

A Cooperative Approach:

Organization on Security and Cooperation in Europe

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“If we do not improve the life of ordinary people at the conference we shall be asked—and with justice—what all our fine words and diplomatic phrases have achieved,” said Sir Alec Douglas-Home, British Foreign Secretary, at the preparatory discussions on the Conference for Security and Cooperation in Europe (CSCE) in November 1972.¹ As a result of this universal thought, more than 50 European nations, as well as the United States and Canada, signed the Helsinki Accords. The Accords, also known as the Helsinki Final Act, are a major human rights treaty that defines areas of cooperation between nations in the fields of military security, economics, and human rights. The Organization for Security and Cooperation in Europe (OSCE) is responsible for monitoring the compliance of nations within the Helsinki Accords.

Background of OSCE

Created in the early 1970s, the Organization for Security and Cooperation in Europe’s (OSCE) initial purpose was to serve as a multilateral forum for dialogue and negotiation between East and West. The Conference on Security and Cooperation in Europe (CSCE), renamed the Organization on Security and Cooperation in Europe in 1995, engages in setting the standards in fields that concern military security, economic and environmental cooperation, as well as human rights and humanitarian concerns.² In addition, the OSCE engages in a variety of diplomacy initiatives designed to prevent, manage, and resolve conflicts within and among the participating states.

The history of the OSCE is twofold. From 1974 to 1990, the CSCE (as its name implies) worked as one continuous conference. The Paris Summit Meeting in 1990 marked the beginning of institutionalization, reflecting the changes in Europe and the new challenges for the post-Cold War period. Today, 54 states, including the United States, Canada, the former Soviet Union, and all the countries of Europe, compose the OSCE.³ All participating states have equal status and are represented on the basis of common interest, rules, and norms.

Status Under International Law

The OSCE has no legal status under international law; therefore, all decisions are political, and not legally binding. The OSCE does possess, however, many attributes of

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¹ Korey, William, *The Promises We Keep* (New York: St. Martin’s Press, 1993).

² “Commission on Security and Cooperation in Europe Homepage.” Available from <http://www.house.gov/csce/>. Internet. 15 July 1999.

³ Ibid.

an international organization: permanent headquarters and institutions, a continuous staff, standing decision-making bodies, regular financial resources, and field offices. In addition, the OSCE frames all of its instruments, decisions, and commitments in legal language; therefore, interpretation requires an understanding of the principles of international law and of the standard techniques of treaties. Since the OSCE signs documents at the highest political level, the fact that its commitments are not legally binding does not detract from the organizations efficacy. In fact, their authority is arguably as strong as any legal statute under international law.⁴ Moreover, the OSCE is the only security organization in Europe considered to be a regional arrangement in the sense of Chapter VII of the United Nations Charter, thus making it the primary instrument for early-warning, conflict prevention, crisis management, and post-conflict rehabilitation in its region.⁵

Historical Development

The origin of the OSCE can be traced to the early 1950s with a proposal from the Soviet Union to create an all-European security conference. In May 1969, the government of Finland sent a memorandum to all European countries, as well as the United States and Canada, offering Helsinki as a conference venue.⁶ In 1972, with 35 nations agreeing to enter into multilateral consultations concerned with preparations for the conference, the stage was set for the preparatory talks in Helsinki. In 1973, the consultations concluded with the "Blue Book," which outlined final recommendations for the scope and rules of procedure for the organization. On August 1, 1975 in Helsinki, heads of the 35 participating nations signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe, which included the Helsinki Decalogue that outlined the acceptable behavior among the participating nations and governments toward their citizens.

Helsinki Decalogue:

- Sovereign equality and respect for the rights inherent in sovereignty
- Refraining from the threat or use of force
- Inviolability of frontiers
- Territorial integrity of states
- Peaceful settlement of disputes
- Non-intervention in internal affairs
- Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion, and belief
- Equal rights and self-determination of peoples
- Cooperation among states
- Fulfillment in good faith of obligations under international law⁷

⁴ "OSCE Homepage." Available from <http://www.osce.org>. Internet. 2 December 1999.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ "Helsinki Decalogue." Available from <http://www.osce.org>. Internet. 2 December 1999.

