



OSCE interaction with civil society: Experiences, challenges and prospects

Working paper¹ by Olga Zakharova, Strategic Director, the International Strategic Action Network for Security – iSANS

10 September 2024

This paper does not have a goal of providing an inventory of all avenues and instruments that exist to enable interaction between the OSCE (at large) and civil society (CS) or providing a comprehensive list of recommendations for the way forward, but rather represents an attempt at a critical review of what has been achieved and lost in this field throughout the past decade and a half.

Civic Solidarity Platform² (CSP) members have extensively analysed over years the existing principles and instruments of interaction between the OSCE executive bodies, autonomous institutions, and participating States, on the one hand, and CS, on the other, and provided many recommendations on making CS engagement with the OSCE more effective.³ These recommendations and analysis were mostly focused on the human dimension, with exception of some pioneering recommendations on strengthening CS engagement in the OSCE work on the conflict cycle, encompassing the first and the third dimensions.⁴

We should put another disclaimer here: we understand that with the large-scale war of aggression by Russia against Ukraine, the new war in Nagorno Karabakh, migration crises of various nature, and the deepening ideological rifts between OSCE participating States, the OSCE has decreasing capacities for external engagement, as in many cases its engagement with CS is seen. However, we believe that CS

¹ This working 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 The Civic Solidarity Platform is an OSCE-wide network of human rights, democracy, and conflict resolution NGOs. Since its inception in 2011, it has grown to more than 90 member organisations from across the OSCE region. It holds annual OSCE Parallel Civil Society Conferences, holds various other events, interacts with OSCE bodies and participating States, and is engaged in solidarity actions, monitoring missions and other joint projects across the region. For more information, please see https://www.civicsolidarity.org/.

³ Please see the list of the most important CSP documents on this subject in the annex.

⁴ See: the Stockholm Declaration on the Need to Critically Review and Strengthen the OSCE's Work on Conflicts to Strengthen Security, Protect Human Rights and Uphold the Helsinki Principles, in the *Outcome Documents of the OSCE Parallel Civil Society Documents*, Stockholm, 01.12.2021,

https://www.civicsolidarity.org/sites/default/files/stockholm_declaration_0.pdf, pp. 6-7, 14-15.

contribution to the comprehensive security of the region and the realisation of the Helsinki principles is vital and its potential for the OSCE work remains largely untapped.

Unfortunately, because of attempts of Russia and its supporters to re-design the global security architecture, the work of the OSCE has lately experienced the most serious challenges and impediments. Currently, we see a de facto block on one of the major avenues for CS interaction with OSCE participating States and institutions – holding of the HDIM, which has been replaced since 2021 by the Chairpersonship conference. Obviously, the goal of blocking the holding of HDIM is not only undermining CS participation but the overall attack on the OSCE work in the human dimension. There have been other attacks such as blocking the adoption of OSCE budget. Moreover, this year Russia blocked the appointment of Secretary General and the heads of the autonomous institutions. In fact, we have run into the problem that in the previous era was to be avoided at all costs – the use of the veto right by one of the states to stall and disrupt the work of the whole organization.

Over the past decade, we have witnessed gradual degradation of OSCE work, both in Vienna and on the ground. Eventually, we have faced a full scale crisis of the organisation. This protracted institutional crisis deprives the OSCE of the ability to effectively address a multi-faceted security crisis in the region, encompassing all three dimensions. In the eyes of many, this puts into question the value of the continued existence of the organisation 50 years after the adoption of the Helsinki Final Act.

The inability to take decisions and implement programmes due to the abuse of the consensus decision-making and the overall institutional paralysis of the OSCE directly and negatively affects prospects of expansion of CS engagement in OSCE work. It is not hard to guess that behind these destructive efforts, the main actors have been not only Russia but also other participating States with authoritarian regimes, such as Belarus or Turkmenistan, or some other states resisting OSCE work in the human dimension and aiming to exercise stifling control over independent CS both inside and outside of their countries. Replacing genuine CS organisations with GONGOs and attempting to take over civic space in intergovernmental organisations has been on these governments' playbooks for quite a long time in the post-cold war era, long before the full scale invasion of Ukraine.

