

ASPECTS REGARDING THE HUMAN DIMENSION IN THE APPROACH OF OSCE

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Abstract: The Organisation for Security and Cooperation in Europe has been a real visionary in terms of strategic thinking in the field of conflicts prevention, outlining new concepts and tools related to the preventive framework. This article examines several important aspects of conflict prevention sphere, rules and mechanisms used by the OSCE, by highlighting an essential dimension, the human one. The article examines the role and duties of the High Commissioner for National Minorities within the organisation and underlines diplomatic work in the area of responsibility. Furthermore, through its attention to the human dimension, the OSCE has helped to shape new elements of security, redefining ways of conflict prevention. At the same time, the article highlights the way in which Romania has benefited greatly from OSCE instruments in the foundation of a democratic society.

Keywords: OSCE, human dimension, security, conflict prevention.

INTRODUCTION

The Organisation for Security and Cooperation in Europe represents one of the principal tools for an early warning in case of the conflicts prevention, crisis management and post-conflict rehabilitation. In a context where the security was being addressed in a fragmentary manner, the CSCE (Conference on Security and Defence in Europe) brought to the attention the human dimension, which is extremely important within the international security system.

The responsibility for the application and the observance of rights circumscribed to the human dimension lies with each of the OSCE participating states. It was, however, very clear from the outset that the formulation of these standards is not sufficient for them to be complied with. For this, it was required a set of agreed procedures and specialised institutions which to contribute to the materialisation of these commitments.

Unlike other human rights treaties, the OSCE has not created a court or a structure with legal powers to respond to individual petitions. By signing the CSCE/OSCE documents, the participating states have committed themselves to implementing them, agreeing to the establishment of institutions, structures, procedures and mechanisms to ensure the monitoring and the implementation of these commitments, and we may affirm that this reflects the political character of the organisation.

1. Relevant institutions of OSCE for human dimension

1.1. The High Commissioner for National Minorities

After the East-West confrontation period, the types of conflict, as well as the ways in which they were approached, underwent dramatic changes. Until 1989-1990, the

confrontation was linked to threats related to the existence of a potential conflict, including of a nuclear nature, between two opposing military alliances. At that time, the conflict prevention was limited to enduring this threat through a policy of relaxation, arms control and limited cooperation between two different strong entities. Interethnic conflicts and tensions between the majority and the various minority groups became, after the 1990s, important sources of large-scale violence, which had their sources especially in the processes of disintegration of the Soviet Union (especially in the regions of the South Caucasus and Central Asia) and Yugoslavia, respectively. The Heads of States and Governments of the OSCE participating states, meeting in Helsinki on 9-10th July 1992, decided to set up an unprecedented structure within the organisation, which would be involved in early warning, in prevention of the ethnic nature conflicts, at the earliest possible stage, through a diplomatic activity of high discretion and confidentiality – and this was named The Institution of the High Commissioner for National Minorities (HCNM).

One of the most important tasks of the HCNM is to work with the governments of OSCE participating states in a climate of complete confidence [5]. The condition of confidentiality was and is necessary because, in this way, the HCNM is more easily accepted by parties who are involved in a potential conflict and facilitates efforts that avoid escalating tension adjacent to these types of conflicts. The fact that the parties are aware that the discussions will not be made public is likely to make them more open and cooperative in the settlement of the conflict that is emerging. This approach worked with particular success in the case of "Hungarian legitimations", when the press in the states around Hungary acted quite vociferously. As governments were at that time in an electoral cycle in many states concerned by the introduction of these legitimations on the basis of the draft of the normative act from Budapest, the HCNM involved by holding confidential consultations with Hungary and the states concerned. These consultations ultimately led to the amendment of the regulatory act for the purposes of its application only in non-EU Member States.

The mandate of the HCNM allows it to act with a high degree of autonomy, without the need for it to seek approvals, either from OSCE decision-making microstructures or from the concerned state. He reports to the President-in-Office for his work, but shall also inform the Permanent Council when necessary. His activity is mainly materialised by visits to the territory organised during the period when the conflicts are of a potential character or are dormant, both in the capitals of implied states and in the potentially affected regions. He meets with both officials and representatives of civil society, with the representatives of various organisations that defend the interests of one or other of the minorities concerned. On this basis, he draws up a number of recommendations which are forwarded to interested parties.