The Helsinki Final Act laid the basis for further development of the OSCE process. The document is not a treaty, but a politically binding agreement adopted on the basis of consensus. The agreement is divided into three main categories or "baskets" concerning 1) questions relating to security in Europe, 2) cooperation in the field of economics, and 3) cooperation in humanitarian and other fields.⁸ Furthermore, the agreement called for regular follow-up meetings to review the implementation of OSCE agreements, to set new standards and norms, to expand cooperation, and to maintain political dialogue. In the 1970s and 1980s, meetings were held in Belgrade, Madrid, and Vienna. At these meetings, all the participating states of the OSCE agreed upon important commitments aimed at upholding human rights and measures to build confidence among the participants through the advanced notification of military activities and the exchange of military information.⁹ In addition, the OSCE held a number of expert meetings on such specific topics as democratic institutions, human rights, human contacts, peaceful settlement of disputes, the environment, the media, science, culture, and economic cooperation.

The Charter of Paris of November 1990 marked the turning point in the history of the OSCE in the post-Cold War era. The Charter served as a transition for the OSCE from its role as a forum for negotiation and dialogue to an active operational structure. At the first summit meeting since Helsinki, the Heads of State or Government adopted the "Charter of Paris for a New Europe" aimed at defining the OSCE's identity in a new international environment and taking advantage of unprecedented opportunities for cooperation. The Charter established three main political, consultative bodies: the Council of Ministers, consisting of foreign ministers from the participating states, a Committee of Senior Officials to assist the Council and manage day-to-day business, and regular summit meetings of Heads of State or Government.¹⁰

Meanwhile, newly independent states from Central and Eastern Europe and the former Soviet Union applied for membership and the number of OSCE participating States expanded to 54.¹¹ In September 1992, a new body, the Forum for Security Cooperation, was constructed in Vienna to negotiate and consult on concrete measures aimed at strengthening security and stability throughout Europe. Further possibilities for concerted action in the OSCE framework were outlined in the new Helsinki Document of July 1992. This document established a number of practical tools to strengthen OSCE's contribution to the protection of human rights and manage the unprecedented changes underway in Europe. In particular, the new Helsinki Document called for an ambitious role for the OSCE in early warning, conflict prevention and crisis management.¹²

The position of High Commissioner for National Minorities was created and tasked to respond, at the earliest possible stage, to ethnic tensions that have the potential to develop into a conflict within the region. In December 1993, a new body, the Permanent Committee, was established in Vienna, significantly expanding the possibilities for political consultation, dialogue, and decision-making on a weekly basis. The new operational profile of the OSCE expanded with the dispatch of several conflict prevention and crisis management missions in areas of potential or actual conflict.

⁸ "The Helsinki Final Act." 1975.

⁹ *Ibid.*

¹⁰ "The Charter of Paris." 1990.

¹¹ *Ibid.*

¹² *Ibid.*

OSCE Funding

Much like the United Nations, contributions made by the participating states finance all of the institution's activities, negotiations, ad hoc meetings, and missions, with the exception of the salaries of the seconded personnel that remain the responsibility of the seconding national administrations.¹³

Cooperative Approach

Based on an ideal of cooperation, the OSCE has a broad and comprehensive view of security. The OSCE considers the protection and promotion of human rights and fundamental freedoms, along with economic and environmental cooperation, integral to the maintenance of peace and stability. Furthermore, the OSCE regards security as indivisible with the various aspects seen as interconnected and interdependent. This link between different elements of security has proved to be one of the organization's greatest assets. A continuous effort is made by OSCE participating states to enhance the complementarity of the various dimensions of security.

