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Civil Society Contribution to Reform of the OSCE: Case Study Serbia

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"Reaffirming the strengths, envisioning the prospects"

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CIVIL SOCIETY CONTRIBUTION TO REFORM OF THE OSCE: CASE STUDY SERBIA[1]

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The OSCE's relevance will be put to the test in this "year of milestones", with 40 years since the signing of the Helsinki Final Act, and the Republic of Serbia – a "security recipient" not so long ago – holding the OSCE Chairmanship for the first time. In addressing these, as well as many other challenges the Organization will be counting on the help of a complex and fragmented, yet influential and impartial ally – civil society. Our goal in this paper is therefore twofold: first, to shed light on the wider context, where several pan-European initiatives are already assisting the OSCE's work on issues of critical importance; and second, to provide a case study of Serbia's Chairmanship in Office (CiO), which, following Switzerland's example, aims to engage civil society (CS) far and wide.

I. THE GENERAL CONTEXT: CIVIL SOCIETY AS A PARTNER IN ADDRESSING THE THREATS TO EUROPE'S SECURITY

Expectations from all actors in this process (or processes, to be more precise) are high. For instance, one of the last PA seminars held in Stockholm addressed.
"The need for the Organization to rededicate itself to work on the ground [...] development of a specific mediation mandate for the PA; the need for greater civil society involvement [...] and the promotion of active self-evaluation by participating States; as well as the need to boost co-operation with other international organizations."[3]

"Rebuilding Trust and Confidence in Order to Create a Positive Agenda for the Future"

The motto of Serbia's OSCE Chairmanship

The language and idioms used sound strangely familiar. All of the aforementioned principles – mediation; active self-evaluation; co-operation with a range of actors – are in line with and come straight from the NGO vocabulary. Given the OSCE's cross-dimensional approach to security, with its multi-sectoral, holistic approach CS seems and ideal partner.

The Swiss CiO has led the way. Together with the Serbian Chairmanship, it decided to present a "self-evaluation" with respect to how it implements policies in response to human dimension commitments. On several occasions the Swiss Foreign Minister reiterated that the Chairmanship's priority is to strengthen the voice of civil society in the work of the OSCE first and foremost because "a broad and inclusive dialogue with civil society" should be in the interest of states.[4]

As the following table, drawn from the report prepared by the OSCE Special Monitoring Mission (SMM) to Ukraine shows[5] civil society has high expectations of its own:

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[3] OSCE, 12 March 2015, "Wide-ranging ideas for OSCE reform, PA contributions discussed at Helsinki +40 Stockholm seminar", http://www.osce.org/pa/144726 (accessed 1 May 2015)

[4] Stephanie Liechtenstein, 3 December 2014, "Live Blog: Your Voice is Heard, OSCE Chairperson-in-Office Addresses Civil Society Gathering on eve of the OSCE Ministerial Council meeting in Basel", http://www.shrblog.org/blog/LIVE_BLOG_Your_voice_is_heard__OSCE_Chairperson_in_Office_addresses_civil_society_gathering_on_eve_of_the_OSCE_Ministerial_Council_meeting_in_Basel.html?id=498 (accessed 1 May 2015)

[5] OSCE Thematic Report, "Civil Society and the Crisis in Ukraine", http://www.osce.org/ukraine-smm/141046 (accessed 2 May 2015): p. 4

CS expectations from the international community:

1. Support to conflict resolution
2. Support to reform processes through capacity-building
3. Bringing best practices from other countries
4. Applying pressure on parties to the conflict and state actors.

With its multi-sectorial, holistic approach CS seems and ideal Partner. The problem at hand is best addressed through coalitions, or rather by means of across-the-board initiatives.