His work has proved successful to date and has materialized not only in the reports sent to those concerned, but also in a number of recommendations which participating states generally take into account, in particular when applying certain projects dedicated to improving institutional capacity and practices concerning the rights of persons belonging to national minorities. To date, there has been no failure in

the work of the HCNM, precisely because of the way in which he selects the time of his intervention and because of the fact that he carries out his activity in a confident way.

1.2. The Office for Democratic Institutions and Human Rights

Following the decision adopted at the Paris Summit on 19th - 21st November 1990, the Office for Free Elections was set up. Later, more exactly, in 1992, at the Ministerial Council from Prague, the mandate of this Bureau was developed and extended, changing its name to what we know today: the Office for Democratic Institutions and Human Rights (ODIHR).

Considered to be the largest of the OSCE institutions, the ODIHR has devoted its entire activity to build and develop the democracy and the culture and to promote human rights by ensuring the transfer of democratic and legal precepts to the day-to-day work of the participating states authorities. The ODIHR organizes and observes elections, reviews the legislation dedicated to democracy and the rule of law, and provides assistance for the organization and functioning of democratic institutions. The ODIHR has specialized staff in monitoring the human rights situation in all OSCE participating states, able to provide early warnings where the situation requires it.

The ODIHR ensures and facilitates a good dialogue between the governments of the participating states and the civil society of these states, supporting the organization of the annual meeting on the implementation of their commitments within the human dimension.

At the same time, the ODIHR has made a significant contribution to raising public opinion in OSCE participating countries, especially in newly restored democracies, regarding the transparency in governance and the need for governments to explain all the state expenditures and all implemented measures to their citizens. Examples of success could include the changing of the electoral legislative framework, the holding of elections, and the implementing of the recommendations made by the ODIHR after the monitoring of the elections for improving and democratizing the electoral systems in Armenia and Georgia. At the opposite pole, we could indicate the situation in Tajikistan, which systematically refused to transpose into the legislative plan the recommendations for remedying defects discovered during the 1999 parliamentary elections, which has led to the preservation of the president's power to this day.

Romania was also the subject of electoral monitoring of the ODIHR until the 1996 parliamentary elections, but also a expertise and experts provider for the elections from Bosnia-Herzegovina or for the states from the South Caucasus and Central Asia, after the Romanian authorities proved the democratic transfer, in a peaceful manner, of the power from the "losers" to the "winners" of the electoral process.

The most well-known activity of the ODIHR remained the organization and the monitoring of elections. The activities of this office are not limited, as it is also involved in the examination and in the evaluation of electoral legislation drafts, in the identification of its shortcomings, as well as legislative pitfalls, and in the recommendation of the ways to eliminate them. Through its extensive data publishing

work, the ODIHR contributes to the strengthening of a culture of electoral standards and of a culture of these standards enforcing in the daily lives of transforming societies within OSCE participating states.

While in the field of strengthening the rule of law, the ODIHR significantly contributes to the promotion of judicial reforms, supporting professional training and assistance programs for judges, lawyers, prosecutors and government or civil society representatives, activities dedicated to democratic governance have a wider spectrum, targeting both the government and civil society segments.

Its strategy is mainly aimed at cooperating with parliaments, political parties, lobby groups and the population to get involved in making political decisions, including transparency in the legislative process.

Practically, the ODIHR has conducted a whole series of seminars aimed the training of the newly elected parliamentarians. Also, the ODIHR has conducted roundtables where political and opposition political representatives from various states have participated in order to improve their training level in the spirit of a professional dialogue and of the "democratic game" which involves the elimination of conflicts and unwanted force actions.

The equal opportunities is promoted by the ODIHR through a programs series that include this concept in all activities, with the following aims:

- the increasing of women's involvement and participation in activities related to policy and decision making;
- the cooperation strengthening between governmental and non-governmental institutions to promote the equal opportunities principle;
- the raising of awareness degree regarding the importance of migration in decision-making act;
- the drawing of the public's attention to issues related to equal opportunities aspects in the entire society.

The states of the South Caucasus and those of Central Asia were mainly the beneficiaries of these programs, given the patriarchal structure of their societies and, sometimes, the re-Islamization tendencies with undesirable effects on the women status in society.

The ODIHR has been involved in the supporting of the legislative process in OSCE participating states, by ensuring of the agreement between the provisions of legislative projects, promoted in participating states with OSCE commitments, first of all, but also with relevant international standards.