Operating under the theory that security is indivisible, participating states have a common interest in the security of the region and should therefore cooperate to prevent crises. The assumption is that cooperation can bring benefits to all members, while insecurity in one state or region can affect the well-being of all. As the global community becomes increasingly interconnected, it becomes beneficial for a state to belong to an organization based on the benefits of cooperative security.

Cooperative security presupposes non-hegemonic behavior on the part of participating States.¹⁴ The OSCE presumes that states would not jeopardize the benefits gained through membership by escalating interstate disagreements to conflict. The increased opportunities for communications that international organizations provide also make it easier to avoid or settle disagreements before they reach the stage of violent conflict.¹⁵ The organization requires a true partnership based on mutual accountability. "We are determined to learn from the tragedies of the past and to translate our vision of a cooperative future into reality by creating a common security space free of dividing lines which all states are equal partners. We face serious challenges, but we face them together."¹⁶

Sovereignty

Independence and equality are no longer legal absolutes in the contemporary state system. Sovereignty is slowly being restricted by a growing body of general principles that govern human rights and other aspects of the relations between a state and individuals within its borders.¹⁷ As with any other international organization, members cede some sovereignty to the OSCE when joining; however, as functionalism argues, States engage in international collaboration because the benefits outweigh the costs. In fact, one of the first actions governments take after gaining sovereignty is to join international

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first Century," December 1996.

¹⁷ Rourke, John. *International Politics on the World Stage*. (Colorado: Lynne Rienner Publishers, 1997), 323.

organizations.¹⁸ Within the OSCE the principle of cooperative security is reflected in that all participating states have equal status and decisions are made on the basis of consensus. All states participating in the organization do so as “sovereign and independent States and in conditions of full equality,” thus making the decision-making process as important as the decisions themselves.¹⁹

Partners in Cooperation

The OSCE is an integral part of the web of interlocking institutions that deals with European security, human rights, and economic issues. Cooperation between the OSCE and other security organizations and institutions is crucial both at the level of political consultations and in the field. One of the OSCE’s closest partners is the United Nations. Since the OSCE is considered to be “a regional arrangement in the sense of Chapter VII of the Charter of the United Nations,” the two organizations have had a mutually reinforcing relationship.²⁰

An intimate relationship is also present between the OSCE and the Council of Europe because of close cooperation concerning election monitoring and human dimension work. The two organizations occasionally co-organize meetings, workshops, and conferences on issues such as the role of the media in conflict situations, the role of education in strengthening civil society, or election monitoring.²¹ Since 1996, the OSCE and the North Atlantic Treaty Organization (NATO) have been engaged in an expanding process of interaction and cooperation.²²

OSCE Missions and Field Activities

In following the principle of cooperative security, all OSCE missions cooperate with international and non-governmental organizations in their areas of work. The organization maintains a strong presence in countries in the OSCE’s region that require assistance and serves as the vehicle through which political decisions are translated into action. Their work addresses all phases of the conflict cycle, from early warning and conflict prevention, to conflict management and post-conflict rehabilitation.²³ Generally speaking, the missions’ purposes are twofold: to facilitate the political processes that are intended to prevent or settle conflicts and to ensure that the OSCE community is kept informed of developments in the countries where missions are present.²⁴

With the agreement of the host country, the Permanent Council usually deploys missions and other field activities for an initial period of six months. Missions are led by a Head of Mission who is from an OSCE participating state and are supervised and supported by the Secretariat’s Conflict Prevention Center, the Department for Administration and Operations, and the Chairmanship.²⁵

¹⁸ Diehl, Paul. *The Politics of Global Governance* (Connecticut: University of Connecticut, 1997), 66.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ “OSCE Field Activities- Overview.” Available from <http://www.osce.org.htm>. 24 July 1999.

²⁴ OSCE Homepage.

²⁵ “OSCE Field Activities-Overview.”