CIVIL SOCIETY CONTRIBUTION TO THE HELSINKI+40 PROCESS

The single most important framework that the Organization has at its disposal for including CS is the parallel civil society conference, which was launched at the OSCE Summit in Astana (Kazakhstan) in 2010. Its latest meeting was held in Basel last December, and culminated in the adoption of recommendations to the OSCE Ministerial Council (Basel, 4-5 December 2015). [6] This ambitious undertaking primarily contains CS analyses and recommendations on "alarming human dimension issues across the OSCE region"; but, as well, in light of OSCE Chairmanship(s), on human dimension issues in Switzerland (p. 63-70) and Serbia (p. 71-78), concluding with a brief on "enhancing CS input in OSCE activities".[7] The document also includes a list of "human dimension priorities": (a) thematic (e.g., putting newly adopted OSCE guidelines to work; upgrading existing ones; or addressing new problems, such as the protection of privacy and personal data), (b) institutional (e.g. mentioned self-evaluation, strengthening the role of the Human Dimension Committee, as well as the OSCE special offices); and (c) regional (with a special focus on the Western Balkans, Ukraine and Azerbaijan). Speaking of Ukraine, the document also reflected on "lessons learned" from the crisis, namely: highlighting the need to reform OSCE mechanisms for reacting to security crises; discussing relations between states and ethnic minorities in other countries; addressing the manipulation of media freedom; and including the theme of dealing with the past in future curricula.

Borrowing EU terminology, this framework and its outcome effectively present a (low-cost alternative to) "progress reports" on the state of democracy and a "shadow report" for any future CiO to consider. As such, incoming chairs should encourage it.

It is no surprise that in Serbia – a country whose democracy is consolidating and which is seeking EU membership – there are a number of organizations capable of contributing to all three of the OSCE's dimensions. Let's take into consideration the priorities of the Swiss and Serbian CiO Joint Work Plan[8]. First, Serbia's CS is well poised to help in the continued undertaking of the "analysis of current and future challenges" (p. 2 of the Joint Work Plan). Second, it has already taken part in the development of an Action Plan for Youth and Security, with a Declaration on Youth adopted at the Ministerial Council.[9] Third, there is at least one dedicated anti-trafficking organization with a respectable track record which may assist the OSCE's efforts; and fourth, having in mind the relative success of Serbia's NAP (National Action Plan) for implementation of UNSC Resolution 1325 ("Women, Peace and Security"), an upgrade of the OSCE's Action Plan in the field seems probable.

Within the political-military dimension, contribution with regard to "security sector governance/democratic control of the armed forces"; strengthening of the OSCE Code of Conduct; and "combating transnational threats" should be expected. [10]

II. CASE STUDY: CIVIL SOCIETY'S CONTRIBUTION TO SERBIA'S CHAIRMANSHIP

HIGH SIGNIFICANCE AND HIGH EXPECTATIONS OF SERBIA'S CHAIRMANSHIP

As already mentioned, this is the first time that Serbia holds the Chairmanship-in-Office (CiO) of the group of 57 participating States. The Joint Chairmanship with Switzerland (2014-2015) was introduced as a new OSCE model with the aim to ensure better co-ordination of longer term planning. In January 2015, Serbia took over the Chairmanship, marking a new phase in its foreign policy.

None of the former Yugoslav countries have ever been appointed to the CiO thus far, which places an additional burden on the Serbian Chairmanship. Serbia being a country that hosts an OSCE field mission, its Government will have to distinguish itself as an active and credible promoter of human rights, democracy and peace processes. There is a hidden benefit, however. In the words of Foreign Minister Dacic, "the Chairmanship of a country from the Western Balkans would bring added value to the work of the OSCE,

[6] Civic Solidarity, "Civil society recommendations to the participants of the OSCE Ministerial Council meeting in Basel", 4-5 December 2014, http://www.fer.org.rs/uploads/sr/dokumenti/publikacije/civic-solidarity/civil_society_recommendations_to_the_mcm_in_basel_december_2014_final.pdf (Accessed 1 May 2015)

[7] Ibid

[8] Ministarstvo spoljnih poslova Republike Srbije, 27. jun 2013, Zajednički plan rada Švajcarske i Srbije za predsedavanje OEBS", http://www.mfa.gov.rs/sr/images/dipllist/Zajednicki-plan-rada-za-predsedavanje-OEBS_1.pdf (accessed 3 May 2015)

[9] Switzerland set up a "Model OSCE" with 57 young women and men from the OSCE participating States. The Model OSCE negotiated a "Youth Action Plan" for the OSCE in three simulated rounds of negotiations. The Youth Action Plan was presented to the Ministerial Council in Basel.

