

The International Organization, OSCE and Its Presence in Central Eastern Europe

Dr. Blerina Muskaj

“Aleksandër Moisiu” University of Durrës, Faculty of Political Sciences and Law

Abstract

International organizations have gained the right importance and have been named as the main actors in international relations with the end of the wars. States realized that it would be more reasonable to cooperate, thus achieving higher and faster results. For this reason, organizations of different types began to be created either by the nature of the operation or the geographic extent. Their roles and objectives have been different, some focus on the political aspects of relations between states and others have more administrative or technical functions to facilitate the work of states and form faster services to individuals. Other organizations deal with security issues and police and human rights issues. In this category are created many organisms, such as NATO, charged with state security and military interventions or the Council of Europe, with the aim of promoting democratic values, implanting them and protecting human rights. The organization that will focus on this paper is the OSCE: Organization for Security and Co-operation in Europe. Among the first created in this area, with objectives to coordinate the work in the fields of state and human security, the fight against terrorism, promotion of democracy and fundamental freedoms, environmental and economic protection, and the area of protection of Human Rights and Minorities, we will mainly see the focus of this organization in East Central Europe. During the time I've been involved with, I tried to bring a historical flow of events to understand how the OSCE missions work in the field and what is the difference with the theory and how the OSCE mission emerges CEE, as a case study Albania.

Keywords: International organizations, OSCE, Human Rights, election observation, electoral processes.

Introduction

The International Organization is defined as a union of states connected with one another by a chord composed of a certain functional apparatus (institutions) to ensure their co-operation on common interests in order to meet the criteria. The legal basis upon which an organization is formed is the treaty signed between the signatory countries, for which reason it has a legal character as well as a natural person and can be considered as such in the case of signing another agreement and emerges as a single. In this case it gets the features and gains rights are the same as the state.

With the end of World War I, the concept of the term collective security begins to be used, with the aim of preserving peace in the world through a co-ordination of the actions and acts of all nations. One of the few organizations dealing directly with state, military and human security issues is the Organization for Security and Co-operation in Europe, initially created as a conference in 1973, taking on the name only on 1 January 1995. It was established with the intent of favoring dialogue and cooperation between the West and the East. Its objectives are to protect and guarantee all types of safety, ranging from human to environmental. A typical security sector organization is the North Atlantic Treaty Pact, widely known as NATO. It was created during the Cold War by the US and their allies as a counter-response to the Warsaw Pact. Taken its form and signed by the members on January 27, 1950. Its purpose was to prevent Soviet military power. But with the end of the war, their goals were re-dimensioned. The aim is to maintain peace and security, to help develop stability and prosperity in the North Atlantic region and other regions. It acts as an organization with a focus on military security using the element of collective security.

These international organizations are what they are today and have more weight in the international arena, but it should be said that there are smaller, less well-known organizations that operate in a particular region or only between 3 or 4 states ensure cooperation. The legal bases on which they operate are the treaties signed by the founding states and those that have subsequently acceded. The reasons for their creation have been the many wars that nations have experienced over

the years, especially the World Wars. The many destructions on economic resources, the deficit and the almost bankruptcy of many states, the losses in human resources have increased the desire and willingness to avoid these risks. Precisely for these reasons the respective countries have taken the initiative of cooperation in almost all spheres.

CSCE, founding documents.

The European Security and Co-operation Conference came as a result of the goodwill of Western and Eastern states to create a bridge between these two competing camps. The idea was first cast for a Warsaw Treaty meeting in Budapest in 1955, but was not well received by Westerners. The conference call came again in 1966, also during a meeting of the Warsaw Pact. It was the first Finland to respond positively to this request only in 1966. It also became the host of all other countries that would attend the conference.

There was a vocation as a political dialogue for resolving disputes and avoiding conflicts. Its first meeting was held on June 3, 1973, in Helsinki. The participating States were 35, including the Soviet Union, the United States of America, Canada, the European countries except Albania. After the talks held on 1 August 1975, the Helsinki Final Act, which is known as the "Helsinki Accords", is signed. These chords are based on 10 principles for which future conferences should focus on their work and their talks.

Declaration on the Principles of Relationships between States¹

- 1) Respect for rights inherited under sovereignty.
- 2) Content of use or threat of use of force.
- 3) Territorial Integrity of States.
- 4) Peacefully adjust the differences.
- 5) The inviolability of the borders.
- 6) Non-interference in domestic affairs.
- 7) Respect for Human Rights and Fundamental Freedoms.
- 8) The Right of Peoples Equality and Their Right to Self-Determination.
- 9) Cooperation between States.
- 10) Confidentiality fulfillment of obligations under international law.