The OSCE Mission in Kosovo, with up to 700 international staff, is the largest OSCE Mission to date. The Mission played a key role in the overall framework of the United Nations Interim Administration in Kosovo (UNMIK) by verifying all parties' compliance with United Nations Security Council resolution 1199.²⁶ According to OSCE records, the Mission concentrated its work in the following interrelated areas:

1. **Human Resources Capacity-Building**, including the training of a new Kosovo police service within a Kosovo Police Service School, which it will establish and operate; training judicial personnel and training civil administrators at various levels, in cooperation, *inter alia*, with the Council of Europe,
2. **Democratization and Governance**, including the development of a civil society, non-governmental organizations, and political parties;
3. **Election Organization and Supervision**, including voter registration, political party services, training and education, and elections operations.
4. **Media Affairs**, including independent media support; regulations, laws and standards; media monitoring, and Radio-TV Kosovo.
5. **Human Rights Monitoring**, protecting and promoting human rights, including, *inter alia*, the establishment of an Ombudsman institution, in co-operation, *inter alia*, with the United Nations High Commissioner on Human Rights;
6. **Other Tasks** which may be requested by the Secretary-General of the United Nations or his Special Representative, which are consistent with the United Nations Security Council Resolution 1244 and approved by the OSCE Permanent Council.²⁷

Creation of the Helsinki Commission

Long before the signing of the Final Act, serious concerns were being raised in the U.S. Congress and throughout the United States over the specific issues involved in the negotiations. Many feared the United States was granting the Soviets significant concessions regarding post-war borders and military security, with no means to enforce Soviet compliance with the human rights commitments of the Final Act.²⁸

Shortly after the Helsinki Final Act had been signed, Representative Millicent Fenwick and a delegation of House members traveled to the Soviet Union and Romania. During the visit, Representative Fenwick met with a number of dissidents, refuseniks, and representatives of religious communities; among them was Dr. Yuri Orlov, who had formed

²⁶ Ibid.

²⁷ "OSCE Mission in Kosovo—The Mission." Available from <http://www.osce.org.htm>. Internet. 2 December 1999.

²⁸ Deychakiwsky, Orest. Interview by Jill Parlett. 15 July 1999.

a small group in the Soviet Union dedicated to monitoring compliance with the human rights provisions of the Final Act. Representative Fenwick was deeply impressed by the bravery and perseverance of these individuals, many of whom were persecuted and harassed for their human rights activity. She returned to the United States determined to support their efforts of enforcing the human rights commitments contained in the Final Act.²⁹

Representative Fenwick introduced legislation to create a bipartisan commission to monitor and encourage compliance with the Final Act. While her aim was to involve the U.S. Congress actively in pushing for implementation of the Final Act's provisions, particularly with regard to human rights, the Commission was designed to incorporate both legislative and executive branch participation. Representative Fenwick argued that inter-branch cooperation would magnify the Commission's impact, as Congress' ability to bring individual cases of injustice or abuse to the attention of the Administration would enhance the State Department's ability to press for human rights. Against the objections of the State Department, which opposed what it considered Congressional involvement in the conduct of foreign policy, the bill creating the Commission on Security and Cooperation in Europe (Helsinki Commission) was signed into law on June 3, 1976.³⁰ The Commission is authorized and directed "to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Human Rights and Cooperation in Humanitarian Fields," and "to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested."³¹

The Commission is currently comprised of 21 members: nine from the House of Representatives and nine from the Senate, appointed respectively by the Speaker of the House, President pro tempore of the Senate, and one representative each from the Departments of State, Defense, and Commerce, appointed by the President. The chair rotates every two years between the House and Senate. The professional staff members of the Commission have both regional and functional areas of expertise, including extensive skills in the languages of OSCE countries. Over the years, the Commission has utilized the services of staff on loan from the U.S. Departments of State, Defense and Labor, and the U.S. Information Agency.