For example, within the OSCE mission in Tajikistan, but also within the Yerevan or Baku Centers, the ODIHR developed a comparative analysis of the structure known as the Ombudsman (the lawyer of people), both functionally and from the point of view of the legislative basis that it is necessary for the establishment and for the functioning of such an institution in the respective states. This analysis was presented to members of parliaments and to policy representatives in these states. The subsequent result was that these states decided to establish this type of institutions.

The most substantial contribution of the ODIHR is the verifying of the way in which participating states respect the OSCE commitments in the field of fundamental human rights and freedoms.

Of course, over time, not all states have been satisfied with the work of the ODIHR, the most illustrative example being given by the Russian Federation and by the members of the Community of Independent States. These states criticized the development of the human dimension pillar and its most representative institution, the ODIHR, as being "unjustified".

2. The Contribution of OSCE and Romania in the Field of the Human Dimension of Security in Central Asia and the South Caucasus

The institutional development of the CSCE in the period after 1990 and its evolution towards an organisation (OSCE) coincides with the time when most conflicts take place in this space, at a time when the aim of the organisation was to maintain peace and stability.

At the time, the CSCE/OSCE and its institutions, as well as the field missions, widely used soft security promotion measures to, from verbal warning to the criticism of the lack of dialogue or just international isolation, even when a third party to the region's conflicts was very active by promoting and displaying an increased potential for blackmail.

By the opening of missions or by the opening of centres in the most region states, or by developing them into the territorial offices of the organisation accredited in the respective states of residence, the CSCE/OSCE has managed to limit or to prevent the spillover effects of instability and insecurity. These missions addressed the structural aspects of the conflicts and made significant contributions in particular in the areas circumscribed to the human dimension: institutional construction, the monitoring of elections, the promotion of human rights and persons belonging to national minorities, the institutional support in the field of border management, police activities, security system reform, and in the field of civil society development. In this context, for the new independent states of the Euro-Asian region, the CSCE/OSCE was the main reference point for the democratic (re)construction.

In 1992, the first Bush Administration strongly supported the idea of including the new independent states from Central Asia and from the South Caucasus as part of the CSCE process, as a way to promote their proximity with the values of Euro-Atlantic structures and to stimulate political and economic reforms.

The former head of the US delegation to the CSCE and a renowned connoisseur of the realities of the CSCE/OSCE, Max Kampelman, advised the American President to abandon this approach from that date because, otherwise, the CSCE will suffer, as the new states of the South Caucasus and Central Asia do not share Western values. Kampelman argued that the influence of CSCE membership on the policy of these states would be negligible because these states owe more to the Soviet tradition than to the principles of the Helsinki Final Act. He took into account the fact that there was an enormous difference between the specifics of the political-social-cultural-religious

development of the states from the European space and those in the South Caucasian or Central Asian space, which made the impact on these new cultural spaces difficult to predict.

Kammelman's predictions have proved to be only partly well founded if we evaluate progresses in the human dimension made in these states. He was only partially right, because, until now, although limited, there has been progress in general in the States of the South Caucasus, but also in some of the Central Asian states such as Kyrgyzstan.

Although it was a wake-up call of the complications that were to come, his opinion did not triumph in intra-organisational debates. The new independent states from the South Caucasus and Central Asia saw themselves as belonging to the CSCE as a kind of entry ticket to a select club that placed them at the same table with strong states and diplomatic traditions, thus consecrating their desire to emancipate themselves from the guardianship of the "big brother". The CSCE participating states themselves have viewed with far greater interest the idea of having allies in these states than keeping them outside the club, thus providing them with the availability of assistance, either bilaterally or through the use of existing institutional mechanisms and structures.

Both in the wider plan of the organization, but also within the regions of Central Asia and the South Caucasus, Romania has acted consistently for a more efficient use of existing resources, mechanisms and institutions involved in the human dimension.

Romania is one of the continent's democracies that has benefited greatly from the OSCE's experience and tools in its efforts to build a democratic society based on the rule of law and respect for fundamental human rights and freedoms, including the rights of persons belonging to national minorities.

In this context, Romania's individual experience and its transition from totalitarian society to a democratic society set an example for the states of the region, in an atmosphere of mutual understanding and cooperation. Among these, we could remember the positive trend of developing relations with the HCNM, contributing concretely to a better understanding of the international community on the situation in Romania.

Both as a participating state, and especially during the presidency in office, Romania tried, first of all, to objectively look at local realities and to provide that expertise that best suited the place and time chosen for these states and not to emphasize objectives that have resulted from exercises or schools of thought that had only a speculative basis.

