



*Human Rights  
Discussion Paper  
June 2005*

## **EXTEND THE MANDATE OF THE REPRESENTATIVES**

### **I. RECOMMENDATIONS FOR THE OSCE:**

The OSCE meeting on anti-Semitism and related intolerance convened in Cordoba, Spain on June 8 and 9, 2005 provides an opportunity to review the parallel agendas that compose ODIHR's newly formed program. In an effort to look ahead at how to review and act on the commitments made by participating states, the Jacob Blaustein Institute (JBI) presents the attached recommendations.

#### **Extend the Mandate of the Representatives of the Chair-in-Office**

In 2004, the OSCE Office for Democratic Institutions and Human Rights established a new program on tolerance and non-discrimination. In December 2004, the OSCE Chairman-in-Office made three key appointments to further promote action in the area of non-discrimination and tolerance. Gert Weisskirchen became the Personal Representative on Combating anti-Semitism; Ambassador Ömür Orhun was appointed as Personal Representative on Combating Intolerance and Discrimination against Muslims; and, Anastasia Crickley was appointed as Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

While momentum to intensify participating states' efforts to combat anti-Semitism, xenophobia, and discrimination is at long last visible, ODIHR's Tolerance Department and the Chair-in-Office's three Personal Representatives are just beginning their work. Much needs to be done in all areas.

#### **The Jacob Blaustein Institute recommends:**

- **That the mandate of the three personal representatives be extended to allow them to plan, establish achievable goals, and schedule their activities.** The representatives need to be able to work independently and direct their energies to where they are most needed.

- **That OSCE efforts to combat intolerance and discrimination continue to reflect the reality that antisemitism is a distinct phenomenon that requires a separate focus on antisemitism in OSCE programs.** Much is needed to identify and examine acts of antisemitism; to prevent future acts of antisemitism by developing new mechanisms, legal measures, and human rights strategies; and to report publicly and act on those findings.
- **That coordination should advance, not hinder, action.** While it is important for OSCE representatives and other human rights mechanisms to coordinate with one another as appropriate to avoid duplication and learn from the activities and strategies of one another, it is essential to ensure that requests for coordination do not hinder the capacity of the representatives to respond to the specific needs of his/her own mandate.

**Provide support for the personal representatives so they can work independently and direct their energies to where they are most needed, in accord with their mandates.**

OSCE has experienced sharp differences regarding its budget, which have only recently been resolved for the 2005 operating year. One of the issues facing the organization was whether resources can be –or should be – devoted to the work of the three personal representatives. Modest funding, mainly voluntary, has been provided to support all three personal representatives. The sum agreed, reportedly about \$250,000, will be utilized to cover travel and expenses of the representatives, but will not provide for staff, commissioned reports, or other expenses.

It is obvious from other international institutions and the operation of similar expert problem-solvers and fact-finders that the only way the OSCE Personal Representatives can be effective is if they (and relevant expert staff, whether from ODIHR or assigned to the representatives) can direct their energies to the incidents, countries, policies, and situations where they are most needed, in accord with their mandates. Some officials have reportedly encouraged the Representatives to travel and act as a “team” – visiting countries together, issuing reports together, etc. While coordination of activities and cooperation with other officials with related mandates is both useful and appropriate in international institutions, there is a danger in such bodies that coordination and cooperation will themselves constitute constraints on action, rather than means of improving the capacity of each representative to carry out the activities most needed, most relevant, and most effective in the context of his/her mandate.

As useful as non-duplication and coordination may be as institutional goals for any international organization, it is also essential that the OSCE Personal Representatives are able to work independently and direct their energies to where they are most needed, in accord with their mandates. Demanding that they operate “as a team” –as some have suggested – would guarantee that they would achieve even less, not more, in their work for OSCE. This is because their travel, inquiries, mediation, advice, and reporting would all require additional steps, extra time, political negotiations to edit and “balance” conclusions and the like. The Personal Representatives were not created to address the same problems, and should not be constrained to act as if they

were a committee, a working group, or a team. As indicated in a series of OSCE conferences since 2003, anti-Semitism is a distinct phenomenon that needs to be addressed as such if the efforts to combat it are to be successful. It should not be treated as an issue to be balanced against others, in order to create a moral equivalence. The history and present nature of anti-Semitism is such that it requires separate attention, and prompt action to combat it.

**Address anti-Semitic acts by using a human rights response and methodology, in accord with OSCE's leading role as a human rights-focused organization.**

As we have stated at previous OSCE conferences, anti-Semitic acts are not “hooliganism” or common crime – they are human rights abuses and should be treated as such. OSCE has been the leading international institution to address human rights problems including inadequate state response to human rights abuses. A human rights approach may include information-gathering, monitoring, fact-finding and advocacy to improve the protection of human rights and fundamental freedoms. The principal objective of this approach is to reinforce the responsibility of States and others to protect human rights. Such methodology can also help perform a preventive function: when a government official or other actor is aware of being monitored, she or he may become more careful about his/her conduct.

The term monitoring broadly describes the active collection, verification and immediate use of information to address human rights problems and implement remedies. Human rights monitoring includes gathering information about incidents, observing events, visiting sites such as places where hate crimes have occurred, holding discussions with government authorities and those present near the scene of the abuse and others to obtain information and pursue human rights remedies such as law enforcement and other types of necessary redress. A human rights approach is aimed at both studying and seeking to improve a situation (through prevention and protection), rather than a social science approach which is often limited simply to studying a situation.

**II. ROLE OF THE REPRESENTATIVE ON ANTI-SEMITISM:**

JI has supported the creation of the posts of the three Representatives. It has specifically proposed in the past that the Chair-in-Office of the OSCE appoint a Representative on Antisemitism. The proposal, whose components remains a valid indicator for the Representative, called on the Representative to:

- put a spotlight on antisemitism,
- emphasize the importance of the issue,
- engage political leaders directly when problems arise,
- investigate incidents when needed,
- advise member states on ways to monitor and enforce the laws,
- make the promises of the past have a real visible implementation,
- promote and oversee coordination,
- report regularly and publicly, and
- follow up on OSCE high-level conferences in Vienna and Berlin.

- provide leadership and profile by having the status and rank to engage political leaders of OSCE states in fulfilling their responsibilities and commitments.

Extending the appointment of the Representative on anti-Semitism would:

- Recognize the direct threat that anti-Semitism poses to all values of OSCE.
- Assert the reality of antisemitism in the face of attempts to deny it.
- Recognize that anti-Semitic acts should be treated with a human rights response and methodology.
- Respond to the victim perspective of survivors.
- Respond to the uniqueness of anti-Semitism, both in its historical dimensions and its conceptual bounds.
- Show that anti-Semitism has been and still is a global hatred.
- Reinforce the OSCE conclusion that neither the conflict in the Middle East nor any other political event justifies anti-Semitism.
- Provide an effective follow up to the Vienna and Berlin Conferences on Anti-Semitism.

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THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS (JBI) OF THE AMERICAN JEWISH COMMITTEE STRIVES TO NARROW THE GAP BETWEEN THE PROMISE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND OTHER INTERNATIONAL HUMAN RIGHTS AGREEMENTS AND THE REALIZATION OF THOSE RIGHTS IN PRACTICE.

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