act; the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE; the 1999 Charter for European Security; the 2000 OSCE Vienna Ministerial Council Decision on Enhancing the OSCE’s Efforts to Combat Trafficking in Human Beings; the 2000 OSCE Action Plan for Gender Issues; the 2001 OSCE Bucharest Plan of Action for Combating Terrorism; the 2001 OSCE Ministerial Decision No.6 adopted in Bucharest; the OSCE Permanent Council Decision No.426 of 2001; and the 2002 OSCE Porto Ministerial Declaration on Trafficking in Human Beings”.

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<sup>1300</sup> ---, ‘OSCE Action Plan to Combat Trafficking in Human Beings’, OSCE Permanent Council Decision no. 57, 24 July 2003.

<sup>1301</sup> ---, ‘Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings’, 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.

The Action Plan tasks the OSCE Chairmanship to stimulate discussions on monitoring the implementation of the Action Plan through enhancing the existing instruments and developing new ones. The OSCE CiO is also entrusted with contributing to the efforts aimed at strengthening the OSCE's capacities and capabilities in combating trafficking in human beings. In order to monitor the implementation of the OSCE Action Plan by the participating States, the OSCE's relevant structures and bodies can organize annual specific events with the participation of representatives, national coordinators and experts focusing on the fight against trafficking in human beings.

The Action Plan tasks the ODIHR to provide essential technical assistance to the participating States to develop their National Anti-Trafficking Plans of Action "aimed at effective prevention and combating trafficking and protection of victims". OSCE structures, bodies and institutions are tasked to engage in more expanded regular information exchange, research and data collection with other interested international organizations in combating trafficking in human beings. Finally, the ODIHR is entrusted with making much more efforts for the exchange of information, contacts, materials and good practices and project activities in the field of trafficking in human beings.<sup>1302</sup> The ODIHR, as a key human dimension institution of the OSCE, provides assistance and support to all the participating States to "strengthen their capacity to identify, protect and assist victims of trafficking in human beings".<sup>1303</sup>

The OSCE Action Plan to Combat Trafficking in Human Beings recognizes that the participating States are mainly responsible for preventing and combating trafficking in human beings. However, due to the transnational character of trafficking, active and strong co-operation and co-ordination at all levels including all relevant actors is required in order to respond better to threats, risks and challenges generating from the trafficking in human

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<sup>1302</sup> ---, 'OSCE Action Plan to Combat Trafficking in Human Beings', OSCE Permanent Council Decision no. 57, 24 July 2003.

<sup>1303</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

beings. In this respect, the Action Plan makes the point that “the OSCE with well-developed institutional capacity and proven track record is uniquely placed to effectively assist participating States in the implementation of their commitments and effectively co-operate and co-ordinate with relevant international actors”. The main partners of the OSCE in preventing and combating trafficking in human beings can be as follow: “the Stability Pact Task Force, the UN Office on Drugs and Crime, the UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, the UN Children’s Fund, the International Labor Organization, the International Organization for Migration, the International Centre for Migration Policy Development, the EU, the Council of Europe, the Council of Baltic Sea States, the Southeast European Co-operative Initiative, Interpol and Europol”. According to Action Plan, a close and active co-operation and co-ordination between the OSCE permanent institutions, OSCE field missions and the OSCE Secretariat should also be maintained with the purpose of supporting the participating States to fully implement the provisions of the Action Plan.<sup>1304</sup>

After the adoption of the OSCE Action Plan to Combating Human Trafficking, the OSCE Ministerial Councils have taken several decisions related to the anti-trafficking activities with a view to respond better to the security threats, risks and challenges which can be derived from the trafficking in human beings. Through these decisions, the OSCE aims at addressing different aspects of the trafficking in human beings with a view to follow a comprehensive approach.<sup>1305</sup>

To conclude, the OSCE has the ability to address human trafficking problem as a cross-dimensional issue, not only focusing on human rights of the trafficked people but also addressing socio-economic roots of trafficking and security aspects of trafficking factors that hamper the efficient measures for combating trafficking. The OSCE has comprehensive

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<sup>1304</sup> ---, ‘OSCE Action Plan to Combat Trafficking in Human Beings’, OSCE Permanent Council Decision no. 57, 24 July 2003.

<sup>1305</sup> ---, ‘Factsheet on Preventing and Combating Trafficking in Human Beings, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings’, 23 November 2010, available at <http://www.osce.org/cthb/74755?download=true>, Accessed on 12 March 2013.



commitments and operational framework on combating trafficking in human beings. Different units in the OSCE Secretariat address different aspects of trafficking in human-beings. Therefore, the OSCE can address all forms of human trafficking issues in a comprehensive way. This is the added value of the Organization.<sup>1306</sup>

### **7.3.5. Gender Equality**

The principle of ‘gender equality’ means that both women and men have equal rights. The OSCE’s main principle is to provide equal opportunities for women and men. One of the essential components of a sustainable democracy is the gender equality. The principle of gender equality is well reflected in the OSCE’s policies and practices and this principle survives not only within the participating States but also within the Organizations itself.<sup>1307</sup>

The OSCE’s approach is that ensuring the equal rights of women and men constitutes one of the most essential features in promoting sustainable democracy, long-term economic development, stability and peace within societies. Gender equality is considered as an essential element of the OSCE’s comprehensive approach to security. Lamberto Zannier, current OSCE Secretary General, says that “for the OSCE, and our participating States, gender equality is a top priority – as the full and equal participation of women is key to long-term security, economic prosperity and sustainable security”. Therefore, the OSCE has engaged in activities aimed at strengthening gender equality within the whole OSCE area.<sup>1308</sup> In this regard, the OSCE has become engaged in various projects with local partners throughout the OSCE region with the purpose of empowering women and creating local capacities and expertise on gender issues. The OSCE also works in close co-operation

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<sup>1306</sup> Interview with Vera Gracheva, Co-ordination Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Vienna, 8 November 2012.

<sup>1307</sup> ---, ‘OSCE-Gender equality’, available at [http:// www.osce.org/what/gender](http://www.osce.org/what/gender), Accessed on 25 December 2013.

<sup>1308</sup> ---, ‘Factsheet: Gender Equality’, 18 November 2013, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 25 December 2013.

with governmental authorities and support them through reviewing their legislations on gender issues in order to secure equality between women and men.<sup>1309</sup>

The OSCE always attaches great importance to the active participation of women in social, political, cultural and economic life within societies. All relevant OSCE bodies, structures and institutions emphasize the importance and necessity of promoting gender equality both within the participating States and the Organization itself. The OSCE conducts a policy of equal employment of men and women staff for its structures and institutions as well as its field missions. The Organization aims at achieving a gender balance in employing its personnel.<sup>1310</sup>

In the 1983 Concluding Document of the Madrid Meeting of the CSCE, the participating States emphasize the significance and necessity of providing equal rights for women and men and they also decided to undertake all necessary measures to promote the equal, active and effective participation of women and men in political, cultural, social and economic domains.<sup>1311</sup> In the 1989 Concluding Document of the Vienna Meeting of the CSCE, the participating States declare their strong commitment to ensure the equal rights of women and men. They also agreed on to undertake all required measures in order to strengthen equal and effective participation of men and women in political, cultural, social and economic life.<sup>1312</sup>

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<sup>1309</sup> ---, 'OSCE-Gender equality', available at <http://www.osce.org/what/gender>, Accessed on 25 December 2013.

<sup>1310</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, pp.50-51.

<sup>1311</sup> ---, 'Concluding Document of the Madrid Meeting 1980 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference', 6 September 1983, Madrid, p.7.

<sup>1312</sup> ---, 'Concluding Document of the Vienna Meeting 1986 of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Final Act Relating to the Follow-up to the Conference', Vienna 1989, p.9.

In the 1991 Moscow Document, the participating States consolidated their policy of gender equality. They obviously state that “true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law”. The participating States also note that welfare and development in societies highly depend on the equal participation and equal distribution of opportunity between men and women. They reconfirm their strong determination to fully implement relevant CSCE commitments related to human rights and fundamental freedoms without any discrimination with respect to sex. They point out that they would undertake all necessary measures to ensure that women have full economic opportunities; women are not subjected to any discriminatory practices and policies; and finally women access equally to all relevant education and training opportunities. They decided to intensify their efforts for eliminating all forms of trafficking in women and all forms of violence against women. Recognizing the importance of the rich contributions in societies by women, they agreed to carry out a series of activities aimed at creating equal opportunities for the full and active participation of women in all aspects of public, political, cultural, social and economic life particularly in the decision-making processes. The participating States also decided to develop educational policies in compatible with their constitutional systems with a view to promoting the participation of women in all fields of work and study. Finally, they are strongly committed to increase the awareness on the issues of gender equality.<sup>1313</sup>

The Charter for European Security adopted at the 1999 OSCE Istanbul Summit states that “the full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area”. The OSCE’s approach is to ensure the equal rights of women and men both within the participating States and within the Organizations itself. One of the priority areas of the OSCE is to take all required measures to eradicate with all forms of violence against women and children; to eliminate all forms of discrimination against women; and finally prevent and combat all forms of trafficking in

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<sup>1313</sup> ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.46-47.

women including sexual exploitation.<sup>1314</sup> In the 1999 OSCE Istanbul Summit Declaration, the participating States reiterate their strong commitment to ensure full equality between women and men.<sup>1315</sup> In the 2003 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, the participating States reconfirm their commitment to promote equal rights and opportunities for women and men.<sup>1316</sup>

Over the years, the OSCE has developed a series of commitments; adopted decisions; carried out policies and finally undertaken several specific measures aimed at promoting gender equality within the participating States. The OSCE participating States adopted an 'Action Plan for the Promotion of Gender Equality' in 2004. This Action Plan guides the OSCE's activities related to gender issues.

The OSCE Ministerial Councils and PC have adopted a series of decisions on gender issues. Firstly, 'Decision on women in conflict prevention, crisis management and post-conflict rehabilitation' states that women can play a constructive role in all aspects of conflict prevention, conflict resolution and post-conflict peace-building and rehabilitations processes. The decision calls all the participating States to take gender concerns into account and to integrate women's contribution to the OSCE's overall efforts aimed at promoting security and stability. In the field of conflict prevention and post-conflict rehabilitation processes, the participating States are recommended to create positions for female staff and encourage education and training opportunities related to rights of women and girls.

Secondly, bearing in mind the fact that violence against women continues to threaten security and peace throughout the OSCE area, the 'Decision on preventing and combating

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<sup>1314</sup> ---, 'Charter for European Security, Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999', Istanbul, 1999, p.6.

<sup>1315</sup> ---, 'Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999', Istanbul, 1999, p.52

<sup>1316</sup> ---, 'OSCE Strategy to Address Threats to Security and Stability in the 21st Century', OSCE Ministerial Council Maastricht 2003, p.7.

violence against women’ calls upon all the participating States to undertake all necessary measures to put an end to violent acts against women. In this respect, the main priority areas include: providing equal economic and educational opportunities for women; collecting, analyzing and disseminating data and information with regard to violence against women; providing social and medical assistance for women; contributing to the avoidance of “gender-based violence during and after armed conflicts and in the case of emergencies” and finally assisting the participating States to ensure that victims access to justice and perpetrators are prosecuted.

Thirdly, under-representation of women in decision-making structures and bodies of the participating States is another concern for the OSCE. ‘Decision on women’s participation in political and public life’ urges all the participating States to undertake legislative measures with a view to foster equal opportunities for the active and full participation of women in public and political life, particularly in decision-making processes within their States. The decision also calls upon the participating States to take a gender balance into consideration when recruiting and promoting men and women in their security services.

Finally, ‘Decision on promoting equal opportunity for women in the economic sphere’ points out that strengthening the economic independence of women and ensuring equal and active participation of women in all aspects of the economic life is highly significant in terms of achieving sustainable economic growth and coherent societies, which is necessary for the security and stability of the whole OSCE region. This decision calls upon the participating States to carry out specific initiatives for the facilitation of the participation of women in the field of economy.<sup>1317</sup>

The participating States adopted an ‘Action Plan for Gender Issues’ in 2000 to “ensure that the OSCE commitments concerning the equality in rights and equality of opportunity for women and men are taken into account by the participating States and in the practical

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<sup>1317</sup> ---, ‘Factsheet: Gender Equality’, 18 November 2013, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 25 December 2013.

work of OSCE institutions and field missions”.<sup>1318</sup> The OSCE Action Plan for Gender Issues calls upon the participating States to integrate a gender perspective into the Organization’s activities and policies. The Action Plan puts a special emphasis on the importance of providing equal opportunities for men and women at all levels within the OSCE. The Action Plan has been successful in increasing the awareness of the need to strengthen gender equality with the activities of the OSCE structures, institutions and field missions as well as participating States.

The Action Plan for Gender Issues calls upon OSCE CiO, the Secretariat, and OSCE field operations as well as participating States to create more professional working conditions for women and appoint and nominate more women candidates at all positions both within the participating States and within the Organization itself, specifically at management level. The Action Plan puts forward another priority area that all new staff working in the OSCE field operations is offered training in the field of gender issues. Additionally, the Action Plan calls all OSCE institutions to integrate a gender perspective into their personnel training activities. In this respect, training activities have been carried out in order to promote a professional working environment for women and men.<sup>1319</sup>

‘OSCE Action Plan for the Promotion of Gender Equality’ (Decision No. 14/04) was adopted by the 2004 OSCE Sofia Ministerial Council meeting as the main guiding document of the Organization on gender issues. First of all, the Action Plan obviously points out that sustainable democracy, long-term economic development, peace, security and stability within the OSCE region cannot be achieved without ensuring the equal rights of and equal opportunities for women and men as well as their human rights and fundamental freedoms in general. There is a clear need of integrating a gender perspective into the OSCE’s activities and policies by the participating States and the Organization itself. The

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<sup>1318</sup> ---, ‘2004 OSCE Action Plan for the Promotion of Gender Equality’, OSCE Ministerial Council Sofia 2004, Decision no.14/04, 7 December 2004, pp.1-2, available at <http://www.osce.org/mc/23295?download=true>, Accessed on 25 December 2013.

<sup>1319</sup> ---, ‘2004 OSCE Action Plan for the Promotion of Gender Equality’, OSCE Ministerial Council Sofia 2004, Decision no.14/04 (Annex), 7 December 2004, pp.2-3, available at <http://www.osce.org/mc/23295?download=true>, Accessed on 25 December 2013.

participating States are strongly recommended to undertake all required measures to increase the awareness on gender issues and to promote equal rights and equal participation of women and men in societies where they live. The main purpose here is to promote gender mainstreaming and equality between women and men in political, cultural, social and economic life within the OSCE region. Gender equality is seen an indispensable element of the OSCE's comprehensive security approach.<sup>1320</sup>

The main purpose of the 2004 Action Plan for the Promotion of Gender Equality is to identify "the priorities of the OSCE in promoting gender equality, in the Organization and in all the participating States, and to ensure the monitoring of its implementation". The Action Plan provides a framework on gender issues through addressing policies, programmes, projects and activities aimed at promoting gender equality. The Action Plan also details possible assistance provided by the OSCE to the participating States in the field of promoting equal rights and opportunities for women and men. The OSCE can provide assistance to the participating States in the field of the implementation of international commitments on gender issues or in developing national policies and programmes on gender issues.

The Action Plan outlines the main priority areas on gender equality for the OSCE. In this respect, the OSCE delivers specific training programmes for its personnel to increase awareness on gender equality and develops specific gender mainstreaming programmes and policies. The OSCE will create review and assessment mechanisms on gender issues. The OSCE will work to ensure that "a professional and gender sensitive management culture and working environment" is established and "well-qualified women are identified and attracted" which in turn contributes to the promotion of equal opportunities for women and men and at the same time, leads to increasing number of women employed at senior levels within the OSCE. In the Action Plan, the participating States are encouraged to submit more women candidates for positions within the OSCE, particularly at senior and

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<sup>1320</sup> ---, '2004 OSCE Action Plan for the Promotion of Gender Equality', OSCE Ministerial Council Sofia 2004, Decision no.14/04, 7 December 2004, pp.1-2, available at <http://www.osce.org/mc/23295?download=true>, Accessed on 25 December 2013.

policy-making levels where women are underrepresented. It will absolutely contribute to a more-gender balanced representation at all levels within the Organization. Finally, the Action Plan states that the OSCE should integrate gender concerns into its all activities and programmes.<sup>1321</sup>

Other priority areas for the OSCE's assistance to participating States are also identified in the 2004 Action Plan. First of all, the OSCE will provide assistance and expertise to the participating States to fully and effectively implement their relevant commitments related to gender equality. Secondly, the OSCE will serve as a platform for exchanging good practices, lessons-learned and experiences with regard to addressing the inequality between women and men. Thirdly, the OSCE will make much more efforts for indicating the important role which can be played by women in the field of conflict prevention, resolution and post-conflict peace-building and rehabilitation processes. Finally, the OSCE will provide a platform to maintain discussions and reviews on genders issues, including the 2004 Action Plan, among all the relevant parts.<sup>1322</sup>

The Action Plan calls the OSCE Secretariat, OSCE institutions and field missions to increase their efforts aimed at facilitating sustainable gender awareness and professional working environment and management culture both within the participating States and the Organization itself.<sup>1323</sup>

2004 Action Plan puts a special emphasis on the significance and necessity of the empowerment of women and full and equal participation of women and men in the public, political, and economic life of the participating States within the framework of democratization. The OSCE and its participating States should pursue a policy of gender

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<sup>1321</sup> ---, '2004 OSCE Action Plan for the Promotion of Gender Equality', OSCE Ministerial Council Sofia 2004, Decision no.14/04 (Annex), 7 December 2004, pp.3-4, available at <http://www.osce.org/mc/23295?download=true>, Accessed on 25 December 2013.

<sup>1322</sup> Ibid., p.4.

<sup>1323</sup> Ibid., p.5.



mainstreaming aimed at “overcoming negative stereotypes and changing perceptions, as well as developing attitudes conducive to bringing about equality between women and men in all participating States”.<sup>1324</sup>

The Action Plan obviously points out that the main responsibility in implementing their commitments aimed at promoting gender equality belongs to the participating States. However, the Action Plan urges the participating States to use all available instruments to effectively review the implementation of the OSCE commitments on gender equality. 2004 Action Plan recommends the participating States to carry out policies and activities aimed at strengthening the equality between women and men. The Action Plan also calls upon the participating States and the OSCE to take a gender aspect into consideration when formulating new proposals and initiatives regarding any issue. The participating States should ensure that the OSCE will create new tools or strengthen the existing ones with a view to promoting gender equality and addressing and preventing gender-based discrimination against individuals and all forms of violence against women, including the human trafficking. The OSCE assists the participating States to implement international norms and commitments without any exception in the fields of gender equality, women’s and girls’ rights and finally non-discrimination. Finally, the Action Plan encourages the participating States and the Organization to undertake all necessary measures for fostering equal protection under the law and creating a secure atmosphere for women and men in societies where they live.<sup>1325</sup>

The Action Plan for the Promotion of Gender Equality calls upon all OSCE structures, bodies, institutions and field operations as well as participating States to take a gender perspective into consideration in formulating the Organization’s policies, projects, activities and programmes with the purpose of achieving gender equality. In other words, all relevant actors should ensure that equality between women and men is an indispensable component of the OSCE’s policies, activities and practices. It should be kept in mind that “if

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<sup>1324</sup> Ibid., pp.7-8.

<sup>1325</sup> Ibid., p.9.

gender equality is to become a reality in any area and at any level of society, both men and women will benefit from such a change”. The promotion of the equality between women and men within the participating States and within the OSCE itself will absolutely contribute to comprehensive security including all three dimensions, namely politico-military, economic-environmental and human dimensions.<sup>1326</sup>

2004 Action Plan also outlines problems and shortcomings with regard to gender equality both within the participating States and within the Organization itself. In this regard, one of the most significant problems on gender equality is that women are still underrepresented within the OSCE participating States and the Organization itself, particularly at senior and policy-making levels. It is clearly observed that “women candidates may have less chance of being employed by the Organization than men. Furthermore, training activities and efforts aimed at creating a professional working environment for women and men has not resulted in concrete results.”<sup>1327</sup>

The OSCE has a number of specialized actors acting in the field of gender issues. Besides embracing the policy of gender equality as a substantial component of its existence, OSCE has been in efforts to institutionalize this policy goal with specially designated actors and departments within the organization itself. The most prominent of them seem to be ‘OSCE’s Gender Section’, ‘ODIHR’, ‘Gender Focal Points’, and the ‘OSCE Parliamentary Assembly’s Special Representative on Gender Issues’.

The OSCE’s Gender Section is tasked to provide assistance for the integration of a gender perspective into all the activities, projects and programmes carried out under auspices of the OSCE. Gender Section works under the OSCE Secretary General. The Gender Section’s work covers all three dimension of security. The units of the OSCE Secretariat, institutions and field missions are provided with the assistance related to genders issues by Gender Section. The Gender Section also offers recommendations for the OSCE’s decision-making

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<sup>1326</sup> Ibid., p.1.