Work of the Helsinki Commission

The Commission has traditionally placed its greatest emphasis on fulfilling the first of its mandates: to monitor, report on, and encourage compliance with the Helsinki Final Act and other OSCE commitments. With its independent status and bipartisan composition, the Commission is equipped to respond swiftly, objectively, and forcefully to violations of OSCE principles and to influence U.S. policy in this regard. In recent years, the Commission has been in the forefront of numerous policy decisions, from

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

recognizing the Baltic States to bringing Albania into the OSCE.³² Using its influence in Congress to mobilize support regarding relevant resolutions, legislation, and issues of concern, the Commission has played a unique role in helping to set the U.S. agenda for involvement in the OSCE.

Over the years, the Commission has responded to the changing nature of the Helsinki process itself, focusing its many activities in areas such as resources and contacts, public hearings, delegations, Helsinki Diplomacy, research and publication, conflict prevention and crisis management, democracy-building, casework, working with the public, domestic compliance, and economic cooperation.

Role of the Commission

The Commission, as the regional actor for the OSCE, deals primarily with regulating compliance with the Helsinki Accords and has become, in some ways, a lobbying group for the OSCE. The Commission convenes public hearings and briefings with expert witnesses on OSCE-related issues, issues public reports concerning implementation of OSCE commitments in participating states, publishes a monthly *OSCE Digest* with up-to-date information on OSCE developments and Commission activities, as well as organizes official delegations to participating states and OSCE meetings to address and assess democratic, economic, and human rights developments firsthand.³³

Case Study: The Sex Trade

Like non-governmental organizations, the Commission is responsible for bringing many issues into the limelight. When violations of OSCE mandates occur, the Commission researches the issue and attempts to encourage compliance. Recently, the Commission has begun to draw attention to sexual slavery in the OSCE region. A hearing was held on June 22, 1999 with witnesses testifying to the problem. As a result, legislation has been introduced into the House of Representatives. Representative Christopher Smith also held a hearing on September 14, 1999 in his Subcommittee on International Operations and Human Rights regarding the issue.

Trafficking of women and children for purposes of sexual exploitation, including forced prostitution and pornography involves deception, violence, and exploitation of human beings. Commonly described as modern day slavery, the trafficking and selling of naive and desperate young women into sexual bondage has become one of the fastest growing criminal enterprises in the global economy with revenue of approximately \$7 billion annually.³⁴ The United Nations reports that 4 million people a year are traded against their will to work in one form of servitude or another.³⁵

While trafficking has long been a problem in Asian countries, the fall of communism in East-Central Europe and the breakup of the Soviet Union have led to a rapidly developing sex trade in the OSCE region due to a breakdown of numerous social, political,

³² Ibid.

³³ Ibid.

³⁴ Posadskaya-Vanderbeck, Anastasia. "An Expose of the Traffic in Women for Prostitution from the Newly Independent States." *Crime & Servitude*. 3 November 1997, III.

³⁵ Posadskaya-Vanderbeck, III.

and economic institutions. Unlike their Asian counterparts, women trafficked in the OSCE region are often well educated.³⁶ However, unemployment has skyrocketed and those most affected by these bleak economic trends are women and the children they support. Suffering from extreme poverty and a lack of economic opportunities, women in post-communist countries are easy prey for sophisticated traffickers who promise the women good jobs, new homes, and the opportunity for travel abroad. Some trafficking rings, however, simply procure their victims by means of kidnapping.³⁷

Having accepted a trafficker's proposal, and often after having signed a contract for employment, women are transported to a destination country—often by transiting through other countries. Upon arrival, the traffickers seize their victims' passports and other papers. The women's movement is restricted and even if they have the opportunity to seek help, they are often too frightened of the authorities to do so. Victims are then forced into any number of unsavory activities, such as prostitution, molestation, sex tourism, and the creation of pornography. Rapes, beatings, and drugging by their captors are common.³⁸

Trafficking is a highly sophisticated organized criminal activity involving recruitment through legitimately registered businesses with advertising, visas, international travel, and co-conspirators in governments. According to the Ministry of Internal Affairs of the Russian Federation, in 1994 (the most recent year for which such data is available), more than one hundred organizations were engaged in recruiting citizens for prostitution in the countries of Eastern and Western Europe, the Middle East, North America, and Asia.³⁹ By all accounts, the number of traffickers, trafficking rings, and trafficking victims has increased exponentially in the ensuing years.

