Role of civil society organizations (CSOs) in the realization of the OSCE goals and the Helsinki principles

Food for thought paper[1] by Dmitri Makarov, Co-Chair of the Moscow Helsinki Group

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The history of the OSCE and a part of its ethos is closely linked to civil society engagement. It could be argued that joint efforts of the Helsinki human rights committees as well as government actors (such as the US Helsinki Commission) shaped the initial stages of the Helsinki process after the signing of the Final Act in 1975.[2] The OSCE, the largest security organization on the planet, remains unique in ensuring the comprehensive concept of security, including its human dimension – with respect for human rights and fundamental freedoms, democracy and the rule of law at the core. In many aspects, the OSCE can be applauded for its significant achievements in advancing the human dimension – notably through the establishment of mechanisms for participation of civil society in the human dimension implementation meetings (HDIM) and now conferences, and, to some extent, around the ODIHR, the OSCE Representative on Freedom of the Media, the High Commissioner on National Minorities and other OSCE institutions.

The Organization could be commended for its unique role in Central Asia, recognition of the security of human rights defenders as an organizational priority (regretfully, not fully realized or followed up), development of various guidelines on Freedom of Assembly, Association, Freedom of Religion, various resource guides for NGOs, monitoring of trials and assemblies and so on.

Yet, at this stage it is obvious that the OSCE has not only failed to live up to its full potential but is stalling and facing the risk of crumbling completely. The security system on the continent collapsed and the participating states have lost consensus on key issues. The organization is in limbo at the moment, trying to figure out the possible future for itself: is it a forum for engagement across the frontline, which includes the aggressor states such as Russia and Belarus or, if they are isolated further and even excluded, what is the additional value that the OSCE brings in comparison to other European organizations (EU, Council of Europe) or to security groupings like NATO? Is the OSCE an instrument of war by other means or rather an instrument of reaching agreements? Could it still be a negotiation platform on issues that matter to every participating state? What are those issues? If there are none left, is it time to admit that there is no longer a space or a chance for diplomacy?

[1] This paper was produced in the framework of the "Helsinki+50 initiative towards the 50th anniversary of the Helsinki Final Act: Reflection process on the future of the OSCE in the times of crises" project, implemented by the Civic Solidarity Platform with support of Finland and Germany.

[2] See Robert Horvath, Rethinking the "Helsinki Effect": International Networks and the End of the Cold War, Diplomatic History, Vol. 37, No. 3, June 2013.

For the purposes of this discussion the key question is: what is the role of organized civil society in those deliberations? And can CSOs strive and hope to influence its outcomes?

While there is a significant number of opportunities for NGOs to participate in various OSCE meetings, there is no obvious mechanism to affect the OSCE decision-making (e.g. Ministerial Council decisions, topics for human dimension meetings, OSCE's choice of projects, budget and funding of projects). Individual parts of the OSCE (various field presences, various parts of the OSCE Secretariat, Office of the Representative of the Freedom of the Media, various departments of the ODIHR) may initiate contacts with NGOs and determine the level of NGO involvement in various activities, but there is no coherent and comprehensive policy on citizen engagement.

There is also an obvious gap between various human dimension meetings or modes of expert involvement, on the one hand, and influence – on the other hand - on both operational and political level of the organization. The Permanent Council is the body that sets priorities, adopts decisions, including those on the budget, and the "disconnect" of the human dimension meetings from the work of this main decision-making body of the organization is apparent. The OSCE Ambassadors' involvement in the human dimension events is moderate while decisions for extra-budgetary funding of various projects of OSCE institutions and missions lay with the participating states. In short, openness to CSO participation in the various meetings is not translated into influence on the decision-making or on the operational work of the Organization.

Thus, the CSOs' roles are limited: they produce input on facts, contribute as experts on individual level and produce recommendations. The last part is perceived as the most important contribution, but very few of those recommendations, if any, even reach the delegations in Vienna, the Permanent Council nor have insignificant impact on decision-making. For instance, Civil Society Parallel Conference organized by the Civic Solidarity Platform since 2010 produces an extensive set of recommendations every year, the document is passed to friendly delegations, ministers, representatives of the Chair-in-office, Secretary General, heads of institutions, often in public, but one would struggle to name more than a handful of positions that were followed later on.

Engagement models

If we are to discuss various models of participation and engagement, there is a growing body of literature to build upon. For example, the Ladder of Citizen Participation[3] proposed by Sherry Arnstein in 1969 is one of the most referenced and influential. Her conclusion is simple: citizen participation in democratic processes, if it is to be considered "participation" in any genuine or practical sense, requires the redistribution of power. In Arnstein's formulation, citizen participation is citizen power. Without an authentic reallocation of power — in the form of money or decision-making authority, for example — participation merely "allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo."[4]

In a metaphorical "ladder" that she proposes, each step represents increasing levels of citizen agency, control, and power. It is easy to state that in the OSCE processes participation of citizens

[3] https://www.tandfonline.com/doi/abs/10.1080/01944366908977225

[4] Adapted from "Ladder of Citizen Participation" https://organizingengagement.org/models/ladder-of-citizen-participation/

is limited to the lower steps of (1) manipulation, (2) therapy (3) informing and, at best: (4) consultation and (5) placation, when a limited degree of influence is granted but participation is largely or entirely tokenistic. In other words, CSOs are merely involved only to demonstrate that they were involved. Upper stages of participation (6) partnership (7) delegated power or (8) citizen control are completely out of reach.

