



HELSINKI COMMISSION REPORT

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IN BRIEF

Consensus Denied? Challenges for OSCE Decision-Making in 2017

Over the past decade, it has been increasingly difficult for the 57 participating States of the Vienna-based Organization for Security and Cooperation in Europe (OSCE) to achieve the consensus necessary to address key issues facing the OSCE region, as well as to make decisions that shape the internal functioning of the organization.

In contrast to the bloc-to-bloc confrontations of the Cold War, there often is overwhelming support from most OSCE countries for specific decisions or actions. However, the Russian Federation regularly represents the single dissenting country; without consensus, under OSCE rules, the proposal fails.

Some participating States have tried to accommodate Russian recalcitrance, believing it will give Moscow a greater stake in the OSCE; others see Moscow's obstructionism succeed and are tempted to play the same game. Such efforts only encourage greater intransigence and move the OSCE away from the core principles and values around which all participating States once rallied.

The most frequent victim of this pattern has been what is known as the "Human Dimension" of the OSCE, embodying the norms negotiated during the first two decades of the Helsinki process on human rights and fundamental freedoms, humanitarian concerns, and democratic development. Each December, at

the annual meeting of OSCE foreign ministers, proposals in these areas inevitably fall to Russian resistance. In addition, Russia routinely blocks the timely adoption of agendas and topics for human dimension events, resulting in last-minute compromises and rushed preparation.

OSCE Institutional Vacancies

Consensus-denial has even crept squarely into the functioning of the organization itself, with decisions on senior appointments and the extension of field activities very much at stake.

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In 2016, the Russian Federation thwarted the reappointment of Astrid Thors of Finland as High Commissioner for National Minorities, an OSCE institution that effectively works to resolve inter-ethnic grievances so that they do not become a threat to peace and stability. Russia also blocked all six qualified candidates from succeeding Dunja Mijatovic of Bosnia and Herzegovina as the OSCE's Representative on Freedom of the Media, the OSCE institution that defends investigative journalism, promotes the safety of journalists, and advises govern-

Consensus Decision-Making in the OSCE

The consensus decision-making rule was established in 1973 to ensure that any commitments adopted in the Helsinki Final Act, such as the Ten Principles Guiding Relations Between States, would be equally binding on all participating States. At that time and for nearly the first twenty years of the Helsinki Process, there were no institutions, field activity or personnel.

Consensus remains the general rule for decision-making in today's OSCE, including the appointment of some senior positions. The OSCE Chair-in-Office does have the ability to exercise some executive authority, as well as to appoint heads of OSCE field missions, and there is a rule from 1991 that allows for consensus-minus-one in cases of "clear, gross and uncorrected" violations of OSCE commitments.

There have been proposals for altering the consensus rule, such as an OSCE Parliamentary Assembly suggestion for "approximate consensus" defined as at least 90% of the participating States also providing 90% of the organization's financial contributions.

While consensus and unanimity are similar, they are not exactly the same. Consensus, according to the OSCE Rules of Procedure, is defined as "the absence of any objection" – a more tacit agreement than unanimity, which implies an affirmative vote rather than no objection.

ments on media freedom. Russia did agree to extend Mijatovic's term for one year.

As a result, these two decisions – which should have been made in 2016 – were postponed to 2017. This year, two other senior positions will also become vacant: the Secretary General of the OSCE and the Director of the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR).

The OSCE's current Secretary General, Lamberto Zannier of Italy, is at the end of his term-limited, six-year post. The position is largely administrative but vital to the operation of OSCE's field missions and central to the appointment of officials dealing with economic dimension activity, work on combating transnational threats, and other efforts. The Secretariat also provides consistency in political and administrative support to the OSCE's chairmanship, which rotates annually.

Similarly, the ODIHR Director is a critical player in the human dimension, including election observation, the organization of an annual Human Dimension implementation review, and other human rights-related

activities. The current Director, Michael Georg Link of Germany, has decided to re-enter German politics rather than seek a second term.

Four simultaneous vacancies create an opportunity for deal-making among the participating States, and the Russian Government may have intentionally delayed the 2016 decisions, hoping for such an outcome.

Countries Fielding Candidates for Vacant OSCE Positions in 2017

- Secretary General of the OSCE: Belarus, the Czech Republic, Finland, Switzerland; Kazakhstan (withdrawn)
- Director of the Office for Democratic Institutions and Human Rights: Iceland, Sweden, Serbia
- High Commissioner for National Minorities: Canada, Kazakhstan, Kyrgyzstan, the United Kingdom
- Representative for Freedom of the Media: Italy; additional candidates still to be announced



However, these four positions are so central to the OSCE's utility and effectiveness that compromises could be dangerous as the Russians – and perhaps some other countries less welcoming to democracy – seek candidates willing to lower organizational ambitions

OSCE Field Activities

Beyond its largely successful institutions, the OSCE is known for its effective field activities, first in the Balkans and later in other conflict-prone regions or countries undergoing reform in Eastern Europe, the Caucasus, and Central Asia. These activities now face threats to their effectiveness, if not to their very existence.

Following isolated instances of obstruction, by 2008 – when Russia blocked the extension of the mandate of the field mission to Georgia at the same time it invaded Georgia's Abkhazia and South Ossetia regions – a trend had clearly emerged. Since then, several countries that have been subject to criticism from other OSCE participating States have given the boot to field missions, including Belarus (2010) and Azerbaijan (2015). Today, some Central Asian countries question the scope of ongoing OSCE activity on their territories. The mission in Armenia has become part of a larger dispute

between that country and Azerbaijan, and may have to close if Azerbaijan continues to withhold consensus. Since 2012, Russia has even blocked the deployment of a mission to the newest OSCE state, Mongolia, despite repeated requests from Mongolian authorities.

Responding to Regional Crises

However, the OSCE has been able to reach consensus to respond to some crises in the region. The most significant success for the OSCE in recent years has been its response to the conflict in Ukraine.

“The Special Monitoring Mission in Ukraine... has been very courageous in trying to make the disengagement work ...I don't see any alternative right now in trying to manage a conflict like in Eastern Ukraine.”

*– Ambassador Alexander Vershbow,
Former Deputy Secretary General
of NATO*

Despite the Russian aggression which instigated this conflict, the OSCE participating States agreed to deploy border and special monitoring missions working in the eastern part of the country. These missions have sometimes been the only reliable “eye and ears” on the ground, documenting activity often denied by Moscow. Still, as the conflict continues, the limits these missions face become more pronounced. They might mitigate the results of conflict but are ultimately unable to end the conflict itself.

Conclusion

These developments are neither sudden nor unpredictable. They have been looming for some time, particularly as some countries have moved farther away from OSCE principles and commitments.

Even if Moscow achieves some success in limiting the OSCE’s Human Dimension activity, it will not immediately doom the diplomatic process credited for helping to end the Cold

War. Instead, the OSCE could gradually become less and less effective, until it ceases to be a relevant actor on the world stage.

To prevent this outcome, the United States and like-minded countries must devote attention and political resolve to defending the organization today. The rapid appointment of a new U.S. Permanent Representative to the OSCE is a starting point. The new U.S. Representative will need to have genuine support from Washington, as well as the talent to navigate the intricate currents of multilateral diplomacy.

At a time when Europe faces many challenges – migration, economic troubles, terrorism and a more aggressive Russia – it is very much in the U.S. interest to deploy in Vienna and elsewhere qualified individuals that will assure our friends and allies, as well as potential adversaries, of the American commitment to security and cooperation in Europe.

About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

Learn more at www.csce.gov.

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