Foreign women, and particularly European women, are sought as sex slaves for many reasons. First, the demand for prostitution within a country may be greater than the number of domestic women who are willing to be prostitutes. Second, it is much more difficult for enslaved women to escape from a destination country in which they most likely do not know the language, are unfamiliar with their surroundings, and do not know anyone other than those who trafficked them. Finally, white women are currently the most desired by customers of sex clubs, brothels, and similar establishments. Recently, trafficking of women for prostitution has also emerged as a problem in refugee camps. Repeating a pattern seen during the Bosnian conflict, criminal gangs have infiltrated refugee camps for Kosovars in Albania where, by promising new jobs and a home in other countries, they persuade young refugee women to leave the camps.⁴⁰ Some reports indicate that traffickers have abducted women who were unwilling to leave the camps. Police in Italy have already rescued one woman who was smuggled into Italy from a camp in Albania and forced to work as a prostitute. In another case, a 16-year-old refugee girl was killed in a botched kidnapping attempt.⁴¹

³⁶ Shelley, Louise. "Human Trafficking: Defining the Problem." *Organized Crime Watch—Russia* February 1999, 1.

³⁷ MiraMed Institute. "Who is Trafficking CIS Women?" *Preliminary Survey Report on Sexual Trafficking in the CIS* June 1999, 3.

³⁸ Gribbin, August. 1999. Congress targets traffic of sex slaves into U.S. *The Washington Times*. 20 June, C1.

³⁹ Ministry of Internal Affairs of the Russian Federation, "Report on Organized Crime," 1994.

⁴⁰ Di Giovanni, Jaine. 1999. Prostitution gangs stalk camp women. *The Times*. 4 May, sec. A.

⁴¹ Di Giovanni, sec. A.

In 1991, the OSCE participating States adopted language that calls for States to “seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures.” Despite this commitment, the State Department estimates that in 1997 alone, 100,000 women were trafficked from the former Soviet Union.⁴² The United States is one of the primary destination points for trafficked women from this region. In addition, not all countries in the OSCE region have sufficient legislative or enforcement mechanisms to identify, apprehend, and penalize traffickers. The international community has begun to combat this exploitation of women and children, but much more remains to be done.

ILLUSTRATIVE LIST OF INTERNATIONAL ORGANIZATIONS’ ANTI-TRAFFICKING INITIATIVES:

OSCE INITIATIVES

- The United States has seconded an Advisor to the OSCE Office of Democratic Institutions and Human Rights to assist the OSCE in developing an action plan to address the problem of trafficking in the OSCE area.
- The U.S. delegation to the OSCE Parliamentary Assembly advanced a supplementary resolution on trafficking in St. Petersburg, Russia, July 6-10, 1999.
- The OSCE/ODIHR has prepared a report on trafficking issues in the OSCE region.

EUROPEAN UNION INITIATIVES

- Sexual Trafficking of Persons Program (STOP): coordinates various efforts and offers training to the appropriate government agencies that come into contact with trafficked persons.
- DAPHNE: finances NGOs and voluntary organizations engaged in efforts to reduce violence against women and children.
- Transnational AIDS/STD Prevention Among Migrant Prostitutes in Europe Project (TAMPEP): a multinational project based in Amsterdam that focuses on providing health information to trafficked women.
- Task Force on Organized Crime in the Baltic Sea Region: promotes cooperation between police, customs authorities, border police, and prosecuting authorities in the Baltic region.

⁴² Caldwell, Gillian. “Sold Into the Sex Trade.” *Transitions*. January 1998, 1.