



United States Mission to the OSCE

Session 5: Measures to Improve Implementation of the Human Dimension Commitments

As prepared for delivery by Dr. Michael Haltzel
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Thank you, Mr. Moderator.

The momentous significance of the 1990 Copenhagen meeting can only be fully appreciated when one puts it within the historical context of the years immediately preceding the conference. Just five years earlier some were seriously questioning the value of the entire Helsinki process because of the dismal record of implementation of human rights commitments in Central and Eastern Europe and the Soviet Union. Indeed, in the mid-1980s hundreds of political and religious prisoners were still languishing in jails, Western broadcasts were jammed, and thousands of families were forcibly divided and their fundamental freedom of movement denied.

During the second half of the decade, however, brave men and women in Central and Eastern Europe seized the moment to bring dramatic democratic changes, paving the way for the ambitious agenda taken up here in Copenhagen. Those were exhilarating days when history was "moving in fast-forward." Only one year before the Copenhagen meeting it was hard to imagine such monumental events as the fall of the Berlin Wall and the subsequent collapse of one-party regimes in Eastern Europe.

Amid this epochal change, I arrived in Copenhagen 20 years ago this month with optimism and expectation. Dozens of proposals were made on a wide range of human dimension issues. My own delegation, led by the renowned champion of human rights Max Kampelman, re-introduced a proposal on free elections that was first tabled in Paris the year before by then-Chairman of the Helsinki Commission, Congressman Steny Hoyer. That measure would eventually lead to the establishment of the Office of Free Elections, the forerunner of the ODIHR. The Copenhagen Document, which was hammered out over three-and-a-half weeks of negotiations, was truly groundbreaking in its sections focused on free elections, the role of non-governmental organizations and civil society, and the rule of law.

The Copenhagen meeting itself was the triumph of unrelenting pressure by human rights activists and non-governmental organizations for stronger OSCE human rights and democracy-building measures and the refusal to accept anything less. As the meeting progressed, an unusually positive group-dynamic took over. Commitments for which it would have been impossible to garner consensus years, or even months prior to the meeting, eventually received universal support. The resulting Document, of which we should all be proud, has stood the test of time and remains a basic guidepost for international human rights.

What about today? Twenty years later what is the situation with respect to implementation of human dimension commitments, including Copenhagen provisions?

The heady optimism of 1990 has tempered over the years, especially since several states that joined the Helsinki process soon after Copenhagen seem to have lost their appetite for instituting meaningful human rights reforms. Genocide in the Balkans and serious abuses of human rights in Chechnya have been grim reminders that agreements adopted too often do not translate into commitments met. Some participating States seem determined to weaken the commitments enshrined in the Copenhagen document two decades ago.

To be sure, no participating State, including the United States, has a perfect record of compliance, so each of us has a responsibility to speak out when others fail to adhere to their commitments. U.S. delegations to the Human Dimension Implementation Meeting (HDIM) – such as the one I had the honor to lead last fall – value the opportunity to engage with others and to respond to their concerns.

Against that backdrop, permit me forthrightly to address two of the complaints we hear about the human dimension: that there is allegedly too much focus on human rights, and that some sort of a “geographic imbalance” exists within the OSCE. I find both assertions totally without merit. It should not surprise us that those who repeat such mantras are among the more serious violators of our common commitments.

The reality is that resorting to such rhetoric does nothing to improve implementation. Rather, this is a not-so-veiled attempt to divert attention away from where the abuses persist. The problem is not too much attention to the human dimension at OSCE, but too little in some participating States. Our efforts should primarily be focused on where the major concerns are, and where persistently negative trends need to be reversed.

It is worth our attention to focus constructively and in a spirit of cooperation and comprehensive security on human rights concerns in the most oppressive environments with minimal basic rights and persistent human rights violations. It is worth our time to encourage responsive, democratic governance, independent judiciaries, and pluralistic media to help build public trust and stabilize volatile conflicts that threaten the region. It is in our interest to see that the rule of law flourishes, and to answer the killings of journalists and human rights activists with justice for those who resort to such base and inhuman tactics. And it is worth our effort to ensure that the decades of marginalization and human rights violations that have persisted against individuals like those in the Roma minority across Europe come to an end.