Quite a few avenues of interaction between CSOs and all OSCE bodies exist. The problem is not the lack of the avenues, the problem in many cases is a lack of political will and the abuse of the veto right.

Take the OSCE field operations – missions, programme offices, centres as well as special monitoring missions. The mandate of those is renewed by consensus of all participating States, and naturally, it has to be accepted by the host state. Also, quite naturally, missions are located, shall we say, in the places that need special assistance and attention to ensure implementation of OSCE commitments. If one takes a look at OSCE field operations that were shut down, one will see a Special Monitoring Mission to Ukraine, shut down because of the Kremlin's veto, or the OSCE office in Minsk, shut down by the Lukashenka regime for obvious reasons. The OSCE Centre in Turkmenistan has become since the mid-2000s nothing but a toothless servile establishment, talking only to the Turkmenistan government and GONGOs. We have a huge doubt that this servility and façade cooperation programs do any good to the people of Turkmenistan, whose rights for freedom of information, expression, association, movement, and other fundamental rights and freedoms are severely restricted or non-existent. The legitimizing

through the OSCE of the non-democratic government, complicit in hundreds of enforced disappearances is simply outrageous, regardless of the reasons for continued cooperation and assistance programmes such as regional stability and energy security.

We do know that in a number of cases, the OSCE leadership agreed to a weaker scrutiny of implementation of OSCE commitments by certain States in exchange for the presence on the ground, but it turned out to be the race to the bottom in those cases. In other cases (for example, the Balkans), OSCE mission are reasonable partners for CS, though not of all of the governments in the region are exemplary democracies.

Obviously, currently the OSCE is not in a strong position to negotiate consensus on the field operations in the problematic regions. One of the possible choices, allowing to avoid the consensus trap, seems to be appointing a CiO representative on the regions or states, to at least keep those countries in focus, as well as having a channel of communications with independent CS organisations. We acknowledge that the number of CiO representatives cannot be endless and is limited by resources and organisational capacities of the Chairpersonship. Still, it could be used in some cases, like Belarus.

Below we will review informal good practices based on political will of States as well as more formalized tools of CS – OSCE interaction, and suggest ways to build on certain recent achievements.

One of the ways of expanding CS engagement in the OSCE framework without hitting the consensus wall includes active CS interaction with the IWBs – informal working bodies of participating States. Some of them are of a more informal nature such as "groups of friends" – be it friends of the media, a group of states that established the Democracy Defenders Award, friends of Belarus or friends of Ukraine. It still takes time and sometimes continuous efforts to persuade participating States to establish such groups, but they are beneficial, as they allow for a focused work on problematic issues and active interaction with CS – if there is a political will for it coming from the capitals.

Similarly, informal "stakeholders meetings" of CSOs with a group of delegations of supporting states, organised annually by the Civic Solidarity Platform before the Covid pandemic, proved to be a very useful instrument. Unfortunately, they have been discontinued.

Some of the IWBs are more formalised and established in accordance with OSCE procedures, such as the Human Dimension Committee (HDC). Building this practice over the last 10 years, the HDC Chairs have invited CS experts to present their views on human dimension issues and have included these interventions in the agenda of the monthly Committee meetings. Some governments would also invite CSOs from their own country to comment on state reports on implementation of commitments. Opposition to this practice from the same group of countries has been expressed, including a demonstrative walk-out of the room when a CS expert was given the floor. The good practice of the HDC allows for the widening of CS presence in Hofburg and the presentation of CS views directly to delegations of all participating States (if they choose to be in the room). It should be further expanded.

As all who work with the OSCE know, meetings of the Permanent Council (PC), which is an official OSCE body, remain closed to CSOs. However, holding of pre-PC briefings by CSOs on relevant and important topics was practiced in the past, and this tradition should be renewed.

Another good practice based on positive political will is holding the Chairpersonship consultations with CS on relevant topics considered a priority by the CiO and CSOs. They used to happen before the assumption of the Chairpersonship and throughout the year but have not been happening lately. We hope that this practice will be reinvigorated by the upcoming Finnish Chairpersonship.

