

RECALLING THE SPIRIT OF HELSINKI



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REPORT

**FOR THE GENERAL COMMITTEE ON
POLITICAL AFFAIRS AND SECURITY**

Recalling the Spirit of Helsinki

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Introduction

In August 1975, the Helsinki Final Act was signed by the leaders of Europe, the Soviet Union and North America in an effort to ease Cold War tensions, and for 40 years it has provided a comprehensive framework and a vital forum for dialogue and negotiation. The principles established by the Helsinki Accords, however, are now under threat, notably by the crisis in and around Ukraine, but also by protracted conflicts in Moldova and the Southern Caucasus, and more generally by rising tensions in the OSCE area, emerging threats including violent extremism and cybercrime, and backsliding on human rights. The arms control and confidence-building measures developed under the umbrella of the Helsinki Accords have also come under stress in recent years.

With these realities in mind, the fundamental principles of the 1975 Helsinki Final Act must be reconfirmed by the OSCE participating States for these values to retain their relevance as the foundation of today's Euro-Atlantic security architecture. The OSCE's effectiveness ultimately depends on the political will and engagement of its participating States. Looking towards the future, the Organization will need more of both to efficiently and effectively address the crisis in Ukraine and the many emerging threats that OSCE participating States share. These challenges require a comprehensive approach and co-operative response.

I. Ukraine and Other Challenges Facing the European Security Architecture

The recent changes in the political and security context due to the Ukraine crisis, the growing terrorist threat, and increasing East-West tensions, are currently having an increasingly detrimental effect on the overall security architecture in the OSCE area. The illegal annexation of Crimea by the Russian Federation in March 2014 and the destabilizing activities carried out by separatists in Ukraine, backed by the Russian Federation, as well as other armed groups, have represented a serious breach of the Helsinki Final Act's principles. It must be stated clearly that Ukraine's sovereign right to its own territory has been violated.

Existing divisions and mistrust among participating States have been exacerbated by the crisis, with dialogue in the OSCE increasingly tense, often undiplomatic and marked by mutual accusations. The crisis has led to a new level of divergent perceptions of military and other external threats, a trend seen in previous crises such as in Kosovo (1999) and Georgia (2008). This is underpinned by a growing normative divergence concerning the interrelationship of OSCE principles and norms in concrete situations. Multilateral co-operation has become more difficult while unilateral and bilateral approaches have received a new focus.

The Ukraine crisis has diverted precious time, attention and resources from other fundamental priorities of the OSCE, including the resolution of long-running frozen and protracted conflicts in Moldova and the South Caucasus. The almost total standstill on certain issues is clearly affecting the work of the Organization. This is particularly evident in the case of re-launching conventional arms control and modernizing the confidence- and security-building measures of the Vienna Document.

Arms Control and Transnational Threats

In recent years a growing acknowledgement has emerged in the international community that the OSCE arms control regime has grown outdated. While a number of decisions have been taken to modernize the Vienna Document, most have been of a technical nature. However, a more substantial modernization is needed. Further, the recent withdrawal of the Russian Federation from the Conventional Forces in Europe (CFE) Treaty, coming 13 years after the United States' withdrawal from the 1972 Anti-Ballistic Missile (ABM) Treaty, is also a matter of concern for the stability of the OSCE area, hindering constructive dialogue on arms control and confidence-building measures and mechanisms within the international community.

Globally, the terrorist threat continues to rapidly evolve, presenting new challenges in the OSCE area and beyond. A number of groups have gained prominence recently, including Boko Haram in northern Nigeria and ISIS in Syria and Iraq. Meanwhile, Al Qaeda is expanding in other areas of the world. These developments, as well as growing tactical trends such as hostage-taking, the recruitment of foreign fighters, and religiously and politically motivated attacks in Europe, are a constant reminder that extremist violence remains a serious cause for concern. The terror shootings in Paris and Copenhagen in January and February 2015 showed that Europe cannot consider itself isolated from violent trends around the world.