The number of instruments to assist participating States has expanded significantly since the Copenhagen meeting. Institutions, principally ODIHR, the Representative for Freedom of the Media, and the High Commissioner on National Minorities, as well as the various field missions, offer numerous tools to bolster the implementation of existing commitments.

Important OSCE venues also offer the possibility of raising implementation issues – such as the Permanent Council meetings and especially the HDIM and the Supplementary Human Dimension Meetings (SHDMs). The HDIM is an especially valuable forum in this respect. Beyond identifying gaps between word and deed, it offers a unique opportunity for delegations and NGOs alike to present their concerns and thereby give voice to those denied their fundamental freedoms and human rights. The HDIM may represent an irritant to those who are willing to turn a blind eye to abuses. If their energies now spent trying to denigrate

the HDIM were instead directed toward implementing their commitments, we would all benefit, and the HDIM would no longer be needed.

NGOs make a key contribution to the OSCE and are an integral part of the implementation review process. Access, openness, and the ability to convey concerns in at least some OSCE conferences, meetings, and seminars has expanded considerably since the Copenhagen meeting – or earlier meetings – where NGOs were not only not permitted to speak at CSCE meetings, but had to be formally vouched for by an individual delegation in order even to gain access to the conference site. Indeed, on the ground, one of the most effective mechanisms for improving a participating State’s compliance is allowing NGOs and civil society to do their job. Especially important is the role of human rights defenders, guaranteed in the Copenhagen Document as “the right of the individual to seek and receive assistance from others in defending human rights...and to assist others in defending human rights.” Yet in several OSCE countries, members of NGOs and other human rights defenders are targets of restrictive or repressive laws and administrative requirements, as well as extrajudicial measures – even physical attack – for exercising fundamental freedoms of expression, peaceful assembly, and association.

Ladies and Gentlemen, I wish I had confidence that more exhortations to live up to OSCE commitments would, by themselves, be efficacious. Twenty years of eloquent rhetoric followed by partial or broken promises, combined with ongoing attempts to undermine our organization’s processes lead me regretfully, however, to the conclusion that they would not.

So, to use a famous Russian phrase, “Что делать?” What is to be done?

If publicly drawing attention to violations will not induce participating States to honor their commitments, perhaps instituting some sort of sanctions regime would. Well, in an ideal world, perhaps – but need I remind anyone in this hall that we do not live in an ideal world? There is absolutely no chance that the consensus-run OSCE will agree to that.

Is there, then, any new idea that has a chance of moving our organization forward? I think there is. It has to do with preventative action, not retroactive censuring or sanctioning.

To promote ideas for creating and strengthening OSCE mechanisms, the Government of the United States has tabled in the Corfu process some proposals to address situations of grave concern within the human dimension, – including dispatching special representatives to investigate reports of egregious human rights violations and make corrective recommendations before the violations become entrenched. Our goal is to complement the conflict prevention activities of the High Commissioner on National Minorities and the OSCE field missions.

To date, the utilization of similar mechanisms within the OSCE process has been limited, largely because of a lack of political will. But I believe that the current climate is more favorable for creative, positive reform than ever before. The increased focus on strengthening the OSCE, including the Corfu process, has generated organizational momentum. Moreover, I believe that if all participating States carefully consider the “consultation and cooperation” proposals of my government, they will find them to be in their own national interest. Here a bit of folk-wisdom is relevant: “an ounce of prevention is worth a pound of cure.” I would submit that every participating State should prefer to receive constructive assistance from ODIHR and the OSCE before a problem reaches crisis proportions, rather than unilaterally

acting rashly, or temporizing, and then being called on the carpet for serious violations in future HDIMs or other meetings.

Ladies and Gentlemen, in closing let me re-emphasize that there is no contradiction between the principles and provisions contained in core OSCE documents such as the Helsinki Final Act and the Copenhagen Document on the one hand, and national self-interest on the other. Rather, respect for human rights and fundamental freedoms, the advancement of democratic principles of government, and the implementation of related commitments strengthen society at the national level, and promote regional and international understanding and cooperation in the entire area of the Organization for Security and Cooperation in Europe.

Thank you for your attention.