Establishing of a mandate of the Special Representative of the CiO on Civil Society in the last two years and the appointment by Malta of a high-level politician and former president of the country to this position is an important step forward and an example of taking on board CS recommendations repeatedly put forward for many years. However, the mandate needs more concrete content and developed tools, such as interaction with CS on a regular basis and making recommendations by the SR to OSCE bodies and participating States on both using the CS potential more effectively in the OSCE work and addressing the problem of shrinking CS space throughout the OSCE region.

Genuine devotion by Chairmanships and autonomous institutions to certain priorities, especially if it is exercised over several years, together with their continued collaboration with CS, may bring lasting results – such as, for example, the adoption of MC Decision 7/20 on an expanded commitment on torture prevention. The new commitment includes elements advocated by CS for a long time, including a victim-centred approach and inclusion of enforced disappearances in the scope of the commitment. However, even this is not a guarantee that the achievement will take a root on the institutional level. An action plan on the implementation of MC Decision 7/20 has not been adopted, and the CS proposal to develop ODIHR guidelines for torture prevention is still sitting on a back shelf. The Focal Point on torture prevention, established by the ODIHR a few years ago upon CS proposals, has limited capacity, while the establishment of an expert panel on torture prevention at ODIHR, through which vast CS expertise in this field could be utilised, has never become a reality.

Work on priority issues should be systemic and systematic, which is often problematic, as the lifecycle of working on a certain issue by far exceeds the lifetime of the CiO mandate, the mandates of heads of institutions and members of diplomatic missions. And here CS comes handy, having an institutional memory through the years of its work in the OSCE framework.

The culmination of interaction throughout the year is supposed to be the Civil Society Parallel Conference held on the eve of the OSCE Ministerial Council meeting. The Civic Solidarity Platform has been organising these since 2010. The Parallel Conference certainly has its merits for all sides – CS, the diplomatic corps, and OSCE bodies. However, interaction during the Conference and on its margins could be significantly improved. Side events during the Ministerial meeting, as well as bi-lateral and group meeting was a huge step forward at a time, pioneered some ten years ago by CS-friendly states. However, the more problematic situation in the OSCE region becomes and the bigger the internal crisis in the OSCE grows, the tighter becomes the schedule of diplomats ahead of and during the Ministerial, the less there is space for the meetings and consultations with CS representatives, and the more symbolic they become. Written CS recommendations in the outcome documents of the Parallel

Conferences that are presented annually to the OSCE leadership, seem to be less and less read, let alone implemented, though we have had positive examples of this in the past.

Some CSOs stay after the Parallel Conference to observe the Ministerial Council and meet with interested delegations on its margins. Possibilities to open up the other two OSCE dimensions for CS input is one of the serious values of these meetings. Yet again, certain group of states has never welcomed such openings. In fact, back in history, they succeeded in compartmentalisation of the three pillars, de-facto changing the comprehensive security approach into a three separate basket approach. In the past, we happened to hear repeatedly from some states that the place for CSOs is only at OSCE human dimension events.

However, even there, at the human dimension events, CS-unfriendly states have repeatedly attempted to restrict CS participation they dislike, abusing the Paragraph 16 provisions that open participation in OSCE events only to those NGOs that are not engaged in violence and terrorism or condone them. Delegations of autocratic states claim that NGOs critical of their governments are "extremists" and "terrorists". Moreover, they flood the events with GONGOs, which propagate governmental point of view, take up space and time, disrupt speeches and events by genuine CSOs, spy on the them and report back to the governments, initiating retaliation. Participation in the events and speaking out without self-censorship has become increasingly risky, with certain regimes growing more and more authoritarian and less responsive to external pressure or even belligerent, such as Russia.

In the past few years, the holding of the HDIM has been blocked, so now, to overcome the veto, a Chairpersonship conference on the human dimension has been held since 2022, replacing the HDIM. In the past, there were concerns that such practice may actually put an end to the existence of the HDIM for good. However, in the present situation of a stalemate, increased autocratic tendencies and the major war in the region, we may only welcome such a profound expression of political will by the Chairpersonships, ODIHR, and many participating States. While the format of the annual human dimension conferences allows for more side events by CSOs and more time for CS interaction with delegations, we have an impression that many of these engagements have mostly a symbolic nature, with very limited substantive reaction to CS proposals and no follow-up.