[10] Swiss OSCE Chairmanship 2014, "The Swiss Chairmanship's commitment to implementing its priorities",https://www.eda.admin.ch/dam/eda/en/documents/recent/20141215-osze-vorsitz-umsetzung-prioritaeten_EN.pdf (accessed 2 May 2015)

particularly in terms of translating the lessons learned from (Serbia's) experiences and the OSCE's role in supporting a wide range of reforms in Serbia". [11] This is why the Ministry of Foreign Affairs (MFA) has chosen the motto "rebuilding trust and confidence in the OSCE region", referring to both its turbulent past and new role-taking as both the OSCE Chair and an EU candidate country.

Great expectations have thus been set for Serbia's CiO. The OSCE Chairperson-in-Office Ivica Dacic will be tested as a crisis manager and mediator, together with the Troika.

FEATURE 1: OPPORTUNITY PRESENTED BY THE JOINT WORK PLAN

The two-year work plan [12] of Switzerland and Serbia that was developed and presented in 2013 had to be significantly revised with the outbreak of war in Ukraine. At the reception marking the start of Serbian OSCE Chairmanship, the Serbian Foreign Affairs Minister Ivica Dacic stated: "We understand that Ukraine will remain the dominant topic for the OSCE in 2015, so the main priority of our Chairmanship in that context will be to stimulate a comprehensive peace process" [13]. Serbia has also committed to focus on regional co-operation and the Western Balkans during its OSCE Chairmanship. [14]

The joint work plan was divided into the three dimensions in which the OSCE is active: the politico-military, the economic and environmental, and the human dimension [15], while the following three areas were identified as key for a cross-dimensional approach:

- Integration of civil society through improved co-operation with CSOs and think-tanks in each dimension;
- Integration of youth through the nomination of Youth Ambassadors; and
- Integration of the gender perspective through gender mainstreaming (and in particular UN SCR 1325).

FEATURE 2: CONTINUING THE PRACTICE OF SELF-EVALUATION

The OSCE has set a number of commitments in the human dimension, many of which have not been fully implemented. Ensuring that the country chairing the OSCE respects the fundamental values of the Helsinki Final Act – and leads by example – has been recognized as key to improving the Organization's credibility.[16] To improve the implementation of commitments, and follow-ups on recommendations issued by the OSCE, both Switzerland and Serbia have accepted to voluntarily carry out a "self-assessment" of their performance as CiOs.

The self-assessment process in Serbia will unfold in three phases:

- In the first phase, the Commissioner for the Protection of Equality, together with the Institute of Social Sciences, will draft a report focusing on four topics: gender equality, the status of the Roma community, freedom of elections, and freedom of peaceful assembly.
- The second phase consists of the writing of a complementary "shadow report" by the Serbian CSO co-ordination group on the OSCE. The CSO co-ordination group will write about three additional topics which were perceived as high priority: media freedoms, protection of human rights, and minorities.
- Finally, in the third phase, Serbian authorities will comment on both reports.

The main lesson learned from the Swiss CiO was that this new practice provided an excellent opportunity to engage in an open and inclusive dialogue with civil society within the country. The second benefit was that it also contributed to strengthening Switzerland's regular, systematic engagement with OSCE institutions.[17] Switzerland also provided several recommendations to its successor Serbia on how to engage civil society in the process in an effective and timely manner. It outlined the importance of timely involvement of all stakeholders (from the planning phase), topic selection (which should remain sufficiently broad), monitoring fatigue (which can be avoided by using existing knowledge), and deepening of understanding and familiarity of stakeholders with the OSCE.

Serbia may take advantage of the self-evaluation process as a valuable tool for increasing accountability and credibility. In addition, its current – and somewhat ambiguous – position towards CS might be improved through joint work with state institutions. We specifically emphasize the importance of engagement of the MFA with civil society, since foreign policy has so far been one of the least transparent policy areas, with no mechanisms currently in place for the inclusion of CSOs.