<sup>1327</sup> Ibid., pp.2-3.

bodies and executive structures with respect to the monitoring and the implementation of the '2004 OSCE Action Plan for the Promotion of Gender Equality' and gender-based decisions adopted by the OSCE Ministerial Councils. The Gender Section assists the participating States and the OSCE staff through developing capacity building materials, operational tools and guidelines and carrying out thematic projects and programmes. Furthermore, this unit offers training opportunities for the OSCE staff in close co-operation with the 'Training Section' and arranges thematic meetings and roundtable discussions in the fields of gender issues.

Secondly, the OSCE has created 'Gender Focal Points' in each department of the OSCE Secretariat, field operations and permanent institutions. Their goal is to increase awareness among OSCE staff and support them in the mainstreaming of gender issues. In spite of lacking full-time gender advisors, Gender Focal Points work to contribute to the efforts aimed at promoting gender equality within the whole OSCE region. Furthermore, some Deputy Head of Missions have been appointed as gender focal point.

Thirdly, the ODIHR is another actor engaged in activities with respect to gender equality and gender mainstreaming. Democratization and Human Rights Departments of the ODIHR carry out various activities and programmes in order to promote the full and equal participation of women in the political and public life; to improve the situation of women within the OSCE region; to prevent and eliminate violent act against women; and finally to strengthen the capacity building of women's network. The ODIHR also supports the participating States to integrate a gender perspective into their security sector reform programmes.<sup>1328</sup>

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<sup>1328</sup> ---, 'Factsheet: Gender Equality', 18 November 2013, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 25 December 2013 and ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

Finally, 'A Special Representative on Gender Issues' has been appointed by the OSCE Parliamentary Assembly. Special Representative is responsible for mainstreaming genders issues in the decisions, reports and resolutions of the OSCE Parliamentary Assembly.<sup>1329</sup>

The OSCE adopts 'gender mainstreaming' approach in its all work and activities. In July 1997, the United Nations Economic and Social Council (ECOSOC) defined the concept of 'Gender Mainstreaming' as follows:

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.<sup>1330</sup>

From the OSCE's point of view, 'gender mainstreaming' is a strategy to achieve equality between women and men. Gender mainstreaming is "the process of assessing in a given society or area how men and women have access and control over resources, decision-making and benefits, and integrating these considerations to the equal benefit of women and men, girls and boys, in the design, implementation, monitoring and evaluation of policies, programmes and projects in all political, economic and social spheres". The OSCE works to integrate a gender perspective into its activities and policies on three main pillars. The first one is "mainstreaming gender in the Organization's structures, recruitment procedures and working environment". In this respect, the OSCE aims at creating and

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<sup>1329</sup> ---, 'Factsheet: Gender Equality', 18 November 2013, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 25 December 2013.

<sup>1330</sup> ---, 'International Labour Organization, Gender Equality Tool, Definition of Gender Mainstreaming', available at <http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>, Accessed on 20 November 2014.

maintaining a gender-sensitive working environment and management culture. The OSCE also pursues a goal of achieving a greater gender balance in the higher management positions of the Organization. The OSCE also addresses underrepresentation of women in military services and police within the participating States, aiming at promoting their recruitment.

The second pillar is based on “mainstreaming a gender perspective across dimensions in all OSCE activities, policies, programmes and projects”. 2004 Action Plan declares that “the needs, knowledge and experience of both women and men” should be taken into account in formulating any project or programme in all three dimensions of security. Projects must be planned, implemented, monitored and evaluated according to particular situations of women and men in each participating State. Technical meetings and roundtable discussions are organized for achieving the integration of gender concerns into all work carried out within the framework of three dimensions of security. These specific events are aimed at promoting the awareness of the policy-making bodies with respect to the issues of gender equality. Within the context of the second pillar on gender mainstreaming, the OSCE has developed training and capacity building tools for its personnel and delegations from the participating States. Additionally, in order to promote gender equality within the OSCE region, the OSCE field missions has carried out numerous projects in the regions of the South Caucasus, Eastern Europe, South-Eastern Europe and Central Asia. These works include a gender dimension or a gender analysis. These projects focus on several specific issues linked to gender equality such as combating violence against women, strengthening the participation of women in the political life, and finally providing equal opportunities for women in the economic and environmental domain.

The third pillar is “promoting the rights, interests and concerns of women in six priority areas where inequality and discrimination are most prevalent”. These areas are as follows: “promoting the participation of women in political and public life; preventing violence against women; establishing non-discriminatory legal and policy frameworks; promoting equal opportunities for women in the economic sphere; creating national mechanisms for the advancement of women; and finally promoting women’s participation in conflict prevention, crises management and post-conflict reconstruction”. 2004 OSCE Action Plan

calls upon the OSCE institutions, the Secretariat and field missions to support the participating States in the effective implementation of the relevant OSCE commitments on gender equality in these six priority areas.<sup>1331</sup>

### **7.3.6. Tolerance and Non-Discrimination**

Establishing respect for human rights and fundamental freedoms is an indispensable element of the whole efforts aimed at promoting tolerance and non-discrimination. In this regard, tolerance and non-discrimination are increasingly seen as essential pillars of security and stability.<sup>1332</sup> Today, discrimination and intolerance pose serious challenges to the common security of all the OSCE participating States. Several forms of discrimination and intolerance can generate from “aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism or discrimination based on race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status”.<sup>1333</sup>

The terrorist attacks of 11 September 2001 on the United States not only had dramatic impacts on international politics, threatening the common values of all humankind, but also created an environment where fear and suspicion prevail which in turn led to the emergence of discrimination, intolerance, xenophobia and racism within societies. Today, discrimination and intolerance are threatening peace, security and stability by creating challenges for the exercise of human rights and fundamental freedoms within the OSCE participating States. In this respect, international community is in an urgent need of addressing all forms of threats arising from discrimination and intolerance. Therefore, in order to deal with effectively all forms of discrimination and intolerance, all relevant actors

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<sup>1331</sup> ---, ‘Factsheet: Gender Equality’, 18 November 2013, available at <http://www.osce.org/gender/41497?download=true>, Accessed on 25 December 2013.

<sup>1332</sup> Ömür Orhun, ‘Intolerance and discrimination against Muslims (Islamophobia)’, *Security and Human Rights* 2009, no.3, pp.192-193

<sup>1333</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.25.

such as governments, the media, regional and international organizations, civil society and NGOs as well as religious and cultural communities should become engaged in activities and efforts aimed at creating harmonious and peaceful relations between different religions and cultures.<sup>1334</sup>

“Violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and manifestations of hate and intolerance” create insecurities and instabilities within the whole OSCE area.<sup>1335</sup> In today’s world, development in information technologies and large-scale mobility of people all over the world abolish borders and bring different cultures and religions close together. Sometimes, incompatibilities between different religious and cultural identities can lead to the violent conflicts, posing a serious threat to the whole security and stability of societies within the OSCE participating States.<sup>1336</sup> Kemp states that the OSCE participating States are being challenged by a necessity of “integrating diversity in multi-cultural societies”. The increasing mobility of numerous ethnic, cultural, religious and linguistic groups constitutes a major threat and challenge to the OSCE participating States with respect to “security, social integration, tolerance and non-discrimination”.<sup>1337</sup> As a result, today, human rights and fundamental freedoms are significantly violated by several forms of intolerance, racism, xenophobia, hate crimes and discrimination against particularly Muslims, undermining security and stability at all levels in the OSCE region.<sup>1338</sup>

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<sup>1334</sup> Ömür Orhun, ‘Intolerance and discrimination against Muslims (Islamophobia)’, *Security and Human Rights* 2009, no.3, pp.192-193.

<sup>1335</sup> ---, ‘OSCE-ODIHR-Tolerance and non-discrimination’, available at <http://www.osce.org/odihr/44450>, Accessed on 5 November 2013.

<sup>1336</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.25.

<sup>1337</sup> Walter Kemp, ‘Skepticism, Change, and Innovation in the OSCE’, in Victor Yves Ghebali and Daniel Warner (eds), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, Geneva, 2006, p.111.

<sup>1338</sup> Ömür Orhun, ‘Intolerance and discrimination against Muslims (Islamophobia)’, *Security and Human Rights* 2009, no.3, p.194.

The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century addresses threats related to discrimination and intolerance. The OSCE Strategy Document states that discrimination and intolerance pose serious threats and challenges to the security of individuals. Discrimination and intolerance can also trigger violent extremism and conflicts within societies, creating damaging effects on security, stability and peace. Today, “the mobility of migrant populations and the emergence of societies with many coexisting cultures in all parts of the OSCE region” not only bring about opportunities but also create new risks and challenges, posing undermining effects on security and stability. The lack of respect for human rights and fundamental freedoms for different ethnic or religious groups in societies and the lack of concrete and successful results in integrating societies may also create instabilities and insecurities within the participating States. Discrimination and intolerance are derived from a broad range of series of issues such as “ethnic and religious tensions, aggressive nationalism, chauvinism and xenophobia, racism, anti-Semitism and violent extremism, as well as lack of respect for the rights of persons belonging to national minorities”. Therefore, all OSCE institutions, and structures as well as OSCE field operations carry out numerous activities aimed at supporting the participating States in their battle against discrimination and intolerance. The Annual Human Dimension Meeting and other specific human dimension-related events such as conferences and workshops serve as a platform for all the interested parts to discuss threats and challenges arising from discrimination and intolerance and to offer suggestions to effectively deal with these problems.<sup>1339</sup>

OSCE Strategy Document puts a special emphasis on the importance of creating harmony between ethnic, religious, linguistic and other groups and promoting the rights of persons belonging to national minorities within the OSCE area. In this respect, discrimination, intolerance, extremism and violence against these ethnic, religious and linguistic groups, including immigrant people, asylum seekers and migrant workers must be effectively addressed. In the Strategy Document, the OSCE participating States declare their strong determination to address the problems and difficulties, facing Roma and Sinti people. In

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<sup>1339</sup> ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, pp.2-7.



order to provide equal opportunities for Roma and Sinti groups; improve their situations; and counter discrimination and intolerance against them, they are committed to undertake all required measures compatible with the relevant OSCE norms and commitments. OSCE Strategy Document states that “the participating States and OSCE bodies and institutions are committed to stepping up their efforts to counter threats arising from discrimination and intolerance. Harmonious relations between ethnic, religious, linguistic and other groups and the rights of persons belonging to national minorities will be actively promoted”.

Within the framework outlined above, the OSCE aims at combating discrimination and promoting tolerance throughout the OSCE region. In this regard, the OSCE has established a normative framework through developing a series of norms, principles and politically-binding commitments aimed at combating all forms of racism, xenophobia and discrimination including anti-Semitism and discrimination against Christians and Muslims.<sup>1340</sup> In order to combat discrimination and promote tolerance within the participating States, the OSCE has also adopted specific decisions and organized prominent conferences focusing on specific issues related to discrimination and intolerance.<sup>1341</sup> Furthermore, with a view to supporting the participating States in the battle against all forms of racism, xenophobia and discrimination, the OSCE has carried out various operational activities through its permanent institutions, namely the ODIHR, the HCNM and the RFM.<sup>1342</sup> All permanent institutions and all relevant OSCE structures as well as OSCE filed missions play an important role in tolerance and non-discrimination issues.<sup>1343</sup> The

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<sup>1340</sup> ---, ‘OSCE, Tolerance and non-discrimination’, available at <http://www.osce.org/what/tolerance>, Accessed on 5 November 2013 and Christophe Kamp, ‘The role of the OSCE in combating discrimination and promoting tolerance’, *Helsinki Monitor* 2004 no.2, pp.127-128.

<sup>1341</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.25.

<sup>1342</sup> ---, ‘OSCE, Tolerance and non-discrimination’, available at <http://www.osce.org/what/tolerance>, Accessed on 5 November 2013 and Christophe Kamp, ‘The role of the OSCE in combating discrimination and promoting tolerance’, *Helsinki Monitor* 2004 no.2, pp.127-128.

<sup>1343</sup> Wolfgang Zellner, ‘Identifying the Cutting Edge: The Future Impact of the OSCE’, *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.25.

OSCE's efforts are aimed at "building democratic and pluralistic societies, where ethnic, cultural, and religious diversity is not only tolerated but respected and valued".

Under the umbrella of the OSCE's efforts for combating discrimination and promoting tolerance within the OSCE region, three Personal Representative of the CiO have been appointed in 2004. The OSCE CiO's three Personal Representatives are on 'Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions'; 'Combating anti-Semitism'; and finally 'Combating Intolerance and Discrimination against Muslims'.<sup>1344</sup>

At the 2005 OSCE Ljubljana Ministerial Council meeting, the participating States adopted the decision of 'Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding' (No.10/05). In this decision, the participating States reaffirm their all commitments related to tolerance and non-discrimination enshrined in the official documents and decisions of the OSCE. The participating States also reiterate their strong determination to implement the existing OSCE commitments related to "tolerance and non-discrimination and freedom of thought, conscience, religion or belief". The decision emphasizes that all the participating States are in need of creating an environment where tolerance, and mutual respect and understanding prevail. In the decision, the participating States reiterate their strong determination to encourage and facilitate intercultural and inter-faith dialogue and partnership which can contribute substantially to the promotion of tolerance, mutual respect and understanding within societies and states at all levels. The decision emphasizes the significance of the work done by three Personal Representatives of the CiO "as part of the overall effort of the OSCE in combating discrimination and promoting tolerance, mutual respect and understanding and in awareness-raising".<sup>1345</sup> The participating States point out that they do not accept any definition of terrorism in connection with "any religion or belief, culture, ethnic group, nationality or race." They also

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<sup>1344</sup> ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1345</sup> ---, 'Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding', OSCE Ministerial Council Ljubljana 2005, Decision no.:10/05, 6 December 2005, pp.1-2.

declare their strong determination to make much more efforts for increasing the awareness and developing all necessary measures with the aim of combating discrimination, intolerance and prejudice. While combating these threats and challenges, they pledge to take respect for human rights and fundamental freedoms into consideration such as “the freedom of thought, conscience, religion or belief, for all without distinction as to race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status”. Finally, the decision identifies main activity fields in promoting non-discrimination and tolerance. These fields are as follows: “education; religious freedom; inter-cultural and inter-faith dialogue; media; data collection; migration and integration; and finally legislation and law enforcement”.

In the decision, the participating States are committed to ensure that all people are under equal and effective protection of the law. They are also committed to undertake all required measures in order to prevent the discriminative and intolerant activities. Furthermore, the participating States has also decided to offer specific training programmes; provide assistance and expertise; and facilitate exchange of best practices and experiences for public and law enforcement officials with a view to effectively dealing with hate crimes. Finally, the participating States declare their adherence to foster public and private education programmes and develop specific methods aimed at promoting tolerance and non-discrimination within the OSCE region.<sup>1346</sup>

The participating States decided to maintain an active and close co-operation and co-ordination with the relevant OSCE institutions, structures, bodies and field missions in the field of addressing migration and integration-related issues within the framework of cultural and religious diversity as an integral component of the Organization’s overall efforts aimed at promoting non-discrimination and tolerance as well as mutual respect and understanding within societies.

The ODIHR is tasked by the 2005 OSCE Ljubljana Ministerial Council to maintain co-operation with other relevant OSCE institutions and structures, civil society, and NGOs as

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<sup>1346</sup> Ibid., p.2.

well as relevant UN structures and several structures and initiatives operating in the field of tolerance and non-discrimination such as “the UN Committee on the Elimination of Racial Discrimination (UNCERD), the UN Office of the High Commissioner for Human Rights (UNHCHR), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC), and finally the Task Force for International Co-operation on Holocaust Education, Remembrance and Research”.

The 2005 OSCE Ljubljana Ministerial Council states that the ODIHR carries out its activities with the help of the ‘Advisory Panel of Experts on Freedom of Religion or Belief’ with the purpose of supporting the participating States in their efforts aimed at promoting the freedom of religion or belief. Finally, the Ljubljana Ministerial Council decided to contribute to the initiative of ‘Alliance of Civilizations’ by promoting inter-religious and inter-cultural dialogue and improving mutual respect and understanding as well as human rights and fundamental freedoms across the entire OSCE area.<sup>1347</sup>

With the decision, ‘Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding’, adopted during the 2005 OSCE Ministerial Council in Ljubljana, the Secretary General was tasked to produce a report with regard to an OSCE contribution to the ‘Alliance of Civilizations’ initiative. The Report was presented by the OSCE CiO to the UN Secretary General on 26 June 2006. This report states that “as an organization of common principles, commitments and values among equals, spanning three continents encompassing major world religions and cultures, the OSCE is already an alliance of civilizations in action”.<sup>1348</sup> The report points out that “in view of its comprehensive and inclusive approach to security as a forum for permanent political dialogue among a culturally and religiously diverse collective of 56 participating and 11 Partner States, the OSCE can in itself already be viewed as an alliance of civilizations”. In the report, four main areas are identified in which the OSCE can contribute to the ‘Alliance of Civilizations’

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<sup>1347</sup> Ibid., pp.3-4.

<sup>1348</sup> Marc Perrin de Brichambaut, ‘The OSCE and the 21st Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.188.

initiative. These priority areas are: “education; media and communications; youth; and migration and integration”.

The Report points out that the OSCE has developed a well-established normative framework including three dimensions of security through creating norms, principles and commitments. In addition to normative work, the OSCE has carried out a wide range of operational activities through its permanent institutions and field operations across the entire OSCE region. Furthermore, the OSCE has an inclusive membership, encompassing countries from three continents. Above all, the OSCE has accumulated substantial practical experience in all dimensions of security for almost 40 years. For these reasons, the OSCE can contribute to the ‘Alliance of Civilizations’ in terms of promoting inter-cultural and interreligious dialogue which in turn contributes to the promotion of tolerance and non-discrimination throughout the OSCE area. Preventive diplomacy approach and soft security tools can be effectively deployed by the OSCE. Abadjian argues that the OSCE can contribute to combating discrimination and the promotion of tolerance within all the participating States through providing a common framework for inter-cultural and interreligious dialogue.<sup>1349</sup>

The central institution of the OSCE in the field of human dimension is the ODIHR.<sup>1350</sup> The ODIHR supports all the participating States in implementing OSCE human dimension commitments as well as to monitor regularly the implementation of these commitments by the participating States.<sup>1351</sup> The ODIHR carries out a wide range of human dimension-related activities aimed at strengthening security, stability, democracy and prosperity within the entire OSCE region. The ODIHR works to improve and protect basic human rights

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<sup>1349</sup> Vahram Abadjian, ‘Towards a new strategic goal: The OSCE and the dialogue of civilizations’, *Helsinki Monitor* 2006 no.4, pp.302-303.

<sup>1350</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.46-47.

<sup>1351</sup> Audrey F. Glover, ‘The Human Dimension of the OSCE: The ODIHR in Warsaw’, in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin’s Press, 1997, p.172.

and fundamental freedoms including the rights of persons belonging to national minorities and promote democratic institutions and elections, the rule of law, and the tolerance and non-discrimination. 'The Tolerance and Non-discrimination Department' of the ODIHR was established in 2004 with the purpose of effectively dealing with the problems generated from the violation of human rights and fundamental freedoms, specifically focusing on freedom of thought, conscience, religion or belief and hate crime as well as intolerance and discrimination.<sup>1352</sup> The ODIHR through the TND Department provides assistance to the participating States to fully and effectively implement the commitments related to tolerance and non-discrimination. Additionally, the ODIHR supports the participating States in their efforts for combating all forms of intolerance and discrimination including racism-based crimes and incidents; hate crimes; anti-Semitism; other violent manifestations of intolerance; and finally discrimination against Christians and Muslims. In this regard, the ODIHR offers legislative assistance and training opportunities and education activities for law enforcement officials with a view to promoting tolerance, non-discrimination, and mutual respect and understanding within societies. The ODIHR also carries out activities aimed at strengthening the capacity of civil society in monitoring, following on and reporting hate-motivated crimes and incidents within the OSCE participating States. Furthermore, the ODIHR works to promote the freedom of religion or belief through reviewing the participating States' legislations.<sup>1353</sup> Finally, the ODIHR serves as a platform for exchanging experiences, lessons-learned and best practices in the field of addressing and combating a series of threats arising from discrimination and intolerance.<sup>1354</sup> The Contact Point for Roma and Sinti Issues within the ODIHR plays a particular role in the battle against intolerance and discrimination, facing Roma and Sinti groups. In this regard, the Contact

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<sup>1352</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

<sup>1353</sup> ---, 'Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?', 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, 'Factsheet of Office for Democratic Institutions and Human Rights'.

<sup>1354</sup> Christophe Kamp, 'The role of the OSCE in combating discrimination and promoting tolerance', *Helsinki Monitor* 2004 no.2, p.134.