In fact, probably the way forward in the present challenging conditions might be only the political will that would give enough courage to Chairpersonships, other OSCE bodies, and participating States to take steps that do not require consensus decisions by all participating States. Given that certain States are blocking not only the renewal of the field operations and appointment of the heads of autonomous institutions, but also appointment of the next Chairpersonship, the biggest burden actually goes to participating States who should be leading by example and showing the initiative in various areas of concern, including expansion of CS engagement in OSCE work.

Speaking of non-consensual mechanisms that have their strong merits and also allow for a greater CS input, we should of course point at the Vienna and the Moscow mechanisms, which are in fact the only official non-consensual mechanisms in the human dimension. Once considered a too confrontational and "nuclear" option, now, with Russia's large-scale war against Ukraine and the on-going major human dimension crisis in Belarus, these mechanisms have become somewhat less of an extraordinary

measure. Given that the minimum required number of states to invoke the Moscow mechanism is 10, it is a flexible tool to react to the human dimension crises of different nature, allowing CS to provide an ample amount of information for states which helps them to invoke the Moscow mechanism, provide evidence to the rapporteurs, and provide feedback after the release of the Moscow mechanism reports. It seems that the long-discussed problem of the need for a stronger follow-up (not formally provided for in the OSCE documents) is also in the hands of both concerned States and CSOs.

Interaction of two independent institutions, the ODIHR and the Representative on Freedom of the Media (RFoM) with CSOs is a kind of a well explored path, which includes various events (other than the HDIM and SHDMs), consultations, capacity-building trainings, involvement of CSOs in expert panels and the drafting of guidelines, input in assessment missions and reports, etc. The caveats there are those of the standard nature – not enough institutialisation, dependence on the good will of the institutions leadership and positions of participating States regarding certain events and topics, and attempts by some States to limit the institutions' interaction by marginalizing genuine CSOs.

In any case, CS potential in contributing to the work of OSCE autonomous institutions is by far not fully tapped. To illustrate this thesis, let us recall that some 10 years ago, responding to repeated calls by CS, the Office of the RFoM started addressing the problem of the abuse of freedom of the media in the form of propaganda and disinformation. As CS continuously reminded, these are the key tools in hybrid threats to security and democracy across the OSCE region, encompassing the first and the third dimensions. RFoM issued an important paper on the subject and held a conference but this work has not been continued, while the problem has been steadily growing since then, especially with the proliferation of new technologies and artificial intelligence. Should this work be renewed, CSOs could make a strong contribution with their monitoring data, analysis and recommendations.

Interactions with Secretary General and the Secretariat have fluctuated in the past and depend on the level of interest and engagement of SG and his/her staff. Genuine substantiative interaction was achieved at a certain point in the past, however, current developments have made it more of a ritual with little impact.

We have already put a disclaimer that the review of the existing avenues for CS engagement in this paper is non-exhaustive. However, we should mention possibilities that the OSCE Parliamentary Assembly (PA) has for CS engagement. In the earlier days, we faced objections by the usual suspects, claiming that the PA events are for parliamentarians only, but with time, we were able to overcome this obstacle, enabling CSOs attendance of PA sessions, their interaction with members and the leadership, and holding of side events on relevant topics. Moreover, in the last three years, the PA Secretariat organises annual consultations between CS representatives and rapporteurs of the Assembly's committees ahead of the drafting of the annual PA resolutions and seeks input from CS in the drafting process – a very progressive practice, along with the recent establishment of a mandate of the PA Special Representative on Civil Society.

As mentioned above, most interactions with CSOs are naturally focusing on the third dimension. However, starting with the Russian invasion of Ukraine in 2014 and especially the full-fledged aggression in 2022 (not to mention other protracted conflicts), the need for interaction with CSOs in the first and

the second dimensions has become vital. It could focus on areas where CS has strong expertise, such as working on the conflict cycle, monitoring of and reacting to hybrid threats, addressing the climate crisis, and countering transborder corruption. So far, we have seen more of an ad hoc approach rather than an established interaction path, but again, this is more of an initiative by participating States than a systemic practice by OSCE bodies, including Chairpersonships, Secretary General, and relevant departments of the Secretariat.