FEATURE 3: ESTABLISHMENT OF THE SERBIAN CSO COORDINATION GROUP

In general, the involvement of civil society in policy making in Serbia is slow-paced and to a large extent ad hoc, reactive and untimely. [18] However, in some areas, such as European integration or human rights protection, the participation of CSOs is more extensive. From the beginning of EU accession negotiations, several informal CSOs coalitions were set up in order to discuss chapters or programming of the IPA (Instrument for Pre-Accession Assistance) funds (e.g., the National Convention, Sectorial Civil Society Organizations mechanism, PreEUgovor). [19]

[11] OSCE, "Address by H.E. Ivica Dacic Chairperson-in-Office of the OSCE at the Special Meeting of the OSCE Permanent Council Vienna", January 2015, http://www.osce-vienna.mfa.gov.rs/odrzavanje/uploads/134801.pdf (accessed 1 May 2015)
[12] Ministarstvo spoljnih poslova Republike Srbije, Ibid
[13] Tanjug, "OSCE Chairmanship to Focus on Balkans and Ukraine", 18 December 2014 http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=12&dd=18&nav_id=92615 (accessed 2 May 2015)
[14] Ministarstvo spoljnih poslova Republike Srbije, Ibid
[15] Tanjug, Ibid
[16] Swiss OSCE Chairmanship 2014, "Self-Evaluation OSCE Chairmanship, Commentary by the Federal Authorities," Bern, November 2014, https://www.eda.admin.ch/content/dam/eda/en/documents/recent/Self-Evaluation-OSCE-Chairmanship-November-2014-final_EN.pdf (accessed 3 May 2015)
[17] Ibid.
[18] Amanda Orza, "Civil Society and Government: Participatory Policy Formulation in Serbia," European Policy Centre, 2014, https://dgap.org/sites/default/files/article_downloads/policy_brief_epc_serbia_-_civil_society_and_government.pdf (accessed 3 May 2015)
[19] Bojan Elek, Ljiljana Ubovic, Tomasz Zornaczuk, Civil Society Networks in the EU Integration of Serbia, The Polish Institute of International Affairs policy paper, no. 8, April 2015, http://www.pism.pl/files/?id_plik=19609 (accessed 3 May 2015)

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When it comes to the OSCE, CSOs and the state were primarily familiar with field missions and ODIHR's activities. Thus, when analyzing the Serbian Chairmanship, CSO reports for the most part focus exclusively on the human dimension. This can be explained by the above-mentioned exclusion of civil society from decision- and policy-making in the field of foreign affairs.

It comes as no surprise then that in June 2014 an informal CSO coalition was established under the name 'CSO coordination group for monitoring the OSCE Chairmanship'. Its members are: the Helsinki Committee for Human Rights in Serbia, YUCOM – Lawyer's Committee on Human Rights, the Public Policy Research Centre, the Forum for Ethnic Relations and the Humanitarian Law Center. This informal coalition aims to critically observe the Serbian Chairmanship from a CS perspective, and has identified the following topics as most relevant [20]:

- (Instances of) discrimination, especially against Roma and minority communities and other vulnerable groups (women, LGBT, persons with mental disabilities, the elderly, children, etc.) with no appropriate follow-up by authorities;
- The prosecution of war crimes and the rights of victims of war crimes (including the right to reparations);
- Attacks on human rights defenders that are rarely condemned by government officials;
- The discrepancies between minority policy and practice;
- Media freedoms and freedoms of expression including soft-censorship and self-censorship;
- Attacks against LGBT activists, impunity and the inefficiency of the judiciary in cases of violence;
- Inhuman treatment in penitentiaries.

FEATURE 4: CS CONTRIBUTIONS THUS FAR (MAY 2015)

Serbian NGOs have been contributing to the Chairmanship through increased participation at OSCE conferences, and in workshops on the human dimension. The coalition attended the OSCE Parallel Civil Society Conference in Basel, organized in December 2014 by the Civic Solidarity platform, where it provided input. The above-mentioned five organizations will organize the next Parallel Civil Society Conference at the end of 2015.[21]

In Serbia, the coalition has so far been very active in establishing partnerships. A dialogue with the working group of the Ministry of Foreign Affairs during the OSCE Chairmanship has been established. Even though CSOs have been invited to participate in several meetings and study visits to Vienna, the number of meetings needs to be increased in the next period. So far, there is no calendar of activities or exact date for submission of the first report. Yet, an even wider coalition has been envisaged. With the submission of the first report, a dialogue will be initiated at the regional level. Civil society organizations from the Western Balkans will also have the opportunity to provide their input, in particular in the field of reconciliation processes and the rights of victims of war crimes.