Point supports the participating States in their efforts towards promoting tolerance and non-discrimination for the Roma and Sinti communities.<sup>1355</sup>

There are five specific activity fields of the ODIHR in promoting tolerance and combating discrimination within the whole OSCE region. First, the OSCE assists the participating States in their efforts aimed at combating racism, xenophobia and discrimination. Today, racist incidents are increasingly taking place across the whole OSCE region. In order to effectively addressing and combating all forms of violence generated from or motivated by racism, racial hatred or xenophobia, the OSCE has organized various conferences; formulated policies; carried out specific activities; and provided assistance and expertise to the participating States to develop appropriate hate crime legislation and education systems. The ODIHR regularly monitors racist incidents within the participating States. The ODIHR helps the participating States to improve their legislation and appropriate national structures and specific strategies which can be used to fight against violent expressions of racism. In its efforts to counter all forms of racism and xenophobia, the ODIHR works in close and active co-operation with the 'Council of Europe's European Commission against Racism and Intolerance' (ECRI) and the 'European Union's Agency for Fundamental Rights' (FRA).<sup>1356</sup>

Second, the OSCE assists the participating States to combat anti-Semitism and promote Holocaust remembrance. Anti-Semitism covers "verbal harassment, hate speech and violent attacks targeting Jews and Jewish institutions, neo-Nazi activities and Holocaust denial". Particularly in the last ten years, the OSCE has intensified its efforts to combat anti-Semitism as an integral component of the overall activities aimed at promoting tolerance and non-discrimination. In this respect, the OSCE participating States have developed a number of commitments and undertake several measures, particularly focusing on more effective law enforcement, legislation, strengthening civil society and education.

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<sup>1355</sup> Ibid., pp.130-131.

<sup>1356</sup> ---, 'OSCE-ODIHR-Combating racism, xenophobia and discrimination', available at <http://www.osce.org/odihr/44453>, Accessed on 10 November 2013.

The ODIHR collects information and report on anti-Semitic motivated incidents and hate crimes throughout the OSCE area. The ODIHR also aims to increase the awareness with respect to existing and potential risks, threats and challenges related to anti-Semitism; and to contribute to the facilitation of the exchange of best practices, experiences and lessons-learned on how governments, civil society and Jewish community organizations from the OSCE participating States prevent and respond better to anti-Semitic incidents and hate crimes. Furthermore, the ODIHR, working in close co-operation with its partners, becomes engaged in “developing teaching tools and overviews of good practice for educators and public officials to support their efforts to address contemporary anti-Semitism and promote Holocaust remembrance”.<sup>1357</sup>

Third, the OSCE supports the participating States in their efforts aimed at combating discrimination against Muslims. In recent years, Muslims have been facing extensively intolerance and discrimination within the OSCE area. “The war on terror, the global economic crisis, anxieties about national identity and the difficulties in coping with the increasing diversity in many societies” has resulted in increasing hostile tendencies against Muslims and Islam. Muslims have been subjected to a series of discrimination such as “verbal harassment, hate speech, violent attacks and religious profiling”. Furthermore, many Muslims cannot find equal opportunities in the field of education, housing, employment and health care. They are also seriously restricted to freely and publicly express their religion.

As an important part of the overall efforts of the OSCE aimed at combating intolerance and discrimination against Muslims, the OSCE participating States do not accept any link between any religion or culture and terrorism. The ODIHR has carried out a range of activities with a view to support the participating States in combating intolerance and discrimination against Muslims. In this regard, the ODIHR monitors hate-motivated incidents and hate crimes against Muslims within the OSCE region. The ODIHR collects data and information and generates annual reports on hate-motivated incidents against

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<sup>1357</sup> ---, ‘OSCE-ODIHR-Combating anti-Semitism and promoting Holocaust remembrance’, available at <http://www.osce.org/odihr/antisemitism>, Accessed on 10 November 2013.



Muslims. The ODIHR also delivers educational programmes and policies to the participating States in order to combat prejudice, intolerance and hatred hostility. Furthermore, the ODIHR offers hate-crimes-related training opportunities for NGOs engaged in the issues of intolerance and discrimination against Muslims within the OSCE participating States. Finally, the ODIHR works to establish regional and international platforms with the aim of emphasizing difficulties in dealing with intolerance and discrimination against Muslims and identifying further recommendations.<sup>1358</sup>

Fourth, the OSCE works to promote the freedom of religion or belief. 'Freedom of thought, conscience, religion, or belief is among the major human rights and fundamental freedoms. Over the years, OSCE has contributed substantially to the emergence of a well-established normative framework through developing commitments on the freedom of thought, conscience, religion, or belief.'<sup>1359</sup>

The ODIHR supports the participating States, religious communities and civil societies in their efforts to improve and protect the right to freedom of religion or belief. The ODIHR also assists the participating States in their efforts towards addressing and dealing with discrimination and intolerance motivated by religious grounds.

The ODIHR carries out a number of activities in the field of freedom of religion or belief. Firstly, the ODIHR reviews the participating States' legislations related to the freedom of religion or belief with the purpose of increasing their legislations' compliance with the relevant OSCE commitments and relevant international standards. Secondly, the ODIHR regularly monitors specific cases including "a violation of the right to freedom of religion or belief" within the OSCE participating States. Thirdly, the ODIHR provides the participating States with the expertise and information on the issues with regard to freedom of religion or belief. Finally, the ODIHR has published a number of documents in the field of freedom

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<sup>1358</sup> ---, 'OSCE-ODIHR- Combating discrimination against Muslims', available at <http://www.osce.org/odihhr/90060>, Accessed on 10 November 2013.

<sup>1359</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.50.

of religion or belief such as 'Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools' and 'Guidelines for Review of Legislation Pertaining to Religion or Belief'.<sup>1360</sup>

The OSCE has intensified its efforts to promote inter-religious and inter-cultural dialogue as well as religious tolerance particularly after the terrorist attacks of September 11, 2001 in the USA. In this respect, the participating States reject "to identify terrorism with any nationality or religion". The participating States have also reconfirmed that "action against terrorism is not aimed against any religion, nation or people".<sup>1361</sup>

'The Advisory Panel of Experts on Freedom of Religion or Belief' was established by the ODIHR in 1997. The Panel is tasked to serve "as an advisory panel and consultative body" engaged in bringing important issues into the agenda and proposing constructive approaches and strategies in the field of improving religious freedom. The Panel is composed of prominent and independent experts having different backgrounds and numerous faiths throughout the OSCE participating States. The Panel, with the help of the ODIHR, provides expertise to the participating States, OSCE field missions and NGOs in the field of freedom of religion or belief. The Panel includes an 'Advisory Council' composed of 15 experts nominated by the ODIHR. Other Panel members are nominated by the OSCE participating States. The Advisory Council and other members of the Panel take part regularly in the meetings organized by the ODIHR and other specific events relating to freedom of religion or belief.<sup>1362</sup>

The Advisory Panel of Experts on Freedom of Religion or Belief provides support and assistance to the participating States to achieve a full and effective implementation of the

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<sup>1360</sup> ---, 'OSCE-ODIHR-Freedom of religion or belief', available at <http://www.osce.org/odihr/44455>, Accessed on 10 November 2013.

<sup>1361</sup> Frank Evers, Martin Kahl and Wolfgang Zellner, 'The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki', *Center for OSCE Research (CORE)*, Vienna, 2005, p.50.

<sup>1362</sup> ---, 'OSCE-ODIHR-Freedom of religion or belief', available at <http://www.osce.org/odihr/44455>, Accessed on 10 November 2013.

OSCE commitments in the field of freedom of religion or belief. The Panel also works to promote freedom of thought, conscience, religion, or belief within the OSCE participating States. Furthermore, the Panel aims at strengthening inter-religious and interfaith dialogue; preventing conflict which can be generated religion or belief matters; delivering expertise, analysis and comments with respect to specific issues including a possible violation of the right to freedom of religion or belief; raising the awareness on relevant issues related to freedom of religion or belief; and finally undertaking various initiatives in the field of religion and tolerance education.<sup>1363</sup>

Finally, the ODIHR assists the participating States in the field of combating hate crimes. “A hate crime is a crime that is motivated by intolerance towards a certain groups within society”. There are two main determining criteria for qualifying a criminal act as a hate crime. Firstly, “the act must be a crime under the criminal code of the legal jurisdiction in which it is committed” and secondly, “the crime must have been committed with a bias motivation”. ‘Bias motivation’ signifies that “the perpetrator chose the target of the crime on the basis of protected characteristics. A ‘protected characteristic’ is a fundamental or core characteristics that is shared by a group, such as race, religion, ethnicity, language or sexual orientation”. “A person, people or property associated with a group sharing protected characteristics” can be targeted by a hate crime.

Hate crimes are increasingly threatening security and stability at all levels within the OSCE region. Hate crimes are a serious violation of human rights and fundamental freedoms and have very damaging effects on victim communities. Hate crimes undermine social cohesion and harmony, giving rise to the large-scale violent conflicts. Hence, the OSCE participating States have developed a number of commitments in order to address hate crimes. The ODIHR supports the participating States to implement relevant commitments in the field of combating hate crimes. The ODIHR generates an “annual report on hate crime” with the aim of monitoring and evaluating the hate crimes trends within the OSCE participating States. The ODIHR encourages the participating States and civil societies to exchange their best practices and lessons-learned in combating hate crimes. The ODIHR carries out training

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<sup>1363</sup> ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

activities aimed at promoting the capacity building of the participating States on criminal justice systems, the law-enforcement officials, prosecutors and judges. The ODIHR works to increase the awareness on hate crimes at all levels. The ODIHR also provides the participating States with the assistance in drafting and designing their legislations related to hate crimes with a view to more effectively addressing and combating all forms of hate crimes within the OSCE region. Finally, the ODIHR supports civil societies in their efforts for monitoring and reporting hate crimes throughout the OSCE region.<sup>1364</sup>

In addition to the ODIHR, the HCNM works to combat all forms of discrimination and promote tolerance through creating harmony and dialogue between different ethnic groups within the OSCE area. The 1993 CSCE Rome Ministerial Council called the HCNM “in light of his mandate to pay particular attention to all aspects of aggressive nationalism, racism, chauvinism, xenophobia, and anti-Semitism”.<sup>1365</sup> The RFM observes relevant media developments within the OSCE participating States, and supports the participating States in ensuring compliance with Organization’s norms and commitments with regard to the freedom of the media and freedom of expression.<sup>1366</sup> In this regard, the RFM, through developing media based projects and measures, can play a constructive role in promoting tolerance among people from different religions and beliefs. The RFM can also contribute to the prevention of and fighting against all forms of intolerance and discrimination, including racism, xenophobia, aggressive nationalism, chauvinism and anti-Semitism as well as discrimination against Christians and Muslims.<sup>1367</sup>

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<sup>1364</sup> ---, ‘OSCE-ODIHR-Hate crime’, available at <http://www.osce.org/odihr/66388>, Accessed on 10 November 2013.

<sup>1365</sup> Christophe Kamp, ‘The role of the OSCE in combating discrimination and promoting tolerance’, *Helsinki Monitor* 2004 no.2, p.130.

<sup>1366</sup> ---, ‘The OSCE Representative on Freedom of the Media, Safety of Journalists Factsheet’.

<sup>1367</sup> Christophe Kamp, ‘The role of the OSCE in combating discrimination and promoting tolerance’, *Helsinki Monitor* 2004 no.2, p.131.

To conclude, it is very clear that the violation of the principles of tolerance and non-discrimination undermines security and stability and creates damaging effects on societies and inter-State relations.<sup>1368</sup> Addressing the threats and challenges generating from intolerance and discrimination within societies require a comprehensive approach. According to Orhun, “the historical, cultural and psychological depth of the issue of discrimination and intolerance always needs to be taken into full consideration. A sound normative framework to combat intolerance and discrimination both in international and national fora does exist; what is needed is putting this normative framework into full use and implementation”. Additionally, “political exploitation of the issues related to discrimination and intolerance against religious groups” should be avoided.<sup>1369</sup>

There is a well-known fact that principles of tolerance and non-discrimination is closely linked to the human rights and fundamental freedoms. Tolerance and non-discrimination can be promoted through protecting and enhancing human rights and fundamental freedoms as well as strengthening democracy. All human beings benefit from these principles.<sup>1370</sup>

Orhun states that fostering social harmony and mutual respect and understanding between cultural and religious groups within societies can result in the promotion of tolerance and non-discrimination. In order to find lasting and working solutions to the problems occurred as a result of intolerance and discrimination in the OSCE region, the participating States should ensure that inter-cultural and inter-religious dialogue is strengthened.<sup>1371</sup> Because “the existing lack of meaningful dialogue and confidence” poses serious threats to security, stability and peace within the OSCE region, resulting in increasing intolerant and discriminatory tendencies.

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<sup>1368</sup> Ömür Orhun, ‘Intolerance and discrimination against Muslims (Islamophobia)’, *Security and Human Rights* 2009, no.3, p.197.

<sup>1369</sup> Ibid., p.195.

<sup>1370</sup> Ibid., p.197.

<sup>1371</sup> Ibid., pp.192-195.

On the other hand, respect for cultural diversity within societies and states should be established. “Any clash or any perception of clash among civilizations, cultures or religions” must be avoided and eradicated which in turn can help to create an environment where all people live together in peace.<sup>1372</sup> In order to create multi-cultural and harmonious societies, the participating States are required to undertake all necessary measures aimed at fostering successful integration of different religious and cultural groups into the societies where they live. In doing so, extremist and radical tendencies can be prevented.<sup>1373</sup>

Today, all OSCE participating States are in need of facilitating successful integration of minorities within their societies. Kamp argues that as an integral part of the overall efforts for promoting tolerance and non-discrimination within the OSCE region, the participating States should “find the right way to build and protect a national identity while integrating people with different backgrounds”. In this respect, the OSCE can support the participating States in their efforts for integrating diversity in their multi-cultural societies which in turn contributes to the participating States’ efforts in their battle against all forms of discrimination and intolerance.<sup>1374</sup>

Today, all OSCE participating States are confronted with threats and challenges arising from discrimination and intolerance. Multicultural societies have been facing serious challenges and risks derived from intolerance and discrimination. On other hand, the OSCE consists of 57 participating States from different regions, cultures, religions and traditions, marking a great richness for an international organization. In this respect, the OSCE has accumulated considerable experiences and knowledge in combating discrimination and promoting tolerance within the participating States. Therefore, the OSCE can play a significant role in creating and maintaining harmony and dialogue among cultures, religions and even

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<sup>1372</sup> Ibid., p.197.

<sup>1373</sup> Ibid., pp.199-200.

<sup>1374</sup> Christophe Kamp, ‘The role of the OSCE in combating discrimination and promoting tolerance’, *Helsinki Monitor* 2004 no.2, p.127.

civilizations,<sup>1375</sup> which in turn enable the Organization to make considerable contributions to the participating States in their efforts for combating intolerance and discrimination.

Zellner argues that the OSCE with its comprehensive approach to security, cross-dimensional approach to security, its flexibility to act, its inclusive membership and its specialized permanent institutions as well as its field operations is well-placed as a regional security organization to prevent conflicts, stemming from inter-religious and inter-cultural clashes and tensions.<sup>1376</sup>

To conclude, the OSCE has contributed to combating intolerance and discrimination by serving as a platform to raise the political awareness of the governments and civil societies on the issues of tolerance and non-discrimination.<sup>1377</sup> All OSCE participating States have reached a consensus on the necessity and importance of undertaking all required measures aimed at eliminating and preventing all forms of discrimination and intolerance. Because several forms of threats arising from discrimination and intolerance constitute a serious threat and challenge to the security and stability of the whole OSCE area, the participating States do not want to politicize tolerance and non-discrimination issues within the OSCE.<sup>1378</sup>

Culture and dialogue have been always indispensable components of the OSCE's approach to security and stability. Because the OSCE takes the view that long-term security and stability can be only achieved through promoting dialogue among cultures and religions.

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<sup>1375</sup> Marc Perrin de Brichambaut, 'The OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.188.

<sup>1376</sup> Wolfgang Zellner, 'Identifying the Cutting Edge: The Future Impact of the OSCE', *Center for OSCE Research (CORE) Working Paper 17*, Hamburg, 2009, p.25.

<sup>1377</sup> Christophe Kamp, 'The role of the OSCE in combating discrimination and promoting tolerance', *Helsinki Monitor* 2004 no.2, p.134.

<sup>1378</sup> *Ibid.*, p.138.

Therefore, the OSCE's approach is that strengthening dialogue among cultures is highly significant in creating and maintaining security and stability at all levels.<sup>1379</sup>

#### **7.4. Conclusion**

This chapter focused on the human dimension of the OSCE. Since the Helsinki Final Act in 1975, the OSCE has successfully integrated human dimension-related issues into the security agenda. The OSCE's human dimension reflects very well the Organization's non-military aspects of security functions, covering a broad range of activity fields. The human dimension is an integral part of the OSCE's comprehensive approach to security along with the politico-military and economic and environmental dimensions. Human rights, fundamental freedoms, democracy and the rule of law constitute vital elements of the OSCE's human dimension. The OSCE participating States are strongly convinced that lasting security cannot be achieved without respect for human rights and functioning democratic institutions. Security is not totally independent from the practice of strong democratic institutions, the rule of law and respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. States' failure to meet these conditions can create instabilities and insecurities in the OSCE region. A wide range of threats can generate from systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities within the OSCE region.

During the Cold War years, the human dimension of the OSCE was only based on human rights-related issues in a narrow scope. Although human rights-related subjects were separately categorized in the third basket of the Helsinki Final Act, they were mainly considered supplementary elements of the first basket, so-called 'security dimension'. In the Cold War era, the human dimension of the OSCE was basically developed around the human rights and fundamental freedoms, including the rights of persons belonging to national minorities. However, with the end of the Cold War and the collapse of the Soviet

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<sup>1379</sup> Marc Perrin de Brichambaut, 'The OSCE and the 21st Century', *Helsinki Monitor: Security and Human Rights* 2007 no.3, pp.188-189.



Union, the democratic and economic transformation processes of the former socialist regimes in Central and Eastern Europe came to the fore. In this regard, in the post-Cold War era, democracy and democratization efforts started to constitute one of the central pillars of the OSCE's human dimension along with the human rights. Today, democracy and human rights are the main foundations of the OSCE's human dimension.

After the end of the Cold War, the scope of the human dimension has substantially and continuously broadened, including a set of newly emerging issues such as gender equality, media freedom and tolerance and non-discrimination, which are closely linked to security. For instance, the ODIHR was initially designed as an institution to promote free and fair elections with the name of 'the Office for Free Elections' in the very early of the 1990s. However, in the post-Cold War era, the Office for Free Elections was transformed to the ODIHR with a wider mandate as a result of the newly emerging non-military security issues in relation to human dimension.

The OSCE has performed a broad range of human dimension activities in a combination with the politico-military and economic-environmental dimensions with a view to effectively addressing and dealing with risks, threats and challenges to security in its region. The OSCE has developed a well-established normative framework in the field of human dimension including the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law. The OSCE has also established a set of human dimension mechanisms and permanent institutions with a view to assisting all the participating States in the implementation of human dimension commitments. Furthermore, the OSCE acknowledges that ensuring effective implementation of human dimension commitments can be only achieved with monitoring and reviewing the implementation of these commitments. Hence, the OSCE established a set of institutions and mechanisms and organizes conferences, events, review meetings, and seminars to assist the participating States in monitoring the implementation of human dimension commitments regularly.

The OSCE field missions have also played an important role on the ground in terms of assisting the participating States in implementing the OSCE's human dimension

commitments. The field operations are of vital importance to support the host participating States in their efforts to put the human dimension-based commitments into practice.

The ODIHR is a key human dimension institution of the OSCE. The ODIHR carries out a wide range of human dimension-related activities aimed at strengthening security, stability, and democracy within the entire OSCE region. In this respect, the ODIHR has a wide range of tasks; contributing to the efforts for dealing with trafficking in human beings; promoting democratization and democratic institutions through democracy assistance projects; strengthening the rule of law; assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance; ensuring respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities; promoting media freedom and gender equality; and combating intolerance and discrimination within the OSCE region.

Democracy is an indispensable element of the Organization's comprehensive approach to security. The activities of the OSCE within the framework of its human dimension particularly focus on building, strengthening and protecting democratic institutions within all the participating States. In this respect, as an integral component of the Organization's democratization efforts, being able to conduct free and fair elections within the OSCE region is highly important for all the participating States. The OSCE's approach is that enabling free, fair, transparent and democratic elections has vital importance in facilitating the effective and legitimate governments within the participating States. Therefore, the OSCE has established main norms, principles and commitments related to conduct of free, fair and democratic elections within the OSCE region.

The OSCE is a leading organization in its region in the field of election observation and assistance. Monitoring elections plays a constructive role in meeting international standards for democratic elections as well as in complying with the OSCE's norms and commitments in the field of elections. In this respect, the OSCE participating States are provided with the election monitoring and observation service by the ODIHR as an efficient and valuable instrument aimed at strengthening and promoting free, fair, transparent and democratic elections. The OSCE's election monitoring work can be seen as a significant

instrument in the promotion of democratic elections through increasing the level of confidence.