Starting in 2014, the CSP has invested a lot in elaborating on what exactly interaction with CS in the first dimension could entail and which areas should be a priority. We have discussed early warning of a human dimension crisis which can develop into a political and military crisis, work on conflict prevention and transformation, documentation of war crimes, accountability work, as well as other matters, with several Chairpersonships, the Secretariat, including the Conflict Prevention Centre, and the High Commissioner on National Minorities. The most comprehensive analysis and a set recommendations in this field are to be found in the Stockholm Declaration on strengthening of OSCE work on the conflict cycle.⁵ In working with conflicts, input from both international expert NGOs and local CS groups, including those from the communities directly affected by conflicts, is indispensable.

To conclude, we may only state that with CS space rapidly shrinking in many countries of the OSCE region, continued major war in the region, and the attempts by certain states to re-define the global security architecture, the biggest burden in giving a new meaning to and breathing a new life into the OSCE 50 years after the signing of the Helsinki Final Act goes onto participating States which are still adherent to the Helsinki principles. This includes enabling more effective CS contribution to the OSCE work. We see a path forward in participating States becoming more open to candid and creative discussions on how the CS input into what remains of the OSCE work could be maximised.

⁵ Ibid.

Annex: Selected documents by the Civic Solidarity Platform on the role of civil society in OSCE work and expanding civil society engagement with the OSCE

The Role of Civil Society in the Promotion and Protection of International Human Rights Law and International Humanitarian Law. Keynote address by Yuri Dzhibladze at the OSCE Supplementary Human Dimension Meeting on the Role of Civil Society in the Promotion and Protection of International Human Rights Law and International Humanitarian Law. Vienna, 22.04.2024.

Protecting civil society space across the OSCE region and ensuring a stronger role for civil society in the OSCE, in *Skopje Declaration: The OSCE and its participating States should overcome the organisation's paralysis, stop continued aggression, ensure justice, respond to expanding conflicts and growing repression, and reflect on the future of the Helsinki process.*Presented at the OSCE Parallel Civil Society Conference 2023. Skopje, 29.11.2023,

https://civicsolidarity.org/sites/default/files/skopje_declaration_parallel_cs_conference_2023_1.pdf, pp. 14-17

Civil Society Space, in the Łódź Declaration: Stop the Aggression, End Impunity, Ensure Justice and Accountability, and Launch a Process to Strengthen the OSCE and Reaffirm Strong Commitment to Helsinki Principles. Presented at the OSCE Parallel Civil Society Conference 2022, Łódź, 30.11.2022,

https://civicsolidarity.org/sites/default/files/lodz_declaration_civil_society_2022_0.pdf, pp. 7-9

Civil Society Space and Security of Human Rights Defenders, in *Civil Society Recommendations to Participants of the Ministerial Council Meeting in Stockholm*. Stockholm, 01.12.2021

https://civicsolidarity.org/sites/default/files/civil_society_space_and_security_of_human_rights_defenders.pdf, pp. 18-25.

Stockholm Declaration on the Need to Critically Review and Strengthen the OSCE's Work on Conflicts to Strengthen Security, Protect Human Rights and Uphold the Helsinki Principles, in the *Outcome Documents of the OSCE Parallel Civil Society Documents*, Stockholm, 01.12.2021, https://www.civicsolidarity.org/sites/default/files/stockholm_declaration_0.pdf, pp. 6-7, 14-15.

OSCE and Civil Society. Remarks by Olga Zakharova at the OSCE Human Dimension Committee meeting. Vienna, 21.09.2021 (at request).

Introduction of more systematic and diverse ways of interaction with civil society in OSCE, in *Strengthening OSCE*Instruments in the Human Dimension: Reflections and Recommendations. Report on the Civic Solidarity Platform expert roundtables in 2017-2018, The Netherlands Helsinki Committee, 2019,

https://www.nhc.nl/assets/uploads/2019/07/Strengthening-the-use-of-OSCE-human-dimension-instruments_CSP-report_2019.pdf, pp. 23-28.