The security of Europe demands that the OSCE remains involved in increasing stability in its region and beyond, requiring that the Organization and its participating States address the root causes of intolerance and extremism. The phenomenon of foreign terrorist fighters, for example, highlights the need to develop a multidimensional approach to combating terrorism, by addressing challenges of early prevention and intervention while respecting fundamental freedoms.

II. Lessons Learned and Key Strengths

The Ukraine crisis has highlighted the OSCE's challenges – particularly the deep divisions among its participating States – but at the same time has provided an opportunity for the OSCE to demonstrate its relevance and enduring utility as the organization best suited to bridge the East-West divide. Although other international organizations have played significant roles in addressing this crisis, the OSCE has demonstrated its relevance as the most appropriate organization to restore stability in Ukraine due to its inclusive nature, its role as an impartial observer and its long-term presence on the ground. Indeed, the OSCE's most important actions in Ukraine – deploying a Special Monitoring Mission (SMM), an Observer Mission at two Russian checkpoints and the adoption of a declaration calling for an international investigation into the crash of Malaysia Airlines flight MH17 – were approved by consensus from all 57 participating States. OSCE monitors in Ukraine, however, have been stymied by a lack of resources, prohibitions on their freedom of movement, and challenges posed by the OSCE's lack of a legal personality.

The signing of the Minsk Protocol, establishing a ceasefire in the Donbas region of Ukraine, on 5 September 2014, and of the Minsk II agreements on 11 February 2015, represents an OSCE success story. Despite the criticism that has been directed at the OSCE – including accusations that its participating States have employed double standards – the Organization deserves real credit for minimizing complications from the Ukrainian impasse. Indeed, the OSCE has been the only international organization able to create a platform for negotiation

that has brought the sides together with a view towards reaching a long-term settlement to the conflict.

Co-ordination with the Broader International Community

Beyond the Ukraine crisis, the OSCE's comprehensive approach to security offers a powerful answer to violent extremism and other transnational threats, and past experience has shown that the OSCE can make a meaningful contribution when it collaborates with other international organizations and civil society.

The OSCE has long worked closely with the United Nations, actively supporting the process of implementing the UN Global Counter-Terrorism Strategy. Noteworthy is the "OSCE Consolidated Framework for the Fight Against Terrorism," a key document adopted by OSCE participating States in 2012, which constitutes an important milestone as it provides a blueprint of the OSCE's contribution to global efforts against terrorism. All of the OSCE's activities in this field have been organized to promote the implementation of this international legal framework against terrorism in order to strengthen travel document security, counter violent extremism and radicalization, and curb the use of the internet for terrorist purposes.

The OSCE can maintain its relevance in global efforts at arms control by bolstering its regime of confidence-building, transparency, verification and predictability measures, as well as by streamlining its early warning intervention mechanisms in co-ordination with its international partners.

III. The Way Forward

There is no doubt that the OSCE, by developing a unique combination of human rights, democracy, concrete security standards, and agreements, has played a major role in promoting stability and security in Europe over the last four decades. However, the relevance of the OSCE is only ensured if all 57 participating States respect its guiding principles and relevant international law. Yet today the institutional fragmentation within the OSCE area is growing and the culture of searching for consensus and compromise solutions has taken a back seat to political expedience. Too many participating States of the OSCE rely on unilateral actions, thereby increasing mutual mistrust in the Organization as a whole.

The most important task for the OSCE is now the political settlement of the Ukraine crisis, based on respect for the country's sovereignty, territorial integrity and the rights of national minorities. It is in the interest of all participating States to avoid the emergence of another protracted conflict in Europe, especially given the impact that the Ukraine crisis has already had on the broader OSCE agenda – in particular, resolving protracted conflicts in Moldova and the South Caucasus.