Political contacts were reinforced and relieved by the fact that Romania's assistance offer had the merit of being disinterested and directed exclusively to those areas where little progress could be achieved in parallel with the active maintenance of the interest of the authorities of these states towards the OSCE.

Secondly, Romania avoided to highlight some states of the region (when their deviations from human commitments were underlined by other OSCE states) in order to highlight their own progress at the various meetings devoted to the human dimension.

Concretely speaking, Romania has made an open contribution, trying to engage the authorities in working with OSCE mechanisms and institutions in order to determine the dialogue between themselves and the targeted states from Central Asia and the South Caucasus and in order to open up the perspective of some desired results [2].

In very many cases, the implication of Romania in this subject was very important so that the Bucharest authorities' dialogue with OSCE institutions was offered as a positive example. Also, the success or the change of situation that this honest dialogue brought both in the internal evolution in Romania and on how it reflected on Romania's international image represent positive contributions of Romania.

At the same time, as part of this organization, Romania directly contributed by knowing how to listen to the states of Central Asia and the South Caucasus, it listened to the criticisms that these states have addressed to states with consolidated democracies, thus trying to make them more responsible for engaging a substantive dialogue on the themes of the human dimension. Sometimes, Romania was the "pressure valve" by which the states of the South Caucasus and Central Asia "spills their guts" on the lack of understanding that some Western states, considered too demanding, displayed in relation to the peculiarities of the societies that these states represented.

The most illustrative example is that of election observation, observation missions formed by OSCE/ODIHR being numerous and ubiquitous in the East and quasi-absent in Western states. Unfortunately, the Western states did not understand until quite late the importance of avoiding the formation of misperceptions, and the most difficult moment was given by the elections for a second term of President George W. Bush, that took place during the Romanian presidency of the OSCE [3], when the procedure for validating the results "gave water to the mill" to the Eastern states. They had the opportunity to invoke the fact that difficulties can arise not only in the East, but also in states with strengthened democracies. Romania was that one, in implementing the 1997 Copenhagen Document, and this over-determined the participating (both Eastern, and Western states) to make public announcements on the organisation of the elections so that the BIDD and the interested states could decide to organise the election observation missions.

Moreover, within the organisation, Romania has consistently contributed, case-by-case, to a more flexible, personalised approach of each country from the region, to abandon the "we"- "they" attitude within the OSCE. Very often, within the meetings of the Permanent Councils or within the interventions at the Annual Ministerial Councils, Romania has called and directly promoted the inclusive character and the equality between states as principles that should be applied in practice, not only declaratively, without thereby discounting the quality of standards and commitments.

In relations with these states, Romania has promoted an approach according to which an application of commitments principles that are circumscribed to the human dimension is more likely to succeed than an application from the "teacher"- "student" positions. Only when these states perceive the OSCE as an organisation that belongs to them and there are chances as aspects linked to the human dimension, and the

implementation of commitments should no longer be seen as a lesson, but as a method of making the development of those states and societies to be sustainable.

Last but not least, Romania has contributed concretely with experts to the transformations of these states, either directly, bilaterally, or through their secondment to field missions within these states.

Conclusions

The approach of threats to the security address, in a comprehensive and effective manner, is a real challenge in that it needs to move from finding ad-hoc solutions to a different reaction type, based on a new “security culture” in Europe, unlimited by the conventional thinking. As part of this comprehensive approach, the OSCE is the unique organisation with a strong political significance, that recognises that the intensification in economic and environmental fields can contribute to the strengthening of peace, prosperity and security.

The OSCE has always been a rich organisation in finding imaginative and flexible solutions, but it has only worked with consensus from all participating states. For the states from the South Caucasus and Central Asia, the OSCE maintains its relevance, in particular as a forum for cooperation and dialogue, a school through which the options of these states for the choice of security formulas corresponding to the perspectives for free development.

Romania's contribution and experience are very relevant because offer a transitional model, a catalogue of options, achievements, but also mistakes, which these states could take into account in analysing their own options.

The spirit of the Helsinki Final Act remains valid for Romania in two aspects: the indivisibility of security and the approach of principles of cooperation for a better dialogue to ensure a security climate [4]. No international organization is perfect. It is necessary to improve its efficiency, to establish the legal status of this organisation in order to ensure a coherent financial and operational planning process of the activity. Given the international conditions, the effects of globalisation and the consequences of repeated economic crises, it would be hard to believe that the negotiation of a new decalogue, under the current conditions, would still be possible.

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