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## **REPORT**

# **FOR THIRD GENERAL COMMITTEE ON DEMOCRACY, HUMAN RIGHTS AND HUMANITARIAN QUESTIONS**

## ***“TRANSPARENCY IN THE OSCE”***

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## Report – Third General Committee on Democracy, Human Rights and Humanitarian Questions

This year we celebrate the 60th anniversary of the Universal Declaration of Human Rights, proclaimed on 10 December 1948 in Paris. It is a declaration by which we all are bound, but – unfortunately – the declaration is still not a reality in many parts of the world, including Europe. Even after 60 years, we still have to fight for it every day throughout the world.

This year the OSCE Parliamentary Assembly has chosen “Transparency in the OSCE” as a special topic for the reports and resolutions of the three General Committees. This topic was partially examined already in the resolutions of the Assembly’s Kyiv Declaration of 2007. Therefore it is interesting to try a different approach and thereby to further and ameliorate the situation of Human Rights and humanitarian questions in the OSCE area.

To approach the topic of transparency in the OSCE area it is of great interest to start looking into the recent past of our continent and discuss developments over the last decades.

As a result of the Second World War our continent was divided into two halves: one under Communist rule with a centrally steered economy and a lack of many basic freedoms; the other one trying to organize itself in a democratic way based on market economy, and, through the unification process, working to play a more active role in the world and to avoid wars and conflicts in the future.

The unification process of the western part of the European continent exerted an enormous attraction to the eastern European countries. As time passed they became more and more interested and started to seek possibilities to take part in this unification process. This fostered an inner strength within the countries and led to the end of the Cold War during the years 1989 – 1992/3, when the countries managed to get rid of the communist oppression.

The fall of the Iron Curtain during the summer of 1989, started, not least, because people suddenly had the possibility to get more information about the happenings and successes in the West, partly thanks to the IT-revolution.

The fall of the Iron Curtain was regarded as a new beginning for our continent.

Due to the democratization process that followed the dramatic happenings of the summer of 1989 and the following years, peoples’ focus was concentrated on administrative work. However, the time-consuming reform processes in administrative areas meant that the implementation of reforms in the legal system, in improving the Rule of Law, could not be properly followed up. Thanks to the rapid developments following the peaceful end of the Cold War and the subsequent enlargement of the European Union, formerly Communist-ruled countries were hurried into a new political reality and had to cope with new demands. Thus people were not given sufficient time for an adequate personal or public reconciliation with their own past.

People in central positions remained the same, often having only time to change their party affiliations. This contributed to a slow adaptation to the new realities.

This is in sharp contrast to what happened after the Second World War. Although many questions are still hidden in the past, we see “Holocaust Museums” spreading all over our continent and the world: museums in Berlin and Jerusalem are already in place; museums in Skopje and Vilnius are just now being built. This is a continuation of the relatively effective public reconciliation process that was undertaken following the Second World War, and reflects the importance of a long-term public commitment to reconciliation. In order to be able to avoid repeating the same mistakes that were made in the past, we need to work in many different areas and fields in order to be successful in achieving a transparent history, a transparent democratization process and transparent teaching in schools.

Working for this greater transparency could lead us to more secure, democratic OSCE participating States, which can better guarantee our Human Rights. But for this it is indispensable that the political and historical archives, which can lead to a better understanding of our past, are put into shape, looked after, and are well-organized. This is vital to ensure that people wanting to study their history can find the documents they need and that these documents are made accessible to those interested and concerned.

One precondition for opening up the archives is a better co-operation of governments in the OSCE participating States. When the Iron Curtain fell and the Soviet Union was dissolved, an agreement was reached to facilitate an exchange of archival material between Russia and the other countries that were formerly a part of the Soviet Union. During the Soviet times many documents were stored at unexpected places in the Soviet Union: for example, documents referring to Germans in Eastern Germany were found in Georgia; documents referring to the Baltic States were stored in Russia and Central Asia. Under Yeltsin the exchange of documents went smoothly, but after the end of the Yeltsin-era it has been nearly completely stopped unilaterally from the Russian side, despite the co-operation treaty in place since the dissolution of the Soviet Union. Nowadays the accessibility of the formerly Soviet, now Russian archives is getting progressively worse. Many researchers are denied access and the archives are sometimes used to blackmail individuals.

Greater transparency in this field can contribute to a more open and understandable democracy, and a more accountable legislative process which permits individuals to appeal against laws that violate the constitution.

Such transparency will contribute to election processes that must become better, more “Free and Fair” as the OSCE has stated in its election observation reports. If an election process really is free and fair there is no need to hide anything from the public eye.

The administrative process can also benefit from increased transparency, clarifying who takes what decision on what basis. Effective legal appeals will then be made possible, contributing to greater accountability.

The work in Parliament can become more transparent as well: openness must be respected, and it must be possible for individuals to understand what has happened and to be fully informed in order to be able to contact decision-makers. The role of the “Ombudsman” has proved to be something very effective!

**Above all it must become clear, that the state exists to protect the citizen from all evil – to guarantee Human and Fundamental rights.**

Transparency in all of these fields contributes to the fundamental freedoms that each person is entitled to have, including: the freedom of speech and expression, freedom of media, freedom of movement and freedom of establishing and legally registering civil society bodies, something which in recent times has not always been possible in all parts of Europe and the OSCE area.

An open dialogue between states can also make a strong contribution to international peace and security. Resolution of conflicts in the long term must go beyond simply ending active hostilities to genuine improvements in relations. Working in an open manner towards a common understanding of history can help to solve some of the OSCE's so-called "frozen conflicts."

**With a better transparency the Human Rights situation could become better throughout the OSCE. The dignity of people would again be put in the centre of all democratic action and it would become clear that the State exists for the individual, and not the individual for the State. This must be the basis for the understanding of Human Rights!**

**The OSCE PA can play a decisive role in all of this: it can master the difficult task of supervising the opening, organizing and accessibility of all archives – political as well as historical - and thus start to work in a new and exciting field of Human Rights in the OSCE area.**