The informal coalition has also stated that it will be using reports from independent institutions – the Ombudsperson and the Commissioner for the Protection of Equality – to draw on emerging trends.

FEATURE 5: OSCE YOUTH AMBASSADORS CONTINUE THEIR WORK

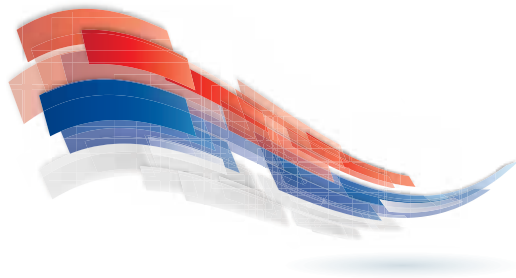
Representatives (SRs) on Youth and Security, who were then invited to address the Permanent Council. SRs have been so far engaged in various events intended to raise the awareness on the importance of youth participation. In Serbia, the National Youth Council (KOMS) had successfully implemented the project "2015 OSCE Chairmanship of Serbia and the Role of Youth. A study visit to Vienna was organized for a group of young people; 15 workshops across Serbia were conducted on the role of the OSCE and CiO; recommendations on youth security were collected; and an 'OSCE Youth toolkit' was created for further independent use by youth workers, CSOs and youth offices. Finally, a Network of Youth Ambassadors was created, who will participate in the human dimension side event dedicated to the youth.

CONCLUSION

The Serbian OSCE Chairmanship needs to be understood as a valuable tool for advancing human rights in Serbia itself. The human rights issues, which concern CS mentioned in this paper, require considerable attention from the country holding the CiO. However, while its predecessor Switzerland engaged CS from the beginning, Serbia was slow to do so, despite the valuable efforts of a Serbian co-ordination group. Therefore, two concerns remain. First, whether CSOs will be incorporated in the policy and decision-making processes in a systematic way after the end of Serbia's OSCE Chairmanship; and second, how the post-process will work, bearing Swiss NGO feedback on the Self-evaluation report of the Swiss OSCE Chairmanship [22] in mind.

[21] Public Policy Research Center, "Report from the press conference: Human Rights OSCE Priority", 16 April 2015, http://www.publicpolicy.rs/arhiva/1030/disturbing-trends-in-respecting-human-rights?lang=en#.VU_wlBYgdKM (accessed 2 May 2015)

[22] Swiss NGO Working group OSCE, "NGO Feedback on the Switzerland 2014 Self-evaluation OSCE Chairmanship", 22 June 2014, http://www.publicpolicy.rs/documents/a4a52031c00cc0ea012cc633950624e82a75d0f6.pdf (accessed 1 May 2015)



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RECOMMENDATIONS

1. One lesson drawn from Swiss Minister Burkhalter's approach is that representatives of CS should be able to take part (as panelists wherever possible), in all of the Organization's functions and events; and that wherever the CiO travels, he or she should meet CS representatives as well.

2. There is no coherent system of civil society inclusion in policy making. CSO contributions and governmental feedback are ad hoc and unpredictable. Great variation exists between policy areas (human rights vs. foreign affairs, for instance). In this regard, we recommend to state administration:

   - To adopt all the necessary regulations governing inclusion of civil society in decision and policy making;
   - To make feedback in written form to CSO contributions and comments mandatory, in particular in the field of foreign affairs, security and defense, regional reconciliation and dealing with past policies;
   - To train civil servants on participatory practices of involving CSOs, in particular those working in foreign affairs, security and defense, regional reconciliation and dealing with the past policies;

3. Monitoring activities are time-consuming and capacity demanding. This is why we recommend to CSOs:

   - To request the exact timeline of the CiO's activities in order to plan on time;
   - To advocate for follow-up activities on recommendations from the self-evaluation process.

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