The scholar and practitioner Matt Leighninger developed the Types of Engagement model, which describes three common forms of engagement as thick, thin, and conventional. As Leighninger and his co-author, Tina Nabatchi, write in their book "Public Participation for 21st Century Democracy",[5] direct participation encompasses "activities by which people's concerns, needs, interests, and values are incorporated into decisions and actions on public matters and issues."

In "conventional engagement" citizens and officials are separated from one another, there are no breakouts or small-group discussions and citizens have brief opportunities, typically limited to just a few minutes, to address the whole group. This sounds very familiar to the engagement that we are used to at the OSCE events! Further on, examples of "thin forms of engagement" include polls, surveys, petitions, and other activities that either (1) educate community members about an issue or (2) solicit their views on an issue, often through mechanisms by which community members and constituents can submit feedback. In the reality of the OSCE this would include submitting reports, appeals and policy papers.

In "thick forms of engagement" most of the action happens in small-group discussion, large and diverse numbers of people are gathered, participants have a chance to share their experience and present a range of views or policy options – action and change is encouraged at multiple levels. The essential features that characterize thick engagement processes are:

- ➔ Proactive organizing, networking, and recruitment activities;
- ➔ Facilitated small-group discussions;
- ➔ An intentional deliberation sequence;
- ➔ Discussion guidance that establishes appropriate expectations for participants by framing the issue under discussion, describing the decision-making process, articulating the options available to participants, or reviewing desired goals or outcomes;
- ➔ An action strategy.[6]

Perhaps, part of the problem is that the OSCE remains an organization which in a normative sense promotes democracy, but on an operational level is inherently not democratic?

Of course, an argument can always be made that there is an irreconcilable void between the *realpolitik* of security and the idealism of human rights work, that the complicated nature of international relations and international politics can be comprehended only by trained diplomats, select academia and a handful of think tank experts. Yet, I believe one of the duties of the CSOs is to challenge this notion. The issues that are at the core of the OSCE's mission and declared principles are a matter of direct concern to huge segments of societies across national borders, especially given that the population of the OSCE participating states is exceeding 1,3 bln people.

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[5] https://onlinelibrary.wiley.com/doi/book/10.1002/9781119154815

[6] Adapted from "Types of Engagement: Thick, Thin, and Conventional"
https://organizingengagement.org/models/types-of-engagement-thick-thin-and-conventional/

If we seriously explore the question why the OSCE is failing in engaging civil society and why civil society is failing in having a meaningful influence on the Organization, despite constant lip service to the contrary, we will stumble on the reality that the declarations about engagement, participation and impact inevitably remain just declarations while they are not backed by:

(A) Funding and Budgeting – the true priorities lie there and currently just a miniscule fraction is aimed at achieving the goals of civil society engagement and participation;

(B) Policies and Procedures – engagement is not built into the policies and procedures of the organization;

(C) Professional Incentives – how many career opportunities are there and what are the ways of professional development in the field of human dimension? How much recognition, awards and other forms of additional legitimacy the participating states and the Organization are willing to give to the non-state actors?

(D) **Training and Skill development**[7] – very few of CSOs representatives have been taught advocacy skills or given training on the internal procedures and norms of the Organization they engage with: most of us have taught ourselves through practice and observation. Educational endeavours like the OSCE Academy or a few trainings conducted a few years ago prior to the HDIM on the initiative of some field offices are contrary examples that prove the point.

There needs to be change In all four of those fields if we are truly interested in promoting the Helsinki principles and not just declaring them. This could be a joint effort by the career diplomats, international civil servants, CSOs experts and activists partnering together.

Once, the civic Helsinki movement shifted the game by proposing a radical solution to the problem of the Cold War era – it took at its literal value the normative statement that human rights and the rule of law are not an internal matter but a matter of joint legitimate concern of participating states and started pressuring them to question, demand and exercise control and supervision over those matter. In this complicated and tense international setting, the Helsinki groups were heard, gained support, recognition and impact.[8] Now is also the time of change that can precipitate similar radical movement. Shifting the paradigm would be proposing a shift in a way the OSCE considers and promotes CSOs' engagement.

What can the OSCE and its institutions do?

To start a reflection on that, we may once draw inspiration from the theory, scholarship, and practice of public participation in democratic decision-making and problem-solving. Tina Nabatchi and Matt Leighninger in their work "Public Participation for 21st Century Democracy" propose six building blocks of engagement. In relation to the OSCE processes, they may be the following:

[7] Adapted from Developing the Infrastructure for Systemic Engagement
https://organizingengagement.org/models/building-blocks-of-engagement

[8] See Sarah B. Snyder, Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network, New York: Cambridge University Press, 2011; Paul Goldberg, The Final Act: The Dramatic, Revealing Story of the Moscow Helsinki Watch Group, New York: William Morrow & Company, 1988.