The tragic developments and loss of life in Ukraine have demonstrated the relevance of the OSCE's co-operative crisis-management tools and mechanisms, but the cumbersome consensus-based decision-making process of the OSCE remains a serious obstacle to timely action in addressing this crisis and others. Therefore, OSCE participating States should address the consensus rule to prevent an effective one-country veto on matters of international urgency.

The crisis in Ukraine has also underlined that a key strength of the OSCE is the long-term presence of its representatives on the ground. Indeed, the OSCE's field operations remain some of the most important and effective instruments of multilateral diplomacy in the areas of conflict prevention and crisis management. However, it is imperative to end the trend of budget reductions for field missions and the closure or downgrading of OSCE presences in areas where work and monitoring are still needed.

Resuming dialogue on conventional arms control and improving the effectiveness of existing confidence- and security-building measures would give stimulus to the Helsinki principles and put them into practice more effectively. As part of the ongoing OSCE discussions on the modernization of the Vienna Document, focusing in the short term on measures to improve the efficacy of verification mechanisms should be considered. The three most recent annual Declarations adopted by the OSCE Parliamentary Assembly have stressed the relevance of the CFE Treaty as an arms control and confidence-building mechanism and the need for all parties to the Treaty to honour their obligations.

The role that ongoing conflicts in and around Europe are playing as drivers for international migration puts the OSCE also at the center of the migration governance debate. The flow of migrants across the Mediterranean not only represents a humanitarian emergency, but also a security crisis, as smuggling networks are often linked to terrorist activities. Therefore, the OSCE participating States need to further engage with the Mediterranean Partners for Cooperation and to reinforce dialogue between countries of origin, transit and destination in order to de-escalate crises in the region and reduce the root causes of migration. Moreover, EU Member States are urged to ensure that the contribution and burden of migrants on the European continent is shared equally among member States.

Online Radicalization and Cyber Security

Over the last several years, cyber security has emerged as an increasing concern to OSCE participating States. Cyberspace has been used to facilitate terrorism and other criminal activities, becoming a primary tool for terrorists to identify, recruit and train new members, collect and transfer funds, organize terrorist acts and incite extremist violence. Effective countermeasures in this field require a comprehensive, multidimensional approach that takes into account the interests of various stakeholders, and also ensures privacy rights and freedom of expression.

A shared vision of how to increase the effectiveness of the international response to violent extremism and to better define the role and the added value of the OSCE in addressing these challenges is needed. As an inclusive platform for dialogue, the OSCE can serve as an effective forum for in-depth debate to find constructive approaches to deal with the challenge of terrorism. Overall, the Organization should make better use of existing programmes, in cooperation with civil society and other international organizations, to mitigate these threats.

The Role of the OSCE Parliamentary Assembly

Strengthening the role of the OSCE Parliamentary Assembly within the overall OSCE structure would improve the functioning of the Organization as a whole and its ability to deal with emerging threats and crises. As the democratic backbone of the OSCE and its most versatile and adaptable Institution, the Parliamentary Assembly remains a critical player in improving the Organization's ability to adequately and swiftly respond to new crises. It

occupies a special place in the structure of the Organization's main Institutions, and is in essence more independent than any other OSCE body, which enables it to take political initiatives when no other OSCE body can. It therefore plays a vital role in promoting the values and achieving the goals of the OSCE in all dimensions of its activities.

While preparing for the 40th anniversary of the Helsinki Final Act, due attention should be paid to the improvement of the mechanisms of interaction between the Parliamentary Assembly and the decision-making and other structures and Institutions of the OSCE, with the aim to make this interaction more systemic.

The Helsinki Final Act set out the founding vision for a community of States united by the concept of common, comprehensive and indivisible security. In these critical times, a strong sense of co-operation and common political will from all participating States is needed in order to enhance the security in Europe and reconsolidate the European security architecture. In this regard, the dialogue within the Parliamentary Assembly and the work at the 2015 Annual Session in Helsinki – including the Declaration to be adopted – is crucially important and demands the commitment and the full support of all parliamentarians involved.