The OSCE adopts an approach that security cannot be ensured without taking human rights into consideration. Human rights and security do not compete with each other but they are complementary. In this regard, the OSCE's approach is that security can only be achieved and maintained through the promotion and protection of human rights and fundamental freedoms along with democracy and the principle of the rule of law. In other words, ensuring respect for human rights and fundamental freedoms, strengthening democratic institutions and promoting the rule of law can serve as the best long-term guarantor of security and stability within the whole OSCE region. Within this framework, protecting and improving human rights and fundamental freedoms, including the rights of persons belonging to national minorities as well as establishing respect for them has been always an integral and indispensable component of the OSCE's comprehensive concept of security within the framework of the Organization's human dimension. The OSCE has developed a well-established normative and operational frameworks and instruments in order to protect and improve human rights and fundamental freedoms. The activities of the OSCE in the field of human rights and fundamental freedoms serve as a significant contributor to the strengthening and promoting security and stability within the entire OSCE region. The OSCE also works to establish respect for the rights of national minorities in terms of achieving long-standing security and stability within the entire OSCE area.

The OSCE has integrated human dimension issues into the security agenda. In other words, the OSCE has brought a human dimension to security. Nevertheless, all positive records achieved in the human dimension by the OSCE do not necessarily mean that all human rights and democracy-related commitments are fully and effectively implemented by all the participating States. The OSCE region has been facing serious violations of human dimension-based norms, principles and commitments. These violations have created serious insecurities and instabilities for the individuals and groups as well as States. Although the OSCE has registered visible records in supporting the transition countries towards democracy in Eastern and South-Eastern European countries, in other regions of the OSCE space the Organization must intensify its efforts to ensure that respect for human

rights and democratic principles and commitments are promoted and strengthened. However, it can be concluded that the OSCE's center of gravity on the non-military security issues derives from the human-dimension-related activities despite the growing opposing views of the participating States towards the Organization's attempts and tasks in the field of human dimension such as democracy, human rights and election monitoring. The OSCE has developed both normative framework and operational capabilities in the human dimension.

## **CHAPTER 8**

### **CONCLUSION**

This dissertation has analyzed the OSCE's comprehensive approach to security in its region in the new security environment of the post-Cold War era. Through examining the OSCE's comprehensive approach, the dissertation has provided a comprehensive analysis of the OSCE's practices over three dimensions of security within the conceptual framework of comprehensive security. In this regard, the dissertation placed a special emphasis on chapters regarding the three dimensions of security. Analyzing the OSCE's performance or effectiveness over its three dimensions, the dissertation aimed to portray and discuss the overall record or impact made by the OSCE on security and stability within its region. The dissertation has also discussed the weaknesses, shortcomings and limitations of the OSCE in institutional and operational terms, particularly focusing on reform debates revolving around the Organization.

The dissertation tried to answer the main research question formulated as the following: 'How has the OSCE continued its own existence or survived as a regional security organization in the new security environment of the Post-Cold War era, despite its initial design as a conference process during the Cold War period in order to provide a platform for dialogue between the two blocs, to outline the main guiding principles for intra-state conduct, and to build up confidence and trust in the field of military security'?

The OSCE, originally, CSCE, was the product of the Cold War conditions. Inter-state relations and the military aspects of security or traditional military security issues, including arms control and confidence and security building measures were the main themes of the Helsinki Process during the Cold War era. International security was the main focus of dialogue and co-operation among the CSCE participating States. The CSCE served as an agent for the promotion of international security through building up confidence and trust and providing a dialogue platform between the two blocs during the Cold War period.

Economic-environmental and human rights-related issues included in the Helsinki Final Act were primarily seen as supplementary components of the 'Questions related to Security in Europe', so-called 'the first basket of the Helsinki Final Act' until the end of the Cold War period. However, with the end of the Cold War, the military aspects of security started to diminish in importance relatively and non-traditional security issues or non-military aspects of security have gained importance as a result of the newly emerging non-traditional security threats and challenges. That is, threat resources have been diversified, including political, economic, environmental and societal domains as well as military ones. Within this framework, non-military security issues, including the economic-environmental and human dimension-related subjects, have become central pillars of the OSCE's comprehensive security approach. In this regard, the OSCE has developed its comprehensive security approach in a structured form, including the three dimensions of security.

Although it was originally created in line with the Cold War conditions, the OSCE has transformed successfully in institutional terms with a view to adapting itself to the newly emerging security environment in the post-Cold War era. With the end of the Cold War, the OSCE entered a rapid institutionalization process which resulted in the creation of decision-making bodies, structures, permanent institutions and operational instruments and capabilities in order to respond better to the new security risks, threats and challenges in the new security environment of the post-Cold War era. As a reflection of its institutional development, the OSCE started to act as regional security organization by 1995. The OSCE has increasingly focused on non-military security issues, covering a broad range of areas from the three dimensions of security in the newly emerging security environment of the post-Cold War era. Human dimension has considerably widened on the basis of the two closely linked subjects: democracy and human rights.

The main argument of the dissertation is that the OSCE has kept its relevancy in the post-Cold War era by focusing on non-military aspects of security or non-traditional security issues despite the ongoing debates on the relevancy of the OSCE as a security organization and the participating States' growing divergent views on security and the role and institutional development of the Organization. In the post-Cold War era, the OSCE has

shifted its focus of attention in line with the increasing significance of non-military security issues by using soft instruments such as preventive diplomacy, co-operation, dialogue, negotiation and compromise. The OSCE could transform itself in institutional terms and operate in line with the growing significance of the non-traditional security issues in the post-Cold War era. The OSCE's specialized permanent institutions are mainly active in non-military aspects of security, including conflict prevention, democratization, human rights, elections, the rule of law, tolerance and non-discrimination and media freedom. Similarly, the OSCE field missions perform a wide range of tasks according to their mandate mostly in the non-military fields such as post-conflict rehabilitation and post-conflict peace-building activities aimed at creating and strengthening democratic institutions and democratic societies and ensuring respect for human rights and fundamental freedoms, including the rights of people belonging to national minorities. The OSCE has been mostly engaged in non-military aspects of security in the post-conflict regions and countries. However, the OSCE's focus on non-military security issues in the post-Cold War era has not resulted in a balanced way in terms of the Organization's record over its three dimensions of security. While the OSCE has been more active and visible in the fields of conflict prevention, Policing, human rights and democratization, the Organization's impact and visibility in the economic and environmental dimension have remained limited and secondary in comparison to the non-military issues in the field of human dimension and in non-military aspects of politico-military dimension. Economic and environmental dimension can be evaluated as the less effective dimension of the OSCE.

In the post-Cold War era, the changing scope and nature of security threats, risks, and challenges has necessitated a comprehensive approach to security for managing and dealing with these security problems. The new security environment, which has witnessed emergence of new referent objects and security threats, has led the OSCE to make a contribution to the efforts aimed at creating and maintaining a more secure and stable security environment in the post-Cold War era through its comprehensive approach, linking the politico-military, economic-environmental and human dimensions of security in a co-operative manner. The OSCE's comprehensive approach to security are well suited with the dynamics of the newly emerging security environment in its region in the post-Cold War era in terms of addressing common security threats and challenges. In other words, new

security dynamics in the post-Cold War era are very well reflected in the OSCE's comprehensive security approach, encompassing military and non-military aspects of security in an integrated whole. As a result, the OSCE has played an important role in improving security and stability in its region in the post-Cold War era through operating in three dimensions of security within the framework of its comprehensive understanding of security. In this regard, the OSCE's contribution to security, through its activities regarding both military and non-military aspects of security, is visible at different levels that are individuals, groups, states and international system. Despite the participating States of the OSCE have different approaches to security and the limits of the organization itself; the OSCE with its inclusive membership profile provides a platform for multilateral security dialogue and promotes co-operation among all the participating States.

Among the European organizations, the OSCE is distinguishable by a series of characteristics. The main comparative advantages and strengths of the OSCE lies in its broad membership; providing a platform to discuss the existing and potential threats and to maintain dialogue to ease potential tensions; maintaining a high level political dialogue on security; raising awareness; training and lessons learnt; advising, reviewing and supervising; norm-setting and rule-making; policy co-ordination; its comprehensive and co-operative approach to security; the expertise of the Secretariat; experiences of the field missions on the ground; its conflict prevention instruments; and semi-autonomous permanent institutions. The OSCE has been always very creative in finding new institutional forms and instruments to deal with security issues in a comprehensive manner. Therefore, the strengths and relevance of the OSCE lies in its creativity in finding new instruments and institutions to deal with some of the security problems.<sup>1380</sup>

Kühnhardt states that the OSCE has changed its role for a couple of times. It has been transformed while the international environment has been also transforming. But this transformation process never really went in a parallel way. The OSCE is sometimes ahead of its time. In the initial period of the OSCE, this mechanism was used to contribute to

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<sup>1380</sup> Interview with Otmar Höll, Director of Oiip (Austrian Institute for International Affairs), Vienna, 22 November 2012.



softening tensions of the Cold War. It was successful in this regard. It served to de-escalate tensions between east and west. At the initial period of the post-Cold War period, the existence or relevance of the OSCE was being questioned. However, the OSCE has introduced some new elements in the post-Cold War period. The OSCE consolidated itself in institutional terms and established its structures, institutions and mechanisms. The OSCE has focused on democratization as a long term conflict prevention instrument that goes beyond the simple feature of free and fair elections. The OSCE has engaged in good governance and human security in its specific region. The OSCE has tried to maintain and implement the elements of 'human security'. The OSCE is the first international institution that turned the idea of human security into a political program. In that sense, the nature of the work of the OSCE has contributed to the ability of the Organization to survive in all changing cycles.<sup>1381</sup>

With regard to the OSCE's overall contribution to improving security and stability in its region, the main findings of the dissertation can be summarized as follows:

First, the OSCE, incorporating a broad range of geographic regions, serves as a main diplomatic forum for dialogue on security and co-operation in an institutionalized form in the Euro-Atlantic and Eurasian regions. All participating States are allowed to bring their security concerns on the table. The OSCE works in a permanent, institutionalized, and open dialogue on all security issues included in the Organization's comprehensive agenda.

Second, the OSCE is the main norm-setting and monitoring organization in its region over three dimensions of security. The OSCE has created a normative framework for its participating States. The OSCE has established a wide variety of norms, principles, standards and rules for both domestic and international behavior. Additionally, the implementation of the norms, principles and commitments are regularly monitored and reviewed by the relevant OSCE mechanisms, meetings and permanent institutions.

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<sup>1381</sup> Interview with Ludger Kühnhardt, Director, Centre for European Integration Studies, Bonn, 14 May 2013.

Third, the OSCE has developed a number of permanent institutions which are specialized to perform their basic functions on particularly different aspects of politico-military and human dimension-related activities. The autonomous institutions of the OSCE, namely the ODIHR, the HCNM, and the RFM, can act with a high degree of autonomy and operate according to their mandates with minimum interference from the participating States.

Fourth, the OSCE field operations have become an important part of the work of the organization. The OSCE's comprehensive and co-operative approaches to security are very well reflected in the OSCE's field operation activities. The field operations are active in a wide variety of issues, including all three dimensions of security in co-operation and co-ordination with the governments and authorities of the host countries and relevant OSCE structures and institutions as well as other interested regional and international organizations on the ground. The OSCE field missions have provided assistance and support to the host participating States with a view to enable them to comply with the OSCE norms, principles and commitments in all three dimensions of security. The field missions have also made valuable contributions to the relevant participating States in the successful management of the transition processes towards democracy and functioning market economy in the post-Cold War era. Furthermore, the OSCE field operations have been deployed to provide early warning, conflict prevention and crisis management, peaceful settlement of disputes, and post-conflict peace building and post-conflict rehabilitation. The field missions symbolize the OSCE's added value in comparison with other international and regional institutions, acting in the field of security.

Fifth, the OSCE has developed three conceptual approaches to security as the main guiding principles of its philosophy. Comprehensive, co-operative and indivisible security approaches are the main foundations of the OSCE in an integrated whole.

Sixth, having convinced "security in the OSCE region is inseparably linked to that of its neighbors and can be strengthened through dialogue and the sharing of OSCE norms, commitments and expertise"<sup>1382</sup>, the OSCE has established a partnership framework for co-

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<sup>1382</sup> ---, 'Factsheet on OSCE Partners for Co-operation, OSCE Partnership for Co-operation', 20 May 2011, available at <http://www.osce.org/ec/77951?download=true>.

operation with the countries from the Mediterranean and Asia. Partnership mechanism serves as an instrument to strengthen security through co-operation with the partner States. The OSCE's Partnership mechanism creates a dialogue platform for both the participating States and partner States to facilitate exchange of information, ideas and experiences regarding the recent developments with respect to all three dimensions of security.

Seventh, the OSCE has contributed to some extent to the maintenance of international security through its engagement in arms control and disarmament issues and developing CSBMs in the military field. The politico-military dimension of the OSCE has contributed to enhancing security and stability by promoting openness, transparency and predictability in the field of military. The OSCE has supported the implementation of arms control treaty regimes which constitute the main foundations of European conventional security architecture. The CSCE/OSCE has provided assistance and support for the full and effective implementation of the Treaty on CFE and the Open Skies Treaty since their inception. These multilateral instruments constitute the backbone of the European conventional security architecture and operate under the umbrella of the OSCE. The CFE Treaty and the Open Skies Treaty, including legally binding commitments, have been designed to contribute to the creation and maintenance of security, stability and peace in the Euro-Atlantic area. CSBMs also represent a key element of politico-military co-operation and stability in the OSCE area. A comprehensive set of CSBMs have been developed within the CSCE/OSCE frameworks with a view to increasing transparency, openness and predictability in the field of military planning and activities undertaken by the participating States. The CSBMs have been mainly designed to build trust and confidence among the participating States and reducing the possibility of armed conflicts or military confrontation by improving transparency, openness and predictability. The CSBMs provide an important complementary framework for the arms control and disarmament regimes and agreements within the OSCE's politico-military dimension.

Under the umbrella of the politico-military dimension, the OSCE not only focuses on military issues but also deals with non-military security issues such as international

terrorism, conflict prevention and resolution, border security and management; military reform and co-operation, and Policing.

The OSCE has performed a series of conflict management activities, focusing on early warning, conflict prevention, conflict resolution and finally post-conflict rehabilitation and post-conflict peace-building. The OSCE has engaged in ethno-political conflicts in its region through its specialized structures, permanent institutions, mechanisms and instruments as well as its field operations on the conflict zones. The OSCE registered some success in conflict prevention in Crimea, and the Baltic countries in the 1990s. The OSCE also carries out a range of post-conflict reconstruction and peace building activities in post-war societies. The OSCE has been mostly engaged in non-military aspects of security building efforts in post-war or post-conflict societies. Non-military and human dimension-based activities are of vital importance in the realization of long-standing peace and stability in the post-conflict environments. In this regard, the OSCE has contributed considerably to the efforts towards building long-term security and stability in post-conflict societies through protecting and improving human rights and fundamental freedoms, including the rights of persons belonging to national minorities; encouraging the creation of democratic institutions and practices; strengthening the rule of law; promoting the media freedom; and supporting civil society.

Eight, the OSCE has been successful in bringing economic and environmental concerns to the security agenda, through reviewing effectively the developments in the economic and environmental fields. The OSCE has established an understanding that close and effective co-operation and co-ordination on economic and environmental matters can make contribution to improving security, stability and prosperity throughout the whole OSCE region. In this regard, the OSCE aims to provide a platform for co-operation on economic and environmental issues. The OSCE mainly tries to deal with the economic and environmental issues which may have negative implications on security within the participating States.

Finally, the OSCE has successfully integrated human dimension-related issues into the security agenda. The OSCE has brought a new dimension to security, namely human

dimension. The human dimension has gained importance since the end of the Cold War. The scope of the human dimension component has been continuously developed over the years. The OSCE's human dimension reflects very well the Organization's non-military aspects of security functions, covering a broad range of activity fields. The OSCE has developed a well-established normative framework in the field of human dimension including norms, principles and politically-binding commitments. The OSCE has also established a set of human dimension mechanisms and permanent institutions with a view to assist all the participating States in the implementation of human dimension commitments. Furthermore, the OSCE organizes regular conferences, events, review meetings, and seminars in monitoring the implementation of human dimension commitments. The OSCE adopts an approach that ensuring respect for human rights and fundamental freedoms, strengthening democratic institutions and promoting the rule of law can serve as the best long-term guarantor of security and stability within the whole OSCE region. In this regard, the activities of the OSCE in the field of human dimension serve as a significant contributor to the strengthening and promoting security and stability in the long-term within the entire OSCE region.

Democracy and human rights are the two main foundations of the OSCE's human dimension. The OSCE adopts an approach that security cannot be ensured without taking human rights into consideration. In this regard, the OSCE's approach is that security can only be achieved and maintained through the promotion and protection of human rights and fundamental freedoms along with democracy and the principle of the rule of law. Democracy is also an indispensable element of the Organization's comprehensive approach to security. The human dimension activities of the OSCE particularly focus on building, strengthening and protecting democratic institutions within all the participating States. In this respect, as an integral component of the Organization's democratization efforts, being able to conduct free and fair elections within the OSCE region is very significant. The OSCE's approach is that enabling free, fair, transparent and democratic elections has vital importance in the creation and maintenance of democratic societies and structures. Therefore, the OSCE has established main norms, principles and commitments related to the conduct of democratic elections within the OSCE region. At the same time, the OSCE is a leading organization in the field of election observation and assistance in its region.

Monitoring elections plays a constructive role in meeting international standards for democratic elections as well as in complying with the OSCE's norms and commitments in the field of elections. In this respect, the OSCE participating States are provided with the election monitoring and observation service by the ODIHR as an efficient and valuable instrument developed for promoting free, fair, transparent and democratic elections.

Despite all the positive work done by the Organization, the OSCE faces two main challenges. The first one is about different security priorities and understandings of the OSCE participating States as well as their opposing views towards the OSCE's role, tasks and further institutional development. The second one is about the institutional and operational shortcomings and weaknesses of the OSCE. The following parts of the concluding chapter focus on these issues.

The OSCE has been increasingly challenged by the growing divergent perceptions of the participating States towards the role and mission of the Organization, particularly since the late 1990s. The OSCE participating States have different understandings of security. The participating States are also diverse in their security concerns. Furthermore, they also differ in their views on which issues the OSCE should become engaged and how the OSCE should be used to deal with common threats and challenges, facing the OSCE region. Divergent views on security among the participating States have led to different expectations from the Organization. The participating States have also different views with regard to the institutional structure and working procedures and methods of the OSCE. Russian Federation states that the OSCE with its current structures and methods cannot provide a comprehensive security for the participating States. In contrast to this argument, the Western participating States of the OSCE are of opinion that an OSCE, which will be shaped according to Russian desires and reform proposals, cannot function properly and the Organization may lose its flexibility and creativity. As a result, these opposite approaches on security have created serious disagreements among the participating States on the current functioning of the OSCE and these confrontational positions have seriously weakened the effectiveness of the OSCE in general.

The Russian Federation and some CIS members tend to put more emphasis on traditional military and state-centric aspects of security within the OSCE. On the other hand, Western participating States pursue a policy within the OSCE, aiming at covering the security of individuals and groups as well as classical state security. In this regard, the fact that the OSCE participating States have different approaches to security has been always resulted in 'tension' within the Organization and this tension naturally affects the survival, effectiveness and functioning of the OSCE. In theory, the OSCE can provide a comprehensive security framework in its region through its normative framework, organizational structure and instruments. However, in reality, the OSCE's role, as a comprehensively structured security organization, has been considerably limited by the divergent emphasis of the participating States on the Organization's tasks, functions and working procedures and methods. The OSCE is strongly affected in negative terms by increasing divergence among its participating States. As a result, the OSCE is far from providing a comprehensive security in operational terms which can deliver concrete resolutions for the security problems of all the participating States along with the three dimensions of security. Different security views and priorities of the participating States are seriously undermining the OSCE's potential as a security organization. The result is that the OSCE is less effective and not well-functioning organization over its three dimensions. One of the OSCE's core functions is to manage and bridge diverging perceptions of security among the participating States. However, the Organization has not been able to do this mission since the late 1990s.

"New lines of divergence have formed between the OSCE participating States. They are pursuing contradictory agendas and disagree on an increasing number of issues. As the most comprehensive and inclusive regional institution, it is, at the same time, the weakest of the major Euro-Atlantic and Eurasian international organizations".<sup>1383</sup> Divergent tendencies on security always prevail within the OSCE. The opposing views of the participating States towards the OSCE are very well reflected by the Russian Federation and some CIS member States' criticisms and reform proposals for the Organization.

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<sup>1383</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, 'Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality', 18 October 2012, Hamburg, Paris, Moscow, Warsaw, pp.12-13.