Excerpts on civil society from the Milano Declaration "Reviving the OSCE Comprehensive Security Concept, Rebuilding Democratic Institutions, Revitalising Resilience of Our Societies", adopted by the participants of the OSCE Parallel Civil Society Conference. Milano, 05.12.2018,

https://civicsolidarity.org/sites/default/files/milano_declaration_osce_parallel_cs_conference_december_2018.pdf, pp. 2-6.

Safeguarding NGO participation in OSCE Events. Statement by the Civic Solidarity Platform, in Civil Society

Recommendations to the OSCE Executive and Political Bodies, Autonomous Institutions and Participating States, adopted by the participants of the OSCE Parallel Civil Society Conference 2018. Milano, 05.12.2018,

https://civicsolidarity.org/sites/default/files/milano_civil_society_recommendations_osce_parallel_cs_conference_decembe r_2018.pdf, pp. 5-6.

Listen to the Voice of Civil Society: Appeal to OSCE Executive and Political Bodies, Autonomous Institutions and Participating States, in *Civil Society Recommendations to the OSCE Executive and Political Bodies, Autonomous Institutions and Participating States*, adopted by the participants of the OSCE Parallel Civil Society Conference 2018. Milano, 05.12.2018, https://civicsolidarity.org/sites/default/files/milano_civil_society_recommendations_osce_parallel_cs_conference_decembe r_2018.pdf, pp. 4-5.

Safeguarding civil society participation in the Helsinki process – a matter of the OSCE's *raison* d'être. Statement by the Civic Solidarity Platform, 11.12.2017, https://civicsolidarity.org/sites/default/files/csp-statement-on-civil-society-access-11-december-2017.pdf

Shrinking Space for Civil Society, in *Civil Society Recommendations to the Participants of the OSCE Ministerial Council Meeting in Vienna*, adopted by the participants of the OSCE Parallel Civil Society Conference, Vienna, 06.12.2017, https://civicsolidarity.org/sites/default/files/recomendations_vienna_2017_3.12.pdf, pp. 4, 11-12.

Resolution of the OSCE Parallel Civil Society Forum on the eve of the 26th annual session of the OSCE Parliamentary Assembly. Minsk, 04.07.2017,

https://civicsolidarity.org/sites/default/files/parallel_cs_forum_resolution_minsk_4_july_2017_eng.pdf, p. 5.

Hamburg Declaration on Protecting and Expanding Civil Society Space, adopted by the participants of the OSCE Parallel Civil Society Conference. Hamburg, 07.12.2016, https://civicsolidarity.org/sites/default/files/hamburg_declaration_dec_2016.pdf

Freedom of Association, in *Civil Society Recommendations to the Participants of the OSCE Ministerial Council Meeting in Basel*. 05.12.2014.

https://www.civicsolidarity.org/sites/default/files/civil_society_recommendations_to_the_mcm_in_basel_december_2014_final.pdf, pp. 19-21.

Dublin Declaration. Security of Human Rights Defenders: Time for OSCE to Act, adopted by the participants of the Parallel Civil Society Conference. Dublin, 05.12.2012,

https://civicsolidarity.org/sites/default/files/dublin_declaration_on_human_rights_defenders_final.pdf

Freedom of association and OSCE interaction with human rights defenders. Statement by the Centre for the Development of Democracy and Human Rights, Russia, and the International Civic Solidarity Platform. Supplementary Human Dimension Meeting. Vienna, 09.11.2012, https://civicsolidarity.org/article/596/civic-solidarity-platform-statement-freedom-association

Developing OSCE Engagement with Civil Society, in Making Commitments Come True, the Outcome Document of the Parallel OSCE Civil Society Conference, Vilnius, 04.12.2011, at request, par. 57-68.

Outcome Document of the Parallel OSCE Civil Society Conference. Astana, Kazakhstan, 28-29.11.2010, http://www.humanrights.kz/htm/KazHRpk301110Eng.pdf, see par. 26-31 (freedom of association), 36-37 (human rights defenders), 54 (recommendations on OSCE relationship with civil society).