1. Disseminating Information – engagement opportunities need to be promoted, engaged actors need to know what's happening, and factual, accurate, illuminating, and as unbiased as possible information is key. Organization's website, social media, news bulletins and so on may be analysed and improved in that aspect.

2. Gathering Input and Data – collecting input, feedback, and other data through such instruments as polls, surveys, focus groups not only helps to gather useful feedback but can also be used to relate back the results of the data-collection process and how it influenced decision-making. Surveys or focus groups will not be considered a waste of time if the concerns raised are heard or acted upon. New technologies can offer more ways to collect input, feedback, and other data, to "crowdsource" ideas and proposals.

3. Discussing and Connecting – social aspects of participation are often overlooked, but are critical for establishing relationships. CSOs advocates know well that informal interactions can often produce better outcomes than intentional engagement strategies — trusting relationships are formed, greater understanding takes hold, etc. Public spaces, social events, other in-person or online forums are essential components of a comprehensive engagement strategy. (From my own experience, I can say that non-formal interactions with some of the OSCE officials in the past, for instance, around trainings and roundtables on freedom of assembly issues, have led to interesting collaborations and long-standing human relations: e.g. we worked together on amicus curiae briefs for the ECtHR, reports on events in Belarus and training of observers in Ukraine and even local officials in Russia and so on).

4. **Enabling Participation in the Decision-Making** and 5. **Enabling Community Decision-Making** is where it gets tricky – but if we are to be consistent, there need to be opportunities to participate more actively in the decision-making and in developing long-term strategic plans, as the most visible and high-stakes examples of participation. Examples of community participation from other fields include community advisory committees, participatory budgeting, community-involved strategic planning, citizen participation in hiring decisions and a variety of other strategies that incorporate community participation into a formal structure and lead to the distribution of power that the Arnstein's ladder of participation places on the upper steps.

Finally, 6. **Encouraging Public Work**[9] – or in our case encouraging higher engagement in civil society and human rights activism. If what the OSCE stands for and the Helsinki principles are important, then the drive for them and support for the organizations that promote them should be based on citizen engagement. We need to speak more of that or the OSCE will be considered in the public eyes as some obscure and distant organization that deals with issues of non-importance and is remembered only when quoted around election observation.

One path to change those perceptions lies through mass educational and awareness raising initiatives focused not only on transfer of skills and knowledge but on building a constituency of supporters and forming a larger awareness of why the OSCE is important, what values it is based on and what benefits it brings to the societies of the participating states.

[9] Adapted from "Building Block of Engagement"
https://organizingengagement.org/models/building-blocks-of-engagement

“What can CSOs do?”

In the article “‘Another Chance for “Helsinki from Below’? Reviving OSCE-Related Human Rights Groups” published in the OSCE Insights[10] I proposed the following recommendations as a possible focus and potential common priorities.

1. **Focus on support, protection, and an enabling environment for journalists, lawyers, and human rights defenders as natural allies in the promotion of the Helsinki principles.** While we are witnessing the deadliest war in the middle of Europe, a proposal to classify attacks on representatives of those groups as egregious disregard for OSCE commitments and as threats to comprehensive security may seem outdated, but I would still argue that there is merit to the proposal and some possibilities within the OSCE framework for it.

2. **Focus on increasing the number of supporters and followers of human rights groups,** including through human rights education and larger involvement of the public in that field, based on past and current experiences of successful citizen movements. (To give an example connected to the work of the OSCE, this may include, among others ideas, proposals for a wider engagement of citizens in trial or assembly monitoring, the fields that have been well developed by the ODIHR with significant expertise and experience – only the approach needs to shift from “experts engaging in the field” to “engaging citizens to step up and mobilize with the support of experts”).

3. **Focus on the economic sustainability and financial independence** of the human rights sector, including through financial models and investment systems diverging from the usual grant support model.

These proposals can be regarded as food for thought suggestions or initial points of discussions of concrete steps. I would also add a 4th one:

4. Focus on ambitious coalition and network building and organizing as there is plenty of experience both in the Helsinki movement and in the Civic Solidarity Platform to analyse and build on mistakes and missed chances, as well as achievements and accomplishments.

After all, the Helsinki movement was always about a stubborn argument that the issues of human rights, rule of law, democracy – the human dimension of security – are not just points of debate among state actors but important matters of relevance to us all. The turbulent times we live in still give us the space to argue and advocate that, and the crisis of the OSCE may be the chance to embed that into practice.

[10] Dmitri Makarov, Another Chance for “Helsinki from Below”? Reviving OSCE-Related Human Rights Groups, IFSH (ed.), OSCE Insights 7/2021 (Baden-Baden: Nomos, 2022), https://doi.org/10.5771/9783748911456-07