Russian criticism against the OSCE can be categorized under the four main headings. Firstly, Russia criticizes the OSCE on the basis that the Organization puts too much emphasis on the human dimension issues such as human rights, democratization, elections, and the media.<sup>1384</sup> For Moscow, politico-military and economic-environmental dimensions have been considerably neglected by the OSCE in favor of its human dimension.<sup>1385</sup> “Disproportionate priority given by the OSCE to the human dimension, at the expense of the politico-military and the economic-environmental dimensions have led to the erosion of the OSCE’s concept of comprehensive security”. Institutional resources have not been allowed equally to the OSCE’s activities over its three dimensions. Therefore, there is no a balanced development between the three dimensions of the OSCE in terms of achievements and visibility.<sup>1386</sup>

Secondly, Russia is concerned with the geographical asymmetry in terms of the OSCE’s involvement in the participating States. Russia argues that “the OSCE has substantially limited its activities to selected regions and countries in total contradiction with the spirit and purpose of an Organization supposed to function on the basis of co-operation and equal partnership”.<sup>1387</sup> The Organization has concentrated its activities in the countries of the former Soviet Union region and the Balkans which are located in the ‘East of Vienna’.<sup>1388</sup> This situation contributes to the deepening of the geographical imbalances

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<sup>1384</sup> Randolph Oberschmidt and Wolfgang Zellner, ‘OSCE At the Crossroads’, *Centre for Research-Institute for Peace Research and Security Policy-Center for OSCE Research (CORE) Working Paper 2*, Hamburg, 2001, pp.14-15.

<sup>1385</sup> Victor-Yves Ghebali, ‘The Bucharest Meeting of the Ministerial Council (3-4 December 2001): Towards a new consensus at the OSCE?’, *Helsinki Monitor* 2002 no.2, pp.157-158.

<sup>1386</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.27-28.

<sup>1387</sup> Victor-Yves Ghebali, ‘The 8<sup>th</sup> Meeting of the OSCE Ministerial Council (27-28 November): Anatomy of a limited failure’, *Helsinki Monitor* 2001 no.2, p.98.

<sup>1388</sup> Victor-Yves Ghebali, ‘The Reform of the OSCE: Hurdles and Opportunities for a New Relevance’, in Victor-Yves Ghebali and Daniel Warner (eds), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, PSIO Occasional Paper 2/2006, p.59.



within the whole OSCE area.<sup>1389</sup> At the same time, the OSCE field operations have been deployed mostly in Eastern Europe, South Eastern Europe, Caucasus and Central Asia which in turn again led to the geographical asymmetry within the OSCE region.<sup>1390</sup>

Thirdly, Russia and some CIS member States see the OSCE as a foreign policy instrument manipulated by other OSCE participating states against the former Soviet Union republics<sup>1391</sup> through human dimension activities to interfere in internal affairs of the countries in the former Soviet Union region. By doing this, they claim that the main objective is to achieve a political transformation in the long-term in the CIS region. Zagorski asserts that “the OSCE is perceived as an agent of change in the former Soviet Union region”. In other words, “the OSCE is largely perceived as an institution that promotes and encourages the change in the post-Soviet space on behalf of the Western states by pushing the human dimension agenda and by challenging manipulated elections by publicly blaming them as being unfair or even not free”.<sup>1392</sup>

Russia is seriously concerned with the “sudden changes of regime in the post-Soviet space and perceives the USA and EU states as unfairly using the OSCE to bring about such change”.<sup>1393</sup> Russia sees the changes in the former Soviet Union region as security

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<sup>1389</sup> ---, Interview with Russian Ambassador, ‘Russian Federation is strong advocate of OSCE cause’, *OSCE Magazine*, May 2004, pp.18-20.

<sup>1390</sup> Solveig Richter and Wolfgang Zellner, ‘A New Helsinki for the OSCE?’, *SWP Comments* 31 December 2008, p.2.

<sup>1391</sup> Dov Lynch, *Russia Faces Europe*, European Union Institute for Security Studies, Chaillot Papers, Paris, May 2003, pp.39-42.

<sup>1392</sup> Andrei Zagorski, ‘Make the OSCE institutions less dependent on politics, not more’, *Helsinki Monitor* 2005 no.3, p.211.

<sup>1393</sup> Wolfgang Zellner, ‘Managing Change in Europe-Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions’, *Centre for OSCE Research (CORE) Working Paper 13*, Hamburg, 2005, p.4.

threat.<sup>1394</sup> Russia's main criticism towards the OSCE heavily depends on the argument that Western States tend to use the OSCE as an instrument for interference in the internal affairs of other participating States.<sup>1395</sup> Particularly, Russia criticizes the OSCE's election observation activities.<sup>1396</sup> Moscow considers the OSCE's election observation reports "as one of the major triggers for the events in the former Soviet Union republics".<sup>1397</sup> For Russia, the ODIHR delivers politicized election monitoring assessments without respect for "the national cultural specifics of participating States".<sup>1398</sup> Russia considers that "the results of the election monitoring shall not be publicly announced until they have been discussed by the OSCE PC and a decision has been taken by consensus".<sup>1399</sup>

Finally, Russia argues that the OSCE has been increasingly marginalized in European Security, because the Organization does not play a relevant role in addressing real security threats and challenges, facing the participating States.<sup>1400</sup>

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<sup>1394</sup> Wolfgang Zellner, 'Russia and the OSCE: From High Hopes to Disillusionment', *Cambridge Review of International Affairs*, Vol.18, No.3, October 2005, pp.398-399.

<sup>1395</sup> Dov Lynch, *Russia Faces Europe*, European Union Institute for Security Studies, Chaillot Papers, Paris, May 2003, p.40.

<sup>1396</sup> Solveig Richter and Wolfgang Zellner, 'A New Helsinki for the OSCE?', *SWP Comments* 31 December 2008, p.2.

<sup>1397</sup> Arie Bloed, 'Debates on the 'reform' of the OSCE speeded up with the Report of the Panel of Eminent Persons', *Helsinki Monitor* 2005 no.3, pp.243-244.

<sup>1398</sup> Victor-Yves Ghebali, 'The Reform of the OSCE: Hurdles and Opportunities for a New Relevance', in Victor-Yves Ghebali and Daniel Warner (eds), *The Reform of the OSCE 15 Years After the Charter of Paris for a New Europe: Problems, Challenges and Risks*, PSIO Occasional Paper 2/2006, p.59.

<sup>1399</sup> Andrei Zagorski, 'Make the OSCE institutions less dependent on politics, not more', *Helsinki Monitor* 2005 no.3, pp.210-211.

<sup>1400</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.28-29.

Some CIS member States have allied with Russia on the basis of criticism towards the functioning and institutional structure of the OSCE.<sup>1401</sup> Some CIS countries have accused of the OSCE in terms of geographic asymmetry and substantive imbalances. They claim that the OSCE has overdeveloped its human dimension-related activities at the expense of the politico-military and the economic-environmental dimensions. At the same time, the OSCE field operations have been mostly concentrated on the former Soviet Union republics and the Balkan countries.<sup>1402</sup> The OSCE has shifted its focus of attention mostly with monitoring the developments with respect to human rights and democracy in the former Yugoslavia and CIS countries.<sup>1403</sup> CIS member States argue that “the OSCE is being manipulated by the EU countries and the United States seeking to pursue their interests through the Organization”. As a result, some participating States do not “have a strong feeling of ownership of the OSCE, because they believe that “their interest is no longer served by the Organization”.<sup>1404</sup>

As outlined above, Russia and some CIS States are not happy with the OSCE’s critical assessments on their human rights developments. In this regard, some CIS countries issued two multilateral statements aimed at delivering some criticism against the functioning of the OSCE in 2004: “the Moscow informal Summit Declaration by 9 CIS member States regarding the state of affairs in the OSCE (3 July 2004), and “the Astana appeal of 8 CIS member States to the OSCE partners (15 September 2004).<sup>1405</sup>

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<sup>1401</sup> Pal Dunay, ‘Improve What You Can – Ignore What You Can’t: Reform and the Prospects of the OSCE’, *OSCE Yearbook 2004*, CORE, p.51.

<sup>1402</sup> Andrei Zagorski, ‘Make the OSCE institutions less dependent on politics, not more’, *Helsinki Monitor* 2005 no.3, p.209.

<sup>1403</sup> Pal Dunay, ‘Improve What You Can – Ignore What You Can’t: Reform and the Prospects of the OSCE’, *OSCE Yearbook 2004*, CORE, pp.53-54.

<sup>1404</sup> Andrei Zagorski, ‘Make the OSCE institutions less dependent on politics, not more’, *Helsinki Monitor* 2005 no.3, p.209.

<sup>1405</sup> Victor-Yves Ghebali, ‘The OSCE and European Security: Essential or Superfluous?’, A Europaeum Lecture Delivered at St Anne’s College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.37-38.

Moscow informal Summit Declaration clearly put forward the dissatisfactions and criticism of the CIS States with respect to the OSCE. The most serious complaints is regarding

the perceived 'imbalance' between the three dimensions of the OSCE activities: an obvious shifting of priorities can be observed in favor of the human dimension, something which appreciably restricts the OSCE's capabilities for countering new threats and challenges. Frustration is also expressed about the imbalance in geographic terms. It means that giving selective, intensified attention to some countries while ignoring the problems of other participating States represents a violation of the OSCE's mandate and testifies to the application of double standards. Anger is also expressed as to the activities of the OSCE missions. The OSCE's field activities, on which the predominant part of the Organization's budget is spent, are not particularly effective. It is a matter for concern that the OSCE's field missions focus their activities not on the basic provisions of their mandates, connected with helping and assisting the authorities of the receiving state over the full range of work covered by the Organization, but exclusively on monitoring human rights and democratic institutions. Although the nine presidents recognized that the OSCE has a key place in the European security architecture<sup>1406</sup>, the OSCE was unable to adapt itself to the demands of a changing world and ensure an effective solution to the problems of security and co-operation in the Euro-Atlantic area and, thus, was not meeting their interests and vital needs. They warned that their relationship with the OSCE would be subject to the ability of the latter to adapt itself properly to the new conditions and to the degree to which it was receptive to their concerns.<sup>1407</sup> The declaration is quite remarkable as it blames the organization and its member states for violating fundamental principles such as non-interference in internal affairs and respect for state sovereignty. Elimination of the imbalance between the three dimensions of the Organization's work as soon as possible, by increasing the role of the politico-military and economic

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<sup>1406</sup> Arie Bloed, 'CIS Presidents attack the functioning of the OSCE', *Helsinki Monitor*, No.3, 2004, pp.220-221.

<sup>1407</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.37-38.

and environmental components, is an item that must be placed on the OSCE's agenda.<sup>1408</sup>

In the 2004 Astana Appeal,

the dissatisfied CIS States called for the elimination of the obstacles hindering the development of a politically-relevant OSCE such as double standards, unbalance between the three dimensions, and ODIHR and Long Term Missions' (LTMs) unbridled autonomy.<sup>1409</sup> Astana Appeal also called for greater attention to be paid to the politico-military aspects of security, and for the emphasis of the human dimension to shift to ensuring the freedom of movement and people-to-people contacts, improving the conditions for tourism, expanding ties in the area of education and science and exchanging and disseminating cultural values between all the participating States. It also proposed that the role of field activities be modified by moving away from the monitoring of the political situation, to emphasize specific project activities.<sup>1410</sup> Finally, CIS member States asserted that OSCE was failing to implement its founding texts, they advocated a return to the spirit and patterns of co-operation of the 1975 Helsinki Final Act: respect of the principles of non-interference in internal affairs and equal sovereignty of States.<sup>1411</sup>

The USA and EU member States do not agree with the analysis and criticism made by the Russian Federation and some CIS member States on the functioning of the OSCE. Nearly all Western participating States of the OSCE believe that the Organization should be reformed in some fields. In order to make the OSCE more effective, the Organization can be strengthened through "improving working methods and procedures, a more in-depth

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<sup>1408</sup> Arie Bloed, 'CIS Presidents attack the functioning of the OSCE', *Helsinki Monitor*, No.3, 2004, pp.220-221.

<sup>1409</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.37-38

<sup>1410</sup> Pal Dunay, 'Improve What You Can – Ignore What You Can't: Reform and the Prospects of the OSCE', *OSCE Yearbook 2004*, CORE, p.54.

<sup>1411</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.37-38

political dialogue, a more transparent and participatory decision-making process, a more satisfactory balance among the three dimensions, leading to a strengthening of the politico-military and economic-environmental dimensions with no adverse effects on the human dimension's activities, and granting international legal capacity to the OSCE in the case of all the participating States except the USA". However, the USA and EU member States obviously reject "the idea of subjecting the Organization to stringent rules which could inevitably jeopardize its exceptional traditional flexibility and hence, its capacity to rapidly react".<sup>1412</sup>

Apart from a set of specific criticisms made by some participating States towards the OSCE, the Organization has some weaknesses, shortcomings and limitations in institutional and operational terms. The financial resources allocated to the OSCE are considerably limited. The budget is gradually being reduced. The number and scope of the OSCE field operations tend to be reduced. A number of important field missions were closed. The OSCE has failed to deploy a peace-keeping operation in its region, including military or civilian means so far. The institutionalization process of the OSCE has not been completed yet. The Organization does not have a legal status or legal personality under the international law. The OSCE's decisions and commitments are not legally-binding. Although the OSCE has registered some success in conflict prevention and post-conflict rehabilitation stages of the conflict management cycle, the Organization as a mediator has failed to find working, lasting and peaceful solutions to the protracted conflicts within the OSCE area. The OSCE cannot issue a Ministerial political declaration for many years which in turn weakens its reliability.

The OSCE is a norm-creator organization. The OSCE has developed a wide variety of norms, principles and commitments in all three dimensions of security and at the same time, has monitored regularly the implementation of these commitments. However, the OSCE's norms, principles and commitments such as 'peaceful resolution of disputes', 'territorial

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<sup>1412</sup> Victor-Yves Ghebali, 'The OSCE and European Security: Essential or Superfluous?', A Europaeum Lecture Delivered at St Anne's College University of Oxford on 18<sup>th</sup> February 2005, Europaeum; Oxford, 2005, pp.28-29 and Victor-Yves Ghebali, 'The Bucharest meeting of the Ministerial Council (3-4 december 2001): Towards a new consensus at the OSCE?', *Helsinki Monitor*, No. 2, 2002, pp.158-160.

integrity of States', 'respect for the sovereignty of States' and 'non-use of force or threat' as well as democracy and human rights-related commitments are being seriously violated in some participating States. However, the OSCE does not have any legal enforcement power for the full and effective implementation of norms, principles and commitments within the participating States. In other words, the OSCE lacks the necessary means to enforce the participating States' compliance with their commitments.

The one of the most important problems with the OSCE is the imbalanced development of its three dimensions in terms of impact, visibility and achievements.<sup>1413</sup> The OSCE is mainly being criticized on the basis that there is an imbalance between the three dimensions of security. It is emphasized that the OSCE is in need of strengthening politico-military and economic-environmental dimensions. The strength and added value of the OSCE lies in the Organization's comprehensive approach to security. A more balanced approach towards all three dimensions is necessary for achieving comprehensive security.<sup>1414</sup> Zellner states that the OSCE should develop a more balanced approach in its activities over three dimensions. In this regard, arms control and disarmament function of the OSCE should be revitalized. The OSCE should not neglect the politico-military and economic-environmental dimensions at the expense of the human dimension. Its added value mainly stems from its comprehensive approach to security.<sup>1415</sup>

The role and relevancy of the OSCE have been increasingly questioned due to the newly emerging geo-strategic environment in Euro-Atlantic and Eurasian security as a result of the

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<sup>1413</sup> Monika Wohlfeld, 'Reconceptualization of Security in the CSCE and OSCE', *Globalization and Environmental Challenges Hexagon Series on Human and Environmental Security and Peace*, 2008, Vol.3 Part VII, pp.649-650.

<sup>1414</sup> Randolph Oberschmidt and Wolfgang Zellner, 'OSCE At the Crossroads', *Centre for Research-Institute for Peace Research and Security Policy-Center for OSCE Research (CORE) Working Paper 2*, Hamburg, 2001, pp.14-15.

<sup>1415</sup> Interview with Wolfgang Zellner, Deputy Director of IFSH/Head of CORE, Hamburg, 10 May 2013.

NATO and EU enlargements in 2004.<sup>1416</sup> Stoudmann states that “at issue is primarily the political credibility of the Organization and its capacity to perform its tasks and deliver results. The OSCE suffers from political marginalization as its role has significantly decreased and as it increasingly competes with more effective actors such as EU and NATO”. While NATO can offer hard security guarantees to its member States, the EU can provide substantial economic and financial aid to its member States and candidate countries for the full membership. However, none of this can be provided by the OSCE. The OSCE is neither a supranational institution like the EU nor a politico-military alliance like the NATO. As a result, it is widely accepted that the political role of the OSCE has been seriously eroded due to the EU and NATO enlargements which in turn decreased the interests of some participating States in the OSCE”.<sup>1417</sup> On the other hand, Gheballi states that States or international organizations cannot deal with today’s complex security threats and challenges alone. “The expansions of the EU and of NATO have clear limits, linked to geopolitical constraints”. In this regard, in terms of its inclusive membership, the OSCE can maintain its relevancy for those participating States which do not have a membership perspective to the EU or NATO.<sup>1418</sup> Tüzel states that “as countries in the Caucasus, Central Asia and Eastern Europe are neither EU nor NATO members, they will be looking increasingly to the OSCE to address their security concerns”.<sup>1419</sup>

“The OSCE is primarily a reflection of the state of the relations among its participating States. The more divergent the positions of its participating States, the harder it is for the OSCE to act. Conversely, the better the relations among the states, the more the OSCE is

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<sup>1416</sup> ---, ‘The Organization for Security and Co-operation in Europe’, available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 20 December 2013.

<sup>1417</sup> Gerard Stoudmann, ‘The OSCE: Still relevant to the new global security environment?’, *Helsinki Monitor* 2005 no.3, pp.198-199.

<sup>1418</sup> Victor-Yves Gheballi, ‘The OSCE Between Crisis and Reform: Towards a New Lease on Life’, *Geneva Centre for the Democratic Control of Armed Forces Policy Paper* No.10, Geneva, November 2005, pp.19-20.

<sup>1419</sup> Ömer Burhan Tüzel, ‘The OSCE: QUO VADIS?’, *Perceptions* Vol. VIII No.1, March-May 2003, p.28.



able to act in a decisive and high-profile manner”.<sup>1420</sup> As the participating States have competing interests and different security priorities within the OSCE framework, there is no political will among them for enabling the OSCE more effective security organization. In this regard, the OSCE suffers from the lack of political will by the participating States. It is clear that the impact of the OSCE on security and stability highly depends on whether political will of the participating States exists or not.

Today, since security can longer be addressed solely through military means and policies today, each state in international arena needs an ability to use a broader combination of military, economic, social, cultural and environmental policies in a better coordination to counter contemporary security threats, risks and challenges. It means that all members of the international community are in need of having a ‘comprehensive approach’ in dealing with today’s security threats and challenges.<sup>1421</sup> In the fragile international environment of today, concepts such as ‘democratization’, ‘pluralism’, ‘sustainable development’, ‘human development’, ‘intercultural understanding’ and ‘the building of harmony and tolerance among cultures’ are gaining priority and importance.<sup>1422</sup> In this regard, the OSCE serves as a multilateral diplomatic platform for its participating States to raise and discuss their security concerns. The OSCE’s comprehensive and co-operative approaches to security remain considerably relevant. Kemp states that “if there was no OSCE, an equivalent would have to be invented. There are enough overlapping interests among participating States so that they should see a vested interest in transforming the OSCE to better suit their individual and collective priorities”.<sup>1423</sup>

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<sup>1420</sup> Wolfgang Zellner, Yves Boyer, Frank Evers, Isabelle Facon, Camille Grand, Ulrich Kühn, Lukasz Kulesa and Andrei Zagorski, ‘Towards a Euro-Atlantic and Eurasian Security Community From Vision to Reality’, 18 October 2012, Hamburg, Paris, Moscow, Warsaw, p.27.

<sup>1421</sup> ---, ‘Turkey’s Perspectives and Policies on Security Issues’, available at [http://www.mfa.gov.tr/i-turkey\\_s-security-perspective\\_historical-and-conceptual-background\\_turkey\\_s-contributions.en.mfa](http://www.mfa.gov.tr/i-turkey_s-security-perspective_historical-and-conceptual-background_turkey_s-contributions.en.mfa), Accessed on 20 December 2013.

<sup>1422</sup> ---, ‘Synopsis of the Turkish Foreign Policy’, available at <http://www.mfa.gov.tr/synopsis-of-the-turkish-foreign-policy.en.mfa>, Accessed on 20 December 2013.

<sup>1423</sup> Walter Kemp, ‘The OSCE: Entering a third phase in its third decade’, *Helsinki Monitor*, No. 4, 2004, pp.258-259.

