The OSCE’s exclusion of NGOs: 
Back to the old days?

Arie Bloed

1. Exclusion of NGO leads to diplomatic protests
A long and lingering problem has recently resulted in open protests from some OSCE participating states. The occasion was the exclusion by the Spanish Chairmanship of the Russian-Chechen Friendship Society from attending the OSCE ‘High Level Meeting on Victims of Terrorism’ in Vienna on 13-14 September this year. This highly controversial decision resulted in the US delegation walking out of the conference as a clear sign of protest. The US made the following statement: ‘The United States learned this morning that a reputable NGO, the Russian-Chechen Friendship Society (RCFS), was not allowed to register and participate in today’s conference. We have fought hard for the right of peaceful NGOs to participate in such meetings. For this reason we are outraged and greatly disappointed by this decision and hereby lodge a formal protest.’ It was obvious that the Russian government had been able to convince the Spanish CiO in this area. A number of delegations had argued with the Russians all summer over the issue of NGO attendance at this meeting. Russia had pressed hard for language in the agenda that would have allowed NGOs to participate only as members of national delegations or with the approval of their national delegation. The US and the UK had made it clear that in that case they would block the entire conference.

In late July, Russia agreed to the US/UK position and Spain made a strong CiO statement when the agenda was adopted stressing that the 1992 Helsinki Document was the only rule governing NGO participation in OSCE meetings. Nevertheless, the CiO decided to exclude the RCFS, apparently in order to please the Russians, but clearly miscalculating that the US and some other countries would label this decision as totally unacceptable. The RCFS is an NGO which is clearly unpopular among the Russian authorities, as it publicly exposes the atrocities committed by Russian troops in Chechnya. For that reason the Russian government had deregistered the NGO in Russia, after which the RCFS obtained legal registration in Finland. It had attended many other OSCE meetings in the past few years.

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According to the rules in the ‘book’, many OSCE meetings, in particular in the area of the human dimension, are open to the public and after a simple registration procedure NGOs are allowed to actively participate in the proceedings of such meeting. The OSCE recognises only one exception: NGOs which ‘resort to the use of violence or publicly condone terrorism or the use of violence’ (Helsinki Document 1992, Chapter 4, paragraph 16). Under this heading the Russians sought to exclude the RCFS by labelling it as an organization which publicly condones violence. Not only did the US strongly disagree with this perception, but other countries also voiced their dismay with the Spanish behaviour (e.g. the UK, Canada, Portugal on behalf of the EU). Also ODIHR was clearly dissatisfied with the Spanish decision, as voiced by its first deputy director at the closing of the conference: ‘We are not aware of any ground that would substantiate a reason to exclude this organization from participating in an OSCE meeting. On the contrary, we remember the participation of this NGO as having previously been active and constructive.’

The NGO was again allowed to attend the Human Dimension Implementation Meeting which was held a couple of weeks later in Warsaw (24 September – 5 October 2007). This resulted in public protests from the Russian delegation which threatened to reconsider the Russian participation in such OSCE meetings if NGOs like the RCFS would continue to be allowed to participate.

In the past some NGOs had been excluded from participation in OSCE meetings, but this was always ‘settled’ behind closed doors. Usually it concerned NGOs which were considered by some countries as hostile (Turkey against Kurdish NGOs, Central Asian countries against Hizb ut-Tahrir or Russia against NGOs relating to its war in Chechnya) and usually these protests were overruled by the OSCE leadership with only a few exceptions. Now, however, the issue has become a public dispute which definitely will not help in smoothing relations among the delegations of the OSCE participating states. As such, it can be seen as a symptom for the worsening relations among a number of these states in general. In this sense also it is strongly reminiscent of the situation in the ‘old CSCE days’, before the collapse of the Berlin Wall in 1989.

2. **Kazakh bid for Chairmanship close to decision**

The OSCE Ministerial which will be held in Spain at the end of November this year is supposed to take a final decision about the intensively debated bid of Kazakhstan to become the Chairman-in-Office of the organization in 2009. Several countries have reacted hesitantly so far in view of the perceived shortcomings in the area of human rights and the rule of law in the country. It is obvious that Kazakhstan has made great efforts to improve its record and its image which is in striking contrast to the policies in its neighbours in the Central-Asian region which obviously do not show much interest in improving their human rights.

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2 See also Edwin Bakker’s article on the same topic in this issue of Helsinki Monitor: Security and Human Rights.