In order to prevent the emergence of new geopolitical dividing lines within the Eurasian and European context<sup>1424</sup> and to avoid a further polarization within the OSCE between the East and West, the Organization has a constructive and relevant role to play.<sup>1425</sup> Galbreath argues that

the OSCE has had an important role to play in the European security architecture<sup>1426</sup> and as long as there are insiders and outsiders among the other organizations in Europe, it will remain a vital part of the European security architecture.<sup>1427</sup> Along with the other European organizations, the OSCE still has much to do in the Euro-Atlantic area.<sup>1428</sup> If the OSCE did not exist, we would have to create it.<sup>1429</sup>

As a conclusion, the OSCE does not have a central role and is not a key institution in today's European security architecture. However, the OSCE can be considered a leading soft security institution in its region. The OSCE always adopts soft and diplomatic instruments to find solutions to the problems instead of hard security means. The OSCE tries to soften the different approaches and understandings to de-escalate conflictual perceptions.<sup>1430</sup> Conflict prevention, post-conflict rehabilitation activities, human rights and democratization-based efforts are the added values of the OSCE. In order to increase the relevancy of the OSCE,

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<sup>1424</sup> ---, 'Common Purpose Towards a More Effective OSCE – Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE', 27 June 2005, pp.7-8.

<sup>1425</sup> ---, 'The Organization for Security and Co-operation in Europe', available at <http://www.mfa.gov.tr/turkey-and-the-organization-for-security-and-cooperation-in-europe-osce.en.mfa>, Accessed on 20 December 2013.

<sup>1426</sup> David J. Galbreath, *The Organization for Security and Co-operation in Europe*, London and New York: Routledge, 2007, p.128.

<sup>1427</sup> Ibid., p.133.

<sup>1428</sup> Ibid., p.130.

<sup>1429</sup> Ibid., p.129.

<sup>1430</sup> Interview with Ludger Kühnhardt, Director, Centre for European Integration Studies, Bonn, 14 May 2013.

the Organization must overcome institutional weaknesses and shortcomings; bridging the different priorities of the participating States on security; and ensure the political will of the participating States.

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Geertsen, Mathew, Head, OSCE Forum for Security Co-operation Support Section, Conflict Prevention Centre, Vienna, 13 November 2012.

Graaf, Vincent de, Senior Legal Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

Gracheva, Vera, Co-ordination Adviser, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Vienna, 8 November 2012.

Grass, Fabian, OSCE Forum for Security Co-operation Support Officer, Conflict Prevention Centre, Vienna, 13 November 2012.

Hansen, Lars Ragnar Aalerud, Personal Adviser to the High Commissioner, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

Heyman, Pascal, Deputy Director of the OSCE's Conflict Prevention Centre, Vienna, 18 October 2012.

Höll, Otmar, Director of Oiip (Austrian Institute for International Affairs), Vienna, 22 November 2012.

Hoyen, Oyvind, Human Rights Officer, OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

Hug, Alexander, Section Head/Senior Adviser, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

Isaac, Nora, Adviser, OSCE Office of the Representative on Freedom of the Media, Vienna, 9 November 2012.

Kehris, Ilze Brands, Director, OSCE High Commissioner on National Minorities, The Hague, 8 May 2013.

Kemp, Walter, Director, Europe and Central Asia/International Peace Institute, Vienna, 17 October 2012.

Kühnhardt, Ludger, Director, Centre for European Integration Studies, Bonn, 14 May 2013.



Kulesa, Lukasz, Head of the Project Non-Proliferation and Arms Control Research Office, The Polish Institute of International Affairs, Warsaw, 29 May 2013.

Luif, Paul, Oiip (Austrian Institute for International Affairs), Vienna, 21 November 2012.

Mid-level Government Official 1, Permanent Mission of Turkey to the OSCE, Vienna, 23 November 2011.

Mid-level Government Official 2, Permanent Mission of Turkey to the OSCE, Vienna, 19 October 2012.

Mid-level Government Official 3, Permanent Mission of Turkey to the OSCE, Vienna, 19 October 2012.

Mid-level Government Official 4, Permanent Mission of Turkey to the OSCE, Vienna, 15 October 2012.

Mid-level Government Official 5, Deputy Directorate General for the OSCE, Arms Control and Disarmament, Ministry of Foreign Affairs of Turkey, Ankara, 10 January 2014.

Mid-level Government Official 6, Deputy Directorate General for the OSCE, Arms Control and Disarmament, Ministry of Foreign Affairs of Turkey, Ankara, 10 January 2014.

Mid-level Government Official 7, Deputy Directorate General for the OSCE, Arms Control and Disarmament, Ministry of Foreign Affairs of Turkey, Ankara, 26 September 2012.

Soykan, Taşkın Tankut, Adviser on Combating Racism, Xenophobia and Discrimination Focusing on Intolerance and Discrimination Against Muslims, OSCE Office for Democratic Institutions and Human Rights / Tolerance and Non-Discrimination Department, Warsaw, 29 May 2013.

Szucs, Laszlo, Programme Officer, OSCE Action Against Terrorism Unit, Vienna, 7 November 2012.

Thomas, Alice, Legislative Support Officer, OSCE Office for Democratic Institutions and Human Rights / Democratization Department, Warsaw, 29 May 2013.

Vennen, Thomas, Head of Department, OSCE Office for Democratic Institutions and Human Rights / Democratization Department, Warsaw, 28 May 2013.

Vesa, Andreea, Human Rights Officer, OSCE Office for Democratic Institutions and Human Rights / Human Rights Department, Warsaw, 31 May 2013.

Wake, Douglas, First Deputy Director, OSCE Office for Democratic Institutions and Human Rights, Warsaw, 31 May 2013.

Wheeler, Richard, Senior Programme Officer, Energy Security, Office of the Co-ordinator of OSCE Economic and Environmental Activities, Vienna, 14 November 2012.

Yıldız, Murat, Training Adviser, OSCE Strategic Police Matters Unit, Vienna, 10 October 2012.

Zellner, Wolfgang, Deputy Director of IFSH/Head of CORE, Hamburg, 10 May 2013.

## **APPENDICES**

### **A- CURRICULUM VITAE**

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#### **EDUCATION**

2007- 2015      Middle East Technical University, Ankara  
Department of International Relations,  
Ph.D.

2003-2006      Middle East Technical University, Ankara  
Department of International Relations,  
Student of Master in Science

1996-2000      Gazi University, Ankara  
Department of International Relations,  
Undergraduate Student

#### **SKILLS**

- Computer      Windows Applications, Microsoft Office (Word, Excel, Power Point)
- Foreign Language      English
- Driving License      B type

## **EXPERIENCE**

- Research Assistant, Department of International Relations, METU, Ankara, August 2002-
- Master Thesis Degree, Department of International Relations, METU, "The Role of the Organization for Security and Co-operation in Europe (OSCE) in the Transdnestr Conflict and the Russian Factor", December 2006.
- Erasmus Exchange Program, Berzensyi Daniel Foiskola College, Kőszeg /Szombathely, Hungary, October 2007 – January 2008.
- Ph.D. Dissertation, Department of International Relations, Graduate School of Social Sciences, METU: 'The Organization for Security and Co-operation in Europe in the post-Cold War Era: An Analysis of Its Comprehensive Approach to Security', 2009-2015'.
- OSCE Network of Think Tanks and Academic Institutions, Representative of the Department of International Relations, METU, 2013-

## **PUBLICATIONS**

- 'Eastern Europe', Book Chapter (in progress) Hakan Karaaslan, (Editor: Prof. Dr. Oktay Firat Tanrisever)
- 'Turkey's Threat Perceptions: Country Report' (in progress) Prof. Dr. Hüseyin Bağcı and Hakan Karaaslan.
- Threat Perceptions in the OSCE Area, OSCE Network of Think Tanks and Academic Institutions, Vienna, 2014.
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## **CONFERENCES**

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- 'Turkey and the European Union: An Analysis of Long-term Reflections and Strategic Considerations of Turkey's Accession to the European Union', Paper Presentation at the international conference 'International Journal of Arts and Science Conference for Academic Disciplines', Rome, Italy, October 2010.

- 'New Turkish Foreign Policy: Reconsideration of Turkey's Role in Regional and Global Context', Paper Presentation at the international conference 'XIth Conference European Culture', Barcelona, Spain, October 2011.

### **WORKSHOPS and EVENTS**

- 'SInAN Project Workshop: Strengthening and Integrating Academic Networks', Center for European Studies, METU Participant, Brussels, Belgium, 2008.
- 'OSCE Network of Think Tanks and Academic Institutions Workshop', Vienna, Austria, 30 October, 2013.
- 'The Future of OSCE Field Operations (Options) Brainstorming Event of the OSCE Network of Think Tanks and Academic Institutions within the framework of the Helsinki+40 process', convened by the special co-ordinator under Helsinki+40 to enhance the effectiveness and efficiency of the OSCE, Ambassador Philip McDonagh, Vienna, Austria, 27 June 2014.

### **ACADEMIC PROJECTS**

- OYP PhD. Thesis Project, 'The Role of the Organization for Security and Co-operation in Europe in European Security: An Analysis of the Comprehensive Approach to Security'; Vienna (Austria); Bonn and Hamburg (Germany); The Hague (Netherlands); Warsaw (Poland), 2011-2014.
- 'British Politics in the European Integration Process since the end of the Second World War', Project Researcher, London, England, 2010.
- 'The changing perceptions of Germany towards Turkey's Accession to the European Union after the Helsinki Summit of 1999', Project Researcher, Berlin, Germany, 2007.
- 'NATO's Policies in the Black Sea Region and Turkey in the aftermath of September 11 Era', Project Researcher, Bucharest, Romania, 2006.
- 'An Analysis of the European Parliament on Turkey and the European Union relations', Project Researcher, Strasbourg-Brussels, France-Belgium, 2005-2006.
- 'The implications of the Transdniestr Conflict in Moldova on the relations between the Russian Federation and the Organization for Security and Co-operation in Europe', Project Researcher, Chisinau, Moldova, 2005.
- 'International Organizations: The case of Organization for Security and Co-operation in Europe', Project Researcher, Vienna, Austria, 2003.

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- Prof. Dr. Oktay Fırat TANRISEVER, Middle East Technical University, Department of International Relations.

## B- TURKISH SUMMARY

Avrupa Güvenlik ve İşbirliği Teşkilatı'nın (AGİT) kökeni 1970'li yılların başında başlayan Avrupa Güvenlik ve İşbirliği Konferansı'na (AGİK) dayanmaktadır. İkinci Dünya Savaşı'nın bitiminin ardından Batı ve Doğu blokları arasında Soğuk Savaş olarak adlandırılan iki kutuplu dönem başlamıştır. 1970li yıllara doğru iki blok arasında çatışmaların ve gerginlik politikalarının azalmaya başladığı bir yumuşama dönemi yaşanmaya başlamıştır. Bu dönemde, Doğu ve Batı blokları arasında 'Helsinki' Süreci olarak da adlandırılan bir konferans süreci başlatılmıştır. Konferanslarda yürütülen müzakereler sonucunda 'Helsinki Nihai Senedi' AGİK katılımcı devletleri tarafından 1975 yılında imzalanmıştır. AGİK Soğuk Savaş döneminde iki blok arasında güvenliğe dair meselelerin gündeme getirildiği çok taraflı bir diyalog ve işbirliği mekanizması işlevi görmüştür. Buna ek olarak, AGİK devletlerarası ilişkilerin yürütülmesinde rehberlik edecek temel ilkeleri belirlemiştir. AGİK, kapsamlı güvenlik anlayışı çerçevesinde Avrupa güvenliği; ekonomi, çevre, bilim ve kültür ve insan hakları ile ilgili alanlarda ortak ilke ve taahhütler oluşturmaya başlamıştır.

Soğuk Savaşın bitimi ile birlikte AGİK'in işlevini yitirdiği iddiaları gündeme gelmiş ve AGİK'in varlığı sorgulanır hale gelmiştir. Buna karşın, Soğuk Savaşın bitimi ile birlikte ortaya çıkan yeni güvenlik ortamında AGİK var olan ve yeni ortaya çıkmakta olan güvenlik tehditleri ve meydan okumaları ile daha etkin bir şekilde mücadele edebilmek için bir kurumsallaşma sürecine girmiştir. Bu süreç içinde yeni yapılar, karar alma mekanizmaları, daimi kuruluşlar oluşturmuştur. Soğuk Savaş sonrasında özellikle Balkanlar'da ve eski Sovyet coğrafyasında patlak veren etnik-siyasi nitelikli çatışmalara yanıt verebilmek için uzun dönemli alan misyonlarını konuşlandırmaya başlamıştır. Soğuk Savaşın bitimi ile birlikte başlayan kurumsallaşma sürecinin bir göstergesi olarak 1994 yılında Budapeşte'de düzenlenen zirve toplantısında AGİK katılımcı devletleri 1 Ocak 1995 tarihinden itibaren AGİK'in, Avrupa Güvenlik ve İşbirliği Teşkilatı adı ile faaliyetlerini sürdüren bir bölgesel güvenlik örgütüne dönüşmesi yolunda karar almışlardır.

Bugün itibarıyla AGİT 3 kıtadan 57 katılımcı devletten müteşekkil bölgesel bir güvenlik örgütü olarak faaliyetlerini sürdürmektedir. Buna ek olarak, AGİT 'İşbirliği için Ortaklık' mekanizması aracılığıyla Akdeniz ve Asya'dan ortak devletler ile de yakın bir işbirliği süreci

yürütmektedir. AGİT'in ana amacı katılımcı devletlerden oluşan kendi bölgesinde barış, güvenlik, istikrar ve demokrasinin geliştirilmesidir. AGİT bünyesinde, katılımcı devletlerin güvenlik ve istikrarının sağlanması amacı ile yüksek düzeyli siyasi bir diyalog yürütülmektedir. Bu noktada temel amaç katılımcı devletlerarasında güven tesis etmek ve işbirliği gerçekleştirmek suretiyle güvenliğe ve barışa katkı sağlamaktır. AGİT Avrupa-Atlantik ve Avrasya coğrafyalarında, kapsamlı güvenlik yaklaşımı çerçevesinde şekillendiği siyasi-askeri, ekonomi-çevre ve insani boyutlarından birçok faaliyet alanında güvenlik ve istikrarın tesisi için çalışmaktadır.

AGİT klasik anlamda bir uluslararası örgüt statüsüne sahip değildir. Bu anlamda kurumsallaşma sürecini tam olarak tamamlayamamıştır. Birleşmiş Milletler ' Yasasının 8 bölümü 52. Maddesi gereğince şekillenen bir bölgesel güvenlik düzenlemesidir. AGİT'in uluslararası hukuk çerçevesinde yasal bir statüsü ve kurucu antlaşması yoktur. AGİT bünyesinde tüm katılımcı devletler eşit statüye sahiptir ve kararlar oy birliği ile alınmaktadır. AGİT bünyesinde kabul edilen kararlar ve taahhütler hukuki olarak değil, sadece siyasi olarak bağlayıcıdır.

AGİT Avrupa'nın norm-sağlayıcı örgütü vazifesini görmektedir. AGİT güvenliğin 3 boyutuna ilişkin ilke ve taahhütler oluşturmaktadır. Bu bağlamda AGİT'in iki yönlü fonksiyonundan söz edilebilir. Birincisi, örgüt bünyesinde kabul edilen ortak taahhütlerin katılımcı ülkelerde tam ve etkin bir biçimde uygulanması için devletlere yardım sağlamak; ikincisi ise bu ilke ve taahhütlerin uygulanmasının düzenli olarak izlenmesidir.

AGİT güvenliğe kapsamlı yaklaşımı benimsemiştir. Kapsamlı güvenlik anlayışı siyasi-askeri meseleler ile ekonomi-çevre ve insani konuları bir bütün içinden birbirleri ile ilişkili olarak ele almaktır. Güvenliğe çok boyutlu yaklaşım olarak da adlandırılabilen bu güvenlik anlayışına göre güvenliğin askeri ve askeri olmayan unsurları birbirleri ile bağlantılı, bağımlı ve tamamlayıcıdır. Diğer bir ifade ile AGİT'in kapsamlı güvenlik anlayışı klasik askeri güvenlik konularını ve güvenliğin askeri nitelikte olmayan boyutlarını kapsamaktadır. AGİT'in 3 boyutu siyasi-askeri, ekonomi-çevre ve insani boyutlardır. Bu çerçevede, AGİT üç boyut üzerinden birçok güvenlik konusunda faaliyetler yürütmektedir. Bu konular silahsızlanma ve silahların kontrolü, güven ve güvenlik arttırıcı önlemler, terörizmle mücadele,



çatışmaların önlenmesi ve çözümü, askeri reform ve işbirliği, sınır güvenliği, Polis faaliyetleri, ekonomi ve çevre alanlarında faaliyetler, insan hakları ve temel özgürlükler, demokratikleşme, seçimler, hukukun üstünlüğü, azınlık hakları, basın özgürlüğü, cinsiyet eşitliği ve son olarak hoşgörü ve ayrımcılık konuları olarak sıralanabilir.

Öte yandan, Avrupa Birliği ve NATO'nun 2004 yılında eş zamanlı genişlemesi, aynı coğrafyalarda faaliyet gösteren AGİT'in varlığının ve rolünün yeniden sorgulanmaya başlanmasına neden olmuştur. Rusya Federasyonu ve bazı Bağımsız Devletler Topluluğu (BDT) üyesi ülkeler AGİT'e karşı yoğun bir eleştirel tutum içerisine girmişlerdir. Eleştirilerinin odağında iki temel konu bulunmaktadır. Birincisi, AGİT'in siyasi-askeri ve ekonomi-çevre boyutlarını ihmal etmek suretiyle insani boyuta aşırı odaklanmasıdır. Bu yaklaşım boyutlar arasında dengesiz bir dağılıma neden olmakta ve AGİT'in güvenliğe kapsamlı yaklaşım ilkesi bu eşitsiz dağılımdan ciddi oranda zarar görmektedir. İkincisi ise, AGİT'in insani boyut odaklı faaliyetlerinin çok büyük bir bölümünü 'Viyana'nın Doğusu' olarak nitelendirilen eski Sovyet cumhuriyetlerinde, Doğu Avrupa ve Güney Doğu Avrupa'da yoğunlaştırmasıdır.

Katılımcı devletlerarasında AGİT'in rolü, işlevi ve çalışma ilkelerine dair ortaya çıkan görüş ayrılıklarına ek olarak, Örgütün birtakım kurumsal ve operasyonel eksiklikler ve zayıflıklar ile de karşı karşıya olduğu söylenebilir. Özellikle, 1990lı yılların sonlarından itibaren, AGİT'e ilişkin 'kriz', 'reform', 'düşüş', 'dönüm noktası', ve 'adaptasyon' gibi kelimelerin sıklıkla kullanılmaya başlandığı gözlemlenmektedir.

Bu çerçevede, bu tez temel olarak Soğuk Savaş sonrası dönemde ortaya çıkan yeni güvenlik ortamında AGİT'in kapsamlı güvenlik anlayışını analiz etmeyi amaçlamaktadır. Bu bağlamda, bu çalışma AGİT'in siyasi-askeri, ekonomi-çevre ve insani boyutlarından oluşan kapsamlı güvenlik anlayışı çerçevesinde, AGİT'in faaliyetleri ile her bir boyutta ortaya koymuş olduğu etkiyi göstermeye ve analiz etmeye odaklanmıştır. Bu çalışma aynı zamanda, AGİT'in karşı karşıya olduğu kurumsal ve operasyonel meydan okumaları, örgütün reformu tartışmaları ışığında analiz etmektedir.

Soğuk Savaş sonrası dönemde etkinlik ve mevcut güvenlik ortamı ile ilgili olma konularında yapılan eleştiri ve tartışmalara ve varlığının dahi sorgulanmaya başlanmasına rağmen, AGİT

bugün itibariyle üç kıtadan 57 katılımcı devletin bir araya geldiği bir diplomatik diyalog platformu olarak varlığını devam ettirmektedir. Bu çerçevede, bu tezin temel araştırma sorusu şu şekilde formüle edilmiştir: ‘ilk olarak Soğuk Savaş döneminde iki blok arasında bir diyalog platformu sağlamak; devletlerarası ilişkileri yönlendirecek temel ilkeleri belirlemek ve askeri alanda katılımcı devletlerarasında güven ve işbirliğini tesis etmek üzere bir konferans süreci olarak tasarlanmış AGİK, Soğuk savaş sonrası dönemin değişen güvenlik ortamında bölgesel bir güvenlik örgütü olarak varlığını nasıl devam ettirebilmiştir?

Temel araştırma sorusuna ek olarak aşağıda verilen sorular da çalışmanın ana çerçevesinin çizilmesinde belirleyici bir rol üstlenmişlerdir.

- AGİT, orijinal olarak bir Soğuk savaş dönemi girişimi olmasına rağmen, Soğuk Savaş sonrası dönemde farklı boyutlardan yeni güvenlik nesneleri ve yeni güvenlik konuları çerçevesinde şekillenen yeni güvenlik ortamına uyum sağlayabilecek şekilde kendisini dönüştürebilmiş midir?
- Bugün itibariyle AGİT kendi bölgesinin güvenliğinde nasıl bir rol oynayabilir?
- AGİT üç boyut üzerinden yürüttüğü faaliyetleri ile katılımcı devletleri için kapsamlı bir güvenlik sağlayabilmekte midir? Güvenliğin hangi boyutlarında etkin, hangilerinde etkin değildir? Bir başka ifade ile güvenliğin üç boyutu üzerinden dengeli bir yaklaşım geliştirebilmiş midir? Boyutlardaki başarısı veya etkisi ile başarısızlıklarının veya etkisizliğinin nedenleri nelerdir?

Bu tez Türkiye, Avusturya, Almanya, Hollanda ve Polonya’da yürütülen saha araştırması olarak tamamlanmıştır. Çalışmada büyük oranda birincil kaynak kullanılmıştır. Çalışmada kitap, makale ve raporlardan oluşan geniş bir ikincil kaynak kullanımı da gerçekleştirilmiştir. Bunlara ek olarak, AGİT’in Sekretaryası bünyesindeki çeşitli birimlerde, AGİT’in bağımsız daimi kuruluşlarında, Türkiye Cumhuriyeti AGİT Daimi Misyonu’nda ve Dış İşleri Bakanlığı’nın ilgili birimlerinde birçok sözlü görüşme gerçekleştirilmiştir. AGİT katılımcı ülkelerindeki araştırma merkezlerinden akademisyen ve uzmanlarla da mülakatlar yapılmıştır.

Çalışmanın giriş bölümünde tezin amacı, temel araştırma sorusu, argümanı, metodolojisi ve tez bölümlerinin içerikleri ortaya konmuştur. Tezin ikinci bölümünde kavramsal bir çerçeve kurulmuştur. Tez AGİT'in güvenliğe kapsamlı yaklaşımını, 'kapsamlı güvenlik kavramı' çerçevesinde analiz etmiştir. Bu bağlamda, kavramsal çerçevenin ele alındığı bu bölümde kapsamlı güvenlik yaklaşımının tanımı verilmiş ve bununla bağlantılı olarak da AGİT'in kapsamlı güvenlik yaklaşımının ana unsurları açıklanmıştır.

Tezin üçüncü bölümü, AGİT'in tarihsel süreçte bir konferans serisinden bölgesel bir güvenlik örgütüne dönüşümüne odaklanmaktadır. Bu bölüm kapsamında, 1975 'de imzalanan Helsinki Nihai Senedi, Soğuk Savaş döneminde düzenlenen uygulamaların değerlendirilmesi konferansları ve AGİK/AGİT'in Zirve toplantılarında alınan kararlar ve geliştirilen ilke ve taahhütler irdelenmiştir.

Çalışmanın dördüncü bölümü, AGİT'in kapsamlı güvenlik yaklaşımını uygulamaya koymak için geliştirdiği kurumsal yapıları, karar alma mekanizmalarını, kurumları, alan misyonlarını ve işbirliği mekanizmalarını ortaya koymaktadır. Çalışmanın bu bölümünde, AGİT'in bir örgüt olarak temel özellikleri, güvenliğe dair üç boyutu ve AGİT'in temel fonksiyonları da açıklanmaktadır.

Tezin beşinci, altıncı ve yedinci bölümleri AGİT'in kapsamlı güvenlik yaklaşımının temel yapı taşlarını oluşturan, sırasıyla, siyasi-askeri, ekonomi-çevre ve insani boyutlarına odaklanmaktadır. Siyasi-askeri boyut bölümünde ilk olarak AGİT'in bu boyut kapsamındaki tehdit algılamaları, karar alma mekanizması ve bu boyut çerçevesinde şekillendirilmiş olan askeri nitelikli ilke ve taahhütler açıklanmaktadır. Daha sonra, AGİT'in siyasi-askeri boyutu askeri güvenlik konuları ve askeri olmayan güvenlik konuları olmak üzere iki başlık altında incelenmektedir. AGİT bünyesinde faaliyet yürütülen askeri güvenlik konuları silahların kontrolü ve silahsızlanma meselelerini içermektedir. Askeri olmayan güvenlik konuları ise terörizmle mücadele, sınır güvenliği ve yönetimi, çatışmaların önlenmesi ve çözümü, askeri reform ve işbirliği ve Polis faaliyetlerini kapsamaktadır.

Tezin altıncı bölümü AGİT'in ekonomi ve çevre boyutunu analiz etmektedir. Tezin bu bölümü, AGİT'in ekonomi ve çevre konuları ile güvenlik arasında kurduğu bağlantıyı ve

ekonomi ve çevresel faktörlerden kaynaklanan güvenlik risk ve tehditlerini ortaya koymaktadır. Bu bağlamda, ilk olarak ekonomi ve çevre boyutunun kapsamı, bu alandaki ortak taahhütler ve ekonomi ve çevre ile ilgili geliştirilen yapılar ve araçlar ortaya konmaktadır. İkinci olarak ise, AGİT'in ekonomi ve çevre boyutu altında yürüttüğü faaliyetler ayrıntılı olarak açıklanmakta ve analiz edilmektedir. AGİT'in ekonomi temelli faaliyet alanları ticaret ve yatırım teşviki, iyi yönetim ve yolsuzlukla mücadele, kara para aklama ve terörizmin finansmanı ile mücadele, enerji güvenliği, taşıma güvenliği ve göç yönetimidir. AGİT çevre alanında da iklim değişimi, zararlı atıkların yönetimi ve su kaynakları ve yönetimi gibi konularda özellikle alan misyonları aracılığı ile proje bazında faaliyetlerini yürütmektedir. AGİT çevre alanında diğer uluslararası kuruluşlarla birlikte etkin bir işbirliği yürütmeye çalışmaktadır.

Tezin yedinci bölümü AGİT'in insani boyutuna odaklanmaktadır. Bu bölüm ilk olarak insani boyutun tanımı ve içeriğini vermektedir. İkinci olarak da AGİT'in insani boyut kapsamındaki faaliyetlerini ikili bir bölümlendirmeye giderek analiz etmektedir. AGİT'in insani boyutunu şekillendiren iki temel husus demokrasi ve insan haklarıdır. AGİT, demokrasi başlığı altında demokratikleşme, hukukun üstünlüğü, adil ve serbest seçimler ve basın özgürlüğü gibi alanlarda faaliyetlerini sürdürmektedir. İnsan hakları alanında ise özel olarak insan hakları ve temel özgürlükler, azınlık hakları ve azınlıkların korunması, Roma ve Sinti gruplarının hakları, insan kaçakçılığı ile mücadele, cinsiyet eşitliği ve son olarak da hoşgörüsüzlük ve ayrımcılıkla mücadele konularında faaliyetler yürütülmektedir.

Tezin sonuç bölümü çalışmanın temel bulgularını ortaya koymaktadır. Bu bağlamda, hem AGİT'in kendi bölgesinde mevcut güvenliğin ve istikrarın gelişimine vermiş olduğu katkı hem de örgütün kurumsal ve operasyonel olarak karşı karşıya bulunduğu eksiklik ve meydan okumalar eleştirel bir perspektiften ortaya konmaktadır.

Çalışma, katılımcı devletlerin AGİT'in güvenliğe dair işlevi, rolü ve kurumsal gelişimine yönelik farklılaşan görüşlerine ve örgütün varlığının dahi sorgulanır hale gelmesine rağmen, AGİT'in Soğuk Savaş sonrası dönemde askeri ve geleneksel olmayan yeni güvenlik meselelerine odaklanmak suretiyle yeni güvenlik ortamında anlamlı bir örgüt olarak varlığını devam ettirdiğini iddia etmektedir. AGİT, Soğuk Savaş sonrası dönemde, odak noktasını

önemi gittikçe artan yeni güvenlik meseleleri ile uyumlu bir şekilde kaydırmıştır. AGİT Soğuk Savaş sonrasında ortaya çıkan yeni güvenlik risk ve tehditlerine karşı etkin bir biçimde yanıt verebilmek amacıyla kendisini kurumsal olarak dönüştürebilmiştir. AGİT'in 1990lı yılların başından itibaren kurduğu daimi bağımsız kurumlar ve alan misyonları ile insan hakları, demokratikleşme, seçimler, hukukun üstünlüğü, hoşgörüsüzlük ve ayrımcılıkla mücadele, çatışmaları önleme ve çatışma sonrası barışı tesis ve iyileştirme faaliyetleri gibi askeri nitelikte olmayan yeni güvenlik konularında faaliyetlerini yoğunlaştırmıştır. Bunu karşın, AGİT'in askeri olmayan güvenlik konuları ile ilgili olarak üç boyut üzerinden yürüttüğü faaliyetlerin görünürlüğü, başarısı ve etkinliği açısından dengeli bir sonuca ulaştığını iddia etmek mümkün değildir. AGİT askeri olmayan güvenlik konularında insan hakları, demokratikleşme, çatışmaların önlenmesi ve Polis faaliyetleri gibi alanlarda daha etkin ve görülebilir sonuçlar kaydetmesine rağmen, özellikle-ekonomi ve çevre boyutundaki etkinliği ve görünürlüğü oldukça sınırlı kalmıştır. Bir başka ifade ile ekonomi ve çevre boyutu AGİT'in yetersiz boyutu olarak değerlendirilebilir.

AGİT orijinal olarak Soğuk Savaş dönemi koşullarının bir ürünü olarak ortaya çıkmıştır. Soğuk Savaş döneminde AGİK sürecinin ya da diğer adıyla Helsinki Sürecinin temel konuları silahsızlanma ve silahların kontrolü ve güven ve güvenlik arttırıcı önlemler gibi askeri nitelikli güvenlik meseleleri idi. Katılımcı devletlerarasında güvenlik odaklı işbirliğin geliştirilmesi ve özellikle askeri alanda güven tesisi temel önceliklerdi. Bu dönemde AGİT iki blok arasında bir diyalog platformu ve güven tesis edici bir aktör görevi görmüştür. Soğuk Savaş döneminde, Helsinki Nihai Senedinde yer alan ekonomi ve çevresel konular ile insan haklarına ilişkin meseleler birinci boyutun yani güvenlik boyutunun birer tamamlayıcısı olarak görülmüş ve değerlendirilmiştir. Soğuk Savaş'ın bitimi ile birlikte askeri nitelikli güvenlik meselelerinin önemi Soğuk Savaş dönemine oranla göreceli bir şekilde azalmış, buna karşın askeri olmayan yeni güvenlik meseleleri önem kazanmaya başlamıştır. Güvenliğe yönelik tehditlerin kaynağı çeşitlenmiş, askeri alana ek olarak, ekonomik, çevresel ve toplumsal alanlardan gelen yeni güvenlik konuları Soğuk Savaş sonrası dönemin güvenlik ortamını şekillendirmeye başlamıştır. Bu bağlamda, ekonomi-çevre ve insani boyutlar AGİT'in kapsamlı güvenlik yaklaşımının temel yapı taşlarını oluşturur hale gelmişlerdir. Özellikle insani boyutta kapsam olarak büyük bir genişleme meydana gelmiştir. AGİT de ortaya

çıkmakta olan bu yeni güvenlik ortamının dinamikleri ile uyumlu bir şekilde askeri olmayan güvenlik konularına ağırlık vermeye başlamıştır.

Soğuk Savaş sonrası yeni güvenlik nesnelerinin ve farklı kaynaklardan güvenlik risk ve tehditlerinin ortaya çıkması güvenlik anlayışında kapsamlı bir değişimi ve genişlemeyi beraberinde getirmiştir. Klasik devlet güvenliğinin ve uluslararası güvenliğin yansırı bireylerin ve grupların güvenlikleri de gündemde ağırlıklı olarak yer almaya başlamıştır. Soğuk Savaş sonrası dönemde güvenlik yönelik tehdit ve meydan okumaları ile etkin bir şekilde mücadele edilebilmesi ve güvenlik sorunlarının etkin yönetimi kapsamlı bir güvenlik anlayışını zorunlu kılmıştır. Bu durum da başından bu yana güvenliğe kapsamlı bir yaklaşım benimseyen AGİT'e güvenliğin üç boyutu üzerinden gösterdiği faaliyetleri aracılığıyla kendi bölgesindeki güvenlik ve istikrarın geliştirilmesine katkıda bulunma imkânı vermiştir. AGİT'in kapsamlı güvenlik yaklaşımı Soğuk Savaş sonrası dönemde ortaya çıkan yeni güvenlik ortamının dinamikleri ile uyumlu bir seyir göstermiştir. Bu bağlamda, AGİT askeri ve askeri olmayan güvenlik konularında yürüttüğü faaliyetler ile farklı seviyelerde (bireyler, gruplar, devletler ve uluslararası güvenlik gibi) güvenliğin gelişimine ve güçlendirilmesine katkı sağlamıştır. Katılımcı devletlerin farklı güvenlik önceliklerine ve anlayışlarına rağmen AGİT, kapsayıcı üyelik profili ve güvenlik ve işbirliği üzerine çok taraflı bir diyalog platformu sağlama işlevleri nedeniyle, bugünkü Avrupa güvenlik mimarisinde anlamlı bir örgüt olarak varlığını devam ettirmektedir.

AGİT'in kendi coğrafyasında güvenlik ve istikrarın gelişimine katkı sunduğu başlıca hususlar şu şekilde özetlenebilir.

Birincisi, AGİT, farklı coğrafi alanlardan 57 katılımcı devleti bünyesinde barındırmak suretiyle, tüm katılımcı devletler için eşit şartlarda güvenlik ve işbirliği odaklı bir diyalog platformu işlevi görmektedir. Tüm katılımcı devletler kendi güvenlik kaygılarını ve sorunlarını gündeme getirebilmektedir. AGİT, Avrupa-Atlantik ve Avrasya coğrafyalarında güvenlik üzerine daimi, kurumsallaşmış ve açık bir diyalog sürecine ev sahipliği yapmaktadır.

İkinci olarak, AGİT Avrupa'nın norm sağlayıcı örgütüdür. Başlangıcından bu yana, katılımcı devletler için güvenliği üç boyutu üzerinden geliştirilen ortak norm ve taahhütler ile

normatif bir yapı oluřturmuřtur. AGİT normları ve taahhütleri hem devletlerarası ilişkileri düzenleyen hem de devletlerin kendi vatandaşlarına karşı davranışlarını düzenleyen standartları ortaya koymaktadır. Buna ek olarak, bu ortak norm ve taahhütlerin kalıtmıcı devletler tarafından hangi ölçüde uygulanıp uygulanmadığı AGİT'in mekanizmaları, değerlendirme toplantıları ve daimi kurumları aracılığıyla düzenli olarak izlenmektedir.

Üçüncü olarak, AGİT özellikle siyasi-askeri ve insani boyut alanlarında faaliyet gösteren bağımsız daimi kuruluşlar kurmuřtur. Azınlıklar Yüksek Komiseri, Basın Özgürlüğü Temsilciliğı ve Demokratik Kuruluşlar ve İnsan Hakları Ofisi kendileri için belirlenen yetki alanlarında katılımcı devletlerin müdahalesinden büyük oranda bağımsız olarak görevlerini yerine getirmektedirler.

Dördüncü olarak, AGİT'in alan misyonları ya da operasyonları zaman içerisinde örgütün çok önemli bir parçası haline gelmiştir. AGİT'in güvenliğe kapsamlı ve işbirlikçi yaklaşımlarının karşılığını en açık şekilde bulduğu alanlardan birisi de alan misyonlarının faaliyetleridir. Alan misyonları misafir devletlerde güvenliğin üç boyutu üzerinden faaliyetlerini sürdürmektedir. AGİT alan misyonlarının temel amacı misafir devletlerin AGİT'in norm ve taahhütlerini tam ve etkili bir biçimde uygulama kapasitelerinin artırılması için yardım ve destek sağlamalarıdır. Soğuk Savaşı sonrası dönemin ilk yıllarından itibaren Doğu Bloku ülkelerinin demokratik yönetimlere ve Batı tipi serbest piyasa ekonomisine geçiş aşamalarında alan misyonlarının yapıcı katkılar sunduğı bilinmektedir. Buna ek olarak, alan misyonları çatışmaların önlenmesi, patlak vermiş ancak çözümü dondurulmuş çatışmaların çözümü ve çatışma sonra bölgelerde iyileştirme ve barışı tesis etme ve güçlendirme amaçlı faaliyetleri yürütmek üzere de konuşlandırılmaktadır. Alan misyonları diğerk güvenlik örgütleri ile karşılaştırıldığında, AGİT'in artı değerini ifade etmektedir.

Beşinci olarak, AGİT temel rehber ilkeler olarak güvenliğe ilişkin bakış açıları veya bir başka ifade ile güvenlik kavramları geliřtirmiştir. Bunlar 'kapsamlı güvenlik yaklaşımı', 'işbirlikçi güvenlik yaklaşımı' ve 'güvenliğin bölünmezliğı' ilkeleridir. AGİT başlangıcından bu yana bu 3 temel yaklaşımı bir bütün içerisinde uygulamaya çalışmaktadır. Soğuk Savaş sonrası dönemde ortaya çıkan yeni güvenlik sorunları ve meydan okumaları ile mücadele edebilmek, devletlerin ve uluslararası örgütlerin çok boyutlu bir güvenlik yaklaşımını

benimsemelerini ve etkin ve yakın bir işbirliği sürdürmelerini zorunlu kılmıştır. AGİT de bu noktada başlangıcından bu yana kendi güvenlik felsefesinin temellerini oluşturan bu yaklaşımları ile güvenlik ve istikrarın geliştirilmesine katkı sağlama olanağı bulmuştur.

Altıncı olarak, AGİT kendi coğrafyasındaki güvenliğin diğer komşu coğrafyaların güvenliğinden ayrı düşünülmemeyeceği ve AGİT norm ve taahhütlerinin komşu coğrafyalarda da yayılmak suretiyle güvenliğin güçlendirilebileceği yaklaşımını benimsemek suretiyle, Akdeniz ve Asya bölgelerinden devletlerle işbirliği amaçlı ortaklık ilişkileri geliştirmiştir. AGİT tarafından geliştirilen 'İşbirliği için Ortaklık' mekanizması hem AGİT katılımcı devletleri için hem de partner devletler için güvenliğin 3 boyutu ile ilgili güncel gelişmelere ilişkin bilgi, deneyim ve fikir değişimi ve paylaşımları yapılabilmesi için ortak bir platform sağlamaktadır.

Yedinci olarak, AGİT askeri alanda silahların kontrolü ve silahsızlanma faaliyetleri ve güven ve güvenlik arttırıcı önlemler geliştirmek suretiyle belli ölçüde uluslararası güvenliğin ve istikrarın sürdürülmesine katkı sağlamıştır. AGİT siyasi-askeri boyutu çerçevesinde, askeri alanda şeffaflığı ve öngörülebilirliği geliştirmek suretiyle devletlerarasında güven tesis etmeye ve böylece de güvenliğin arttırılmasına destek vermektedir. Bu bağlamda AGİT, Avrupa konvansiyonel güvenlik mimarisinin temel yapı taşları olan silahsızlanma ve silahların kontrolü amacı ile oluşturulan antlaşma rejimlerinin uygulanmalarını desteklemekte ve bu bağlamda yardım sağlamaktadır. Taraf devletlerarasında hukuki bağlayıcılığı olan hükümler içeren 'Avrupa Konvansiyonel Kuvvetler Antlaşması' (AKKA) ve 'Açık Semalar Antlaşması' (ASA) AGİT müktesebatının resmi parçaları olmamalarına rağmen, bu antlaşmalara dair müzakereler başlangıçtan bu yana AGİT çerçevesinde yürütülmüştür. Bu çok taraflı antlaşma rejimleri işbirlikçi güvenlik anlayışının tipik örnekleridir. Adı geçen antlaşma rejimleri taraf devletlerden oluşan tüm coğrafi alanda askeri açıdan açıklık, şeffaflık ve öngörülebilirlik sağlamak suretiyle güvenlik ve istikrarın inşasına katkı sağlamaktadır. Aynı şekilde güven ve güvenlik arttırıcı önlemler AGİT coğrafyasında askeri alanda sürdürülen işbirliğinin diğer bir önemli parçasıdır. Başlangıcından bu yana AGİK/AGİT bünyesinde temel olarak askeri alanda güven ve güvenlik arttırıcı önlemler geliştirilmiştir. Güven ve güvenlik arttırıcı önlemlerin temel amacı yine silahsızlanma meselesinde olduğu gibi askeri alanda şeffaflık ve öngörülebilirliği arttırmak suretiyle taraf devletlerarasında muhtemel silahlı veya askeri çatışma risklerinin azaltılmasına katkı sağlamaktır. Güven ve



güvenlik arttırıcı önlemler silahların kontrolü ve silahsızlanma amacı ile geliştirilen antlaşma rejimlerinin tamamlayıcı bir parçasıdır.

Daha önce de belirtildiği üzere, AGİT siyasi askeri boyut çerçevesinde askeri konuların yanı sıra askeri nitelikte olmayan güvenlik konuları ile de ilgilenmektedir. Bu güvenlik konuları, uluslararası terörizmle mücadele, çatışmaların önlenmesi ve çözümü, sınır yönetimi ve güvenliği, askeri reform ve işbirliği ve Polis faaliyetleri şeklinde sıralanabilir.

AGİT özel olarak geliştirmiş olduğu yapılar ve mekanizmalar, daimi kuruluşlar ve alan misyonları aracılığı ile çatışmaların önlenmesi, çözümü ve çatışma sonrası barışı tesis ve iyileştirme faaliyetleri yürütmektedir. AGİT 1990lı yılların ortasında Baltık ülkelerinde ve Kırım'da muhtemel etnik-siyasi nitelikli çatışmaların patlak vermesinin önlenmesinde önemli roller oynamıştır. Yine aynı şekilde özellikle Balkanlarda 1990lı yılların ortalarında patlak veren savaş ve çatışma döneminin sonrasında, çatışma bölgelerindeki toplumlarının rehabilite edilmesinde de AGİT yapıcı bir rol üstlenmiştir. AGİT'in bakış açısına göre, güvenliğin askeri olmayan alanlarında yürütülecek insani boyutu ağırlıklı faaliyetler uzun dönemli barış ve istikrarın sağlanmasında kritik bir öneme sahiptir. Bu nedenle, AGİT çatışma sonrası bölgelerde ve ülkelerde insan hakları ve temel özgürlükleri, azınlık haklarını gözetken ve geliştiren, demokratik kurumların ve süreçlerin inşa edilmesini teşvik eden, hukukun üstünlüğünü tesis etmeye çalışan, basın özgürlüğünü güçlendirmeye çalışan ve sivil toplumu destekleyen insani boyut ağırlıklı faaliyetlere odaklanmaktadır.

Sekizinci olarak, AGİT, ekonomi ve çevre kaynaklı güvenlik tehditlerinin ve meydan okumalarının gündeme taşınması ve bu alanlarda bir farkındalık yaratmak açısından önemli bir rol oynamaktadır. AGİT bünyesinde ekonomi ve çevre alanlarında oluşturulan ortak norm ve taahhütlerin katılımcı devletlerde uygulanmalarının izlenmesi yine AGİT'in tarafından düzenlenen uygulama toplantıları ile değerlendirilmektedir. AGİT'in bakış açısı ile ekonomik ve çevresel konularda etkin bir işbirliği ve koordinasyon yürütülmesi AGİT coğrafyasındaki güvenliğin ve istikrarın sağlanmasına ve sürdürülmesine önemli katkılar sağlayabilir.

Son olarak, AGİT insani boyut ile ilgili konuları güvenlik ajandasına başarılı bir biçimde entegre etmiştir. AGİT'in insani boyutu Soğuk Savaş döneminde çok dar bir çerçevede sadece insan hakları ile ilgili konularla sınırlı kalmıştır. Bu bağlamda odak noktası konular insan hakları ve temel özgürlükler ve azınlık hakları idi. Soğuk Savaşın bitimi ile birlikte ortaya çıkmaya başlayan yeni güvenlik konuları ile insani boyut önem kazanmaya ve genişlemeye başlamıştır. Sovyetler Birliği'nin dağılması ve Soğuk Savaşın bitimi, eski sosyalist ülkelerin demokratik dönüşüm süreçlerinin gündeme gelmesine yol açmıştır. Bu bağlamda, demokrasi ve demokratikleşme, insan hakları ile birlikte AGİT'in insani boyunun temel yapı taşlarını oluşturmaya başlamıştır. AGİT bugün insani boyut çatısı altında demokrasi ve insan hakları temelli birçok alanda faaliyetlerini sürdürmektedir.

AGİT insani boyut çerçevesinde siyasi bağlayıcılığa sahip taahhütler geliştirerek normatif bir çerçeve ortaya koymuştur. Bu ortak norm ve taahhütlerin katılımcı devletlerde tam ve etkin uygulanabilmesi insani boyut odaklı mekanizmalar ve kuruluşlar aracılığı ile için yardım ve destek sağlamaktadır. AGİT insani boyut normlarının ve taahhütlerinin katılımcı devlerde uygulanmalarını değerlendirmek amacı ile konferanslar, değerlendirme toplantıları ve seminerler düzenlemektedir. AGİT'e göre uzun vadeli güvenlik ve istikrar ancak ve ancak insan haklarına ve azınlık haklarına saygının tesis edilmesi, demokratik kurumların oluşturulması ve hukukun üstünlüğü ilkesinin hâkim kılınması ile mümkün olabilir. Bu bağlamda AGİT'in insani boyut kapsamındaki faaliyetleri güvenliğin ve istikrarın sağlanmasında önemli bir rol oynamaktadır.

AGİT, demokratikleşme faaliyetlerinin temel bir parçası olarak, katılımcı devletlerde özgür, adil, şeffaf ve demokratik seçimlerin yürütülmesi konusuna çok önem vermektedir. Özgür ve adil seçimlerin gerçekleştirilmesi ülkelerdeki demokratik yapıların kurulmasında ve devamında çok kilit bir rol oynamaktadır. Bu bağlamda, AGİT demokratik seçimlerin gerçekleştirilmesine dair taahhütler oluşturmuştur. Buna ek olarak, AGİT seçimle ilgili alanlarda katılımcı devletlere destek ve yardım sağlamaktadır. Bunların içinde en önemlisi AGİT tarafından gerçekleştirilen seçim gözlemciliği faaliyetleridir. AGİT katılımcı ülkelerde düzenlenen yerel ve ulusal seçimleri, AGİT bünyesinde kabul edilen demokratik ve serbest seçimlerle ilgili standartlara ve demokratik seçimlere ilişkin diğer uluslararası standartlara

uygunlukları açısından izlemekte ve bunu raporlamaktadır. AGİT kendi coğrafyasında seçim gözlemciliği alanında lider bir örgüt olarak karşımıza çıkmaktadır.

Kendi coğrafyasında aktif olan diğer uluslararası örgütlerle karşılaştırıldığında, AGİT'i farklılaştıran ve artı değerini ortaya koyan temel hususlar geniş katılımcı devlet yelpazesi ile diplomatik ve siyasi diyalog platformu sağlaması, norm ve taahhüt koyucu ve uygulamaları izleyici bir örgüt olması, güvenliğe kapsamlı ve işbirlikçi yaklaşımı, alan misyonları, çatışmayı önleme araçları, insan hakları ve demokrasi temelli faaliyetleri yürüten daimi kurumları ve kendi coğrafyasında seçim gözlemciliğinde başat bir örgüt olması şeklinde sıralanabilir.

Farklı alanlarda yürüttüğü faaliyetler ve temel karakteristik özellikleri ile güvenliğin ve istikrarın geliştirilmesine sağlamış olduğu tüm katkıya rağmen, AGİT bugün itibariyle iki temel meydan okuma ile karşı karşıyadır. Bunlardan birincisi, katılımcı devletlerin farklı güvenlik öncelikleri ve güvenlik anlayışlarına sahip olmaları nedeniyle, AGİT'in rolü, görevleri ve kurumsal gelişimi üzerine oldukça farklılaşan görüşlerin ortaya çıkmasıdır. İkinci olarak, AGİT'in kurumsal ve operasyonel alanlarda karşı karşıya olduğu sorunlar, zayıflıklar ve eksiklikler mevcuttur.

İlk olarak, özellikle 1990lı yılların sonlarından itibaren, katılımcı devletlerin AGİT'in misyonu ve rolüne dair görüşlerinde büyük farklılıklar ortaya çıkmaya başlamıştır. Bugün itibariyle, katılımcı devletler farklı güvenlik anlayışlarına ve farklı güvenlik önceliklerine sahip görünmektedir. Katılımcı devletlerin güvenlik kaygıları da farklılaşmaktadır. Farklı öncelikler ve anlayışlar, devletlerin AGİT'ten farklı beklentileri olmasına neden olmaktadır. AGİT katılımcı devletleri, örgütün hangi güvenlik konuları ile ilgilenmesi gerektiği ve örgütün hangi güvenlik risk ve tehditleri ile mücadelede bir araç olarak kullanılması gerektiği konularında uzlaşmamaktadır. Katılımcı devletler AGİT'in kurumsal çalışma yöntemleri ve prosedürleri konusunda da birbirleri ile çatışan düşüncelere sahiptirler. Rusya Federasyonu, mevcut koşulları ile AGİT'in katılımcı devletleri için bir kapsamlı güvenlik çerçevesi sunmaktan uzak olduğunu iddia ederken, Amerika Birleşik Devletleri ve Avrupa Birliği üyesi AGİT katılımcı devletleri, Rusya'nın istekleri ve reform önerileri doğrultusunda şekillenecek bir AGİT'in en önemli özellikleri olan esnek ve yaratıcılığını kaybedeceğini ileri sürmektedirler. Sonuç olarak, güvenlikle ilgili farklı anlayışlar ve öncelikler katılımcı

devletlerarasında ciddi anlaşmazlıklara yol açmakta da, bu durum da AGİT'in işleyişini ve etkinliğini ciddi oranda olumsuz olarak etkilemektedir.

Rusya Federasyonu ve bazı Bağımsız Devletler Topluluğu üyesi ülkeler AGİT bünyesinde klasik, askeri ve devlet merkezci güvenlik anlayışına daha fazla vurgu yapılmasını isterken, Batılı devletler klasik devlet güvenliğine ek olarak bireylerin ve grupların güvenliklerinin de dikkate alınması gerektiğinin altını çizmektedirler. Katılımcı devletlerin farklı güvenlik vurguları AGİT içinde sürekli bir gerginliğe yol açmakta, bu gerginlik de AGİT'in işleyişini, etkinliğini hatta varlığını dahi tartışmalı hale getirmektedir. Teorik olarak, AGİT kurumsal yapısı, normatif çerçevesi ve yapı ve kurumları ile katılımcı devletleri için kapsamlı güvenlik sağlayacak bir yapı arz etmektedir. Buna rağmen, katılımcı devletlerarasında ortaya çıkan farklı güvenlik vurguları AGİT'i kapsamlı güvenlik sağlayıcı bir aktör olmaktan alıkoymaktadır. Sonuçta AGİT, katılımcı devletlerin güvenliğin farklı boyutlarından karşılaştıkları sorunlar için somut çözümler üretememektedir. Bu durum da bir güvenlik örgütü olarak AGİT'in potansiyelini önemli ölçüde zayıflatmaktadır. AGİT'in temel misyonlarından en önemlisi katılımcı devletlerin farklı görüşlerini ve yaklaşımlarını müzakereler yoluyla bir noktada uzlaştırmaktır. Ancak örgüt özellikle 1990lı yılların sonlarından itibaren bu fonksiyonunu tam olarak yerine getirememektedir.

Rusya Federasyonu ve bazı BDT üyesi ülkelerin AGİT'e yönelik eleştirileri temel olarak 4 başlık altında özetlenebilir. İlk olarak, bu ülkeler AGİT'in siyasi-askeri ve ekonomi-çevre boyutlarını ihmal ederek ağırlıklı odak noktasını insan hakları, demokratikleşme ve basın özgürlüğü gibi insani boyut konularına kaydırıldığını ileri sürmektedirler. Siyasi-askeri ve ekonomi-çevre boyutlarının ihmal edilmesi ve buna karşın insani boyuta verilen orantısız ağırlık AGİT'in kapsamlı güvenlik anlayışının anlamını yitirmesine ve zayıflamasına neden olmaktadır. AGİT'in üç boyutu üzerinden yürüttüğü faaliyetlerine tahsis edilen kaynaklar eşit değildir. AGİT'in 3 boyut üzerinden görünürliğünde ve etkinliğinde dengeli bir gelişim kaydedilememiştir.

İkinci olarak, Rusya ve bazı BDT ülkeleri AGİT'i, sadece eski Sovyet coğrafyasında ve Balkan ülkelerinde etkin olmakla eleştirmektedirler. Viyana'nın doğusu olarak sloganlaştırılan bu eleştiriye göre, AGİT'in faaliyetlerini belli bölgelerde yoğunlaştırması, coğrafi bir

dengeşizlięe yol amaktadır. Aynı řekilde AGİT alan misyonları da Doęu Avrupa, Güney Doęu Avrupa, Kafkaslar ve Orta Asya'da konuřlandırılmaktadır. Bu durum da coęrafi dengeşizlięi derinleřtiren dięer önemli bir husustur.

Üüncü olarak, Rusya bařta olmak üzere bazı BDT üyesi ölkeler, AGİT'in batılı katılımcı devletler tarafından eski Sovyet cumhuriyetlerine karřın bir dıř politika aracı olarak kullanıldıęı ve manipöle edildięi görüřündedirler. Bu bağlamda, AGİT özellikle insani boyut alanındaki faaliyetleri ile eski Sovyet cumhuriyetlerinin iç işlerine müdahale aracı olarak kullanılmaktadır. Bu noktada asıl amaç eski Sovyet coęrafyasında uzun vadeli siyasi bir deęişim saęlamaktır. Bu kapsamda AGİT, BDT ölkeleri tarafından kendi coęrafyalarında Batı tarafından hedeflenen deęişimin temel araçlarından biri olarak görölmektedir. AGİT, Batılı devletler tarafından insani boyut alanındaki faaliyetleri özellikle de seçim gözlemcilięi faaliyetleri ile BDT üyesi ölkelerde manipölasyon amaçlı kullanılmaktadır. Dięer bir ifade ile AGİT, eski Sovyet Cumhuriyetlerinin iç işlerine bir müdahale aracı işlevi görmektedir. Bu durum da Rusya ve BDT üyesi ölkelerin AGİT bünyesindeki ilgilerinin ciddi oranda azalmasına ve Örgüte karřı řiddetli bir eleřtirel tutum almalarına neden olmaktadır.

Dördüncü ve son olarak, Rusya ve bazı BDT ölkeleri, AGİT'in, katılımcı devletlerin gerek güvenlik sorunları ve ihtiyaçları ile ilgilenmek yerine marjinal konularla ilgilendięini ileri sürerek örgütü eleřtirmektedirler.

ABD ve AB üyesi AGİT katılımcı devletleri, Rusya bařta olmak üzere bazı BDT üyesi ölkeler tarafından AGİT'e yöneltilen eleřtirilere katılmamaktadırlar. AGİT'in Batılı katılımcı devletleri örgütün belli konularda reforme edilmesinin gerekli ve mümkün olduęunu kabul etmekle birlikte, BDT ölkeleri tarafından yapılan reform önerilerinin hayata geirilmesinin AGİT'in en tipik özellikleri olan yaratıcılık, esneklik ve hızla reaksiyon gösterme yeteneklerini büyük ölçüde sınırlandıracıęını ve örgütün alışma yöntemlerini ok sıkı kurallara bağlayacıęını ileri sürmektedirler.

Katılımcı devletler tarafından örgüte yöneltilen eleřtirilere ek olarak, AGİT kurumsal ve operasyonel anlamda birok zayıflık ve eksiklik ile de karřı karřıya bulunmaktadır. AGİT'in bütesi kademeli olarak azalmaktadır ve faaliyetler için ayrılan kaynaklar yetersizdir. AGİT

alan misyonları sayıca azalmaktadır. Katılımcı devletler tarafından 1992 yılında alınan bir karar gereğince yetkisinde olmasına rağmen, AGİT bugüne kadar özellikle de çatışma bölgelerinde bir barış sağlayıcı ve koruyucu operasyon gücü konuşlandıramamıştır. AGİT'in örgütsel olarak kurumsallaşma süreci de henüz tümüyle tamamlanmamıştır. Örgüt uluslararası hukuk çerçevesinde yasal bir kişiliğe veya statüye sahip değildir. Kararları ve taahhütleri hukuki değil, siyasi bağlayıcılığa sahiptir. AGİT, çatışmayı önleme ve çatışma sonrası barış tesisi ve iyileştirme aşamalarında başarılı sonuçlar elde etmesine rağmen, bugüne kadar bölgesinde patlak veren ve daha sonra "çözümü dondurulmuş çatışmalar" veya "sürümcemeli ihtilaflar" olarak adlandırılan etnik-siyasi nitelikli çatışmaların çözümünde bir arabulucu olarak başarıya ulaşamamıştır.

AGİT kendi coğrafyasının norm koyucu örgütüdür. Bugüne kadar güvenliğin siyasi-askeri, ekonomi-çevre ve insani boyutlarında norm ve taahhütler oluşturarak katılımcı devletleri için kapsamlı bir normatif çerçeve kurmuştur. AGİT aynı zamanda bu ortak norm ve taahhütlerin katılımcı devletlerde uygulanmasını da düzenli ve sistematik bir şekilde izlemekte ve değerlendirmektedir. Bu norm ve taahhütlerin AGİT coğrafyasında ciddi oranlarda ihlal edildiği de bilinen bir gerçektir. Buna karşın AGİT, ortak norm ve taahhütlerin katılımcı devletlerde tam ve etkin bir şekilde uygulanmasını zorlayıcı araçlara sahip değildir. AGİT kararları ve taahhütleri siyasi olarak bağlayıcı niteliktedir ve bu taahhütlerin uygulanması katılımcı devletlerin iyi niyetlerine ve iradelerine bağlıdır.

AGİT ile ilgili yapılabilecek en önemli tespitlerden birisi de daha önce de belirtildiği üzere, AGİT'in üç boyut üzerinden yürüttüğü faaliyetler, görünürlüğü ve etkisi bakımından dengesiz bir gelişim göstermiş olmasıdır. Yaygın kanıya göre, AGİT siyasi-askeri ve ekonomi-çevre boyutlarına gereken ağırlığı vermemekte, buna karşın insani boyut alanında faaliyetlerini yoğunlaştırmaktadır. Bu durum da AGİT'in asıl katma değerinin kaynaklandığı kapsamlı güvenlik yaklaşımının ciddi oranda sarsılmasına yol açmaktadır. Kapsamlı güvenliğin gerçekleştirilmesine katkı sağlayabilmek için üç boyut üzerinden yürütülen faaliyetler ve tahsis edilen kaynaklar bakımından daha dengeli bir yaklaşım benimsenmelidir.

Diğer yandan NATO ve AB'nin 2004 yılında gerçekleşen eş zamanlı genişlemesi sonucu Avrupa-Atlantik ve Avrasya coğrafyalarında ortaya çıkan yeni güvenlik yapısı, AGİT'in rolünün, misyonunun ve anlamının dahi sorgulanmasını beraberinde getirmiştir. NATO üye devletler için savunma garantileri sağlarken, Avrupa Birliği de üye ve tam üyeliğe aday devletler için önemli oranda ekonomik ve finansal teşvik ve yardımlar sağlamaktadır. Bunlar AGİT'in katılımcı devletleri için önerebildiği hususlar değildir. Bununla birlikte, AGİT bünyesinde halen NATO ve AB üyesi olmayan ve yakın ve orta vadede de üyelik perspektifine sahip olmayan birçok katılımcı ülke bulunmaktadır. Doğu Avrupa, Güney Kafkasya ve Orta Asya'dan katılımcı AGİT devletlerinin güvenlik sorunlarını ve kaygılarını gündeme getirilebileceği yegâne ortak platform halen AGİT'tir.

AGİT farklı coğrafyalardan, farklı tarihi arka planlardan ve farklı demokratik geleneklerden 57 katılımcı devletten müteşekkil bir örgüttür. Katılımcı devletlerarasındaki uyum ne ölçüde mevcut ise AGİT de o ölçüde etkin olarak işleyebilmektedir. Tersine, katılımcı devletlerarasında farklı güvenlik anlayışları ve önceliklerinin kutuplaştığı dönemlerde ise AGİT fonksiyonlarını yerine getirememektedir. Bu noktada siyasi irade en önemli konu olarak karşımıza çıkmaktadır. AGİT'in hangi güvenlik konuları ile hangi şekilde ilgilenmesi gerektiği yönünde ortak bir siyasi iradenin oluşması örgütün temel fonksiyonlarını yerine getirmesi için olmazsa olmaz koşullardan biridir.

Sonuç olarak, Soğuk Savaş sonrası dönemde AGİT'in Avrupa güvenlik mimarisinde merkez bir aktör olduğunu söyleyemeyiz. Buna karşın AGİT özellikle Soğuk Savaş sonrası dönemde ortaya çıkan yeni güvenlik dinamikleri ile uyumlu şekilde klasik-askeri veya geleneksel olmayan güvenlik tehdit ve meydan okumaları ile mücadelede anlamlı bir güvenlik aktörü olarak yapıcı roller oynamıştır. AGİT diplomatik araçları kullanmak suretiyle katılımcı devletlerarasındaki farklı yaklaşım ve öncelikleri uzlaştırmak adına önemli bir diyalog platformu işlevi görmektedir. Çatışmayı önleme, çatışma sonrası barışı tesise katkı ve iyileştirme faaliyetleri, insan hakları ve demokratikleşme merkezli insani boyut faaliyetleri ve Polis faaliyetleri AGİT'in ön plana çıktığı ve kapsamlı güvenliğin gerçekleştirilmesine katkı sağladığı temel konu başlıkları olarak karşımıza sıralanabilir. Buna rağmen, AGİT'in bugünkü Avrupa güvenlik mimarisinde etkin ve anlamlı bir örgüt olarak varlığını devam ettirebilmesi,

örgütün karşı karşıya olduğu kurumsal ve operasyonel zayıflıkların ve eksikliklerin üstesinden gelmesine bağlıdır.



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