These chords and principles constitute and what is called the legal basis of the Conference. They have been given the right legitimacy for the reason that they have been the signatory states that with their will and will have decided to become part of this conference. Under international law, when they are members have their obligations and their rights, as well as the conference know the rights and obligations as well as those of a state. The fact that she turns out to be an actor in the international arena and having a legal basis approved and recognized by member states immediately gains her legal personality².

It is precisely the founding states that have given them the first European Conference on Security and Cooperation, the necessary legal basis for its existence, reaching a contract signed between them after numerous negotiations.

In 1995, the name of the conference changed and it became officially the Organization for Security and Co-operation in Europe. While in 1999, another summit will be held in Istanbul that will bring the "Istanbul Security Charter in Europe" with these targets³:

¹ Puto A. (2010), E Drejta Ndërkombëtare Publike, Botimet Dudaj, Tirane, pg 134.

² Hardacre A., Kaeding M.,(2008), 'Delegated and Implementing Acts: the New Worlds of Comitology – Implications for European and National Public Administration', EIPA Maastricht, pg 29.

³ F.A. Hayek, (1994), The Road to Serfdom, University of Chicago Press, pg 30.

Crisis management.

Post-Conflict Rehabilitation.

Prevention of conflicts.

OSCE Human Dimension

Promoting human rights and the rule of law are the main goals of the human dimension pillar of the Organization for Security and Co-operation in Europe. The participating States have adopted a comprehensive legislation and catalog of their commitments in the field of human rights, democracy, minority protection, tolerance and the rule of law. The legal and moral ground that the states have drafted is the Final Document of the OSCE Summit in Istanbul 1999, underlining: *"Member States are accountable to their citizens and responsible to each other for the implementation of their commitments to the OSCE. With regard to these commitments as our common achievement and therefore we consider it to be matters of immediate and legal interest in all participating States."* »

For these reasons and for efficiency in their activities, the OSCE annually holds a 10-day meeting, called the Human Dimension Implementation Meeting¹. The conference is usually conducted in Warsaw in order to examine the implementation of the commitments of all member countries. In addition to this large conference, for the same purpose are held additional Human Dimension Meetings, held 3 times a year together with Seminars on this field of activity, organized ODHIR. Their purpose is to discuss current issues and issues of a particular interest.

Interventions and OSCE activities have changed and have always been adapted to the region and the problem where it is sought. The Western Balkan conditions have always been specific and specific, so the organization of the actions by the Organization has sought new capacities that will allow for early deployment of early warning, preventive diplomacy, crisis management and post-crisis rehabilitation.

Albania in OSCE

Discussions on Albania's adherence to the OSCE were held during the meeting of the Council of Ministers in Berlin, June 1991. In the same year, in September 1991, our country signed the Final Act and the Paris Charter for a New Europe. Accession to the organization marks a radical change in the orientation of the country's foreign policy, which means accepting Western values of democracy and the rule of law.²

Because of the internal specifications of the state, the OSCE's leadership was oriented towards a new dimension. The riots in 1997 forced the former Austrian chancellor to be sent. Franz Vranitzky, who would help resolve the crisis through political dialogue.

Today OSCE ODHIR Mission also supports the fight against human trafficking and corruption, as well as the protection of human rights. Precisely in this area, she works closely with civil society and national institutions such as the People's Advocate or the Commissioner for Protection from Discrimination. In addition to these organizations, it provides support for the probationary system and helps in the reform of the pre-trial detention system. As far as gender equality is concerned, it has helped at the beginning of its intervention with increasing participation of women in political life. She trained women for leaders and assisted in restoring their case to the Assembly.

Albania's accession to the OSCE (former CSCE) was carried out during the works of the Berlin Ministerial Council (19-20 June 1991). Our country signed the Helsinki Final Act on 16 September 1991 and the Paris Charter for a New Europe on 17 September 1991. This accession marked a radical change in the Albanian foreign policy course that would lead to the emergence of international self-isolation, in rapprochement with the Euro-Atlantic community and in the acceptance of Western values of freedom, democracy of the rule of law. Albania's accession was accompanied by the undertaking of legal reforms to respect the fundamental freedoms and rights of the individual. The circumstances that enabled Albania to join the OSCE were the democratic movement of December 1990, the first pluralistic elections in Albania, and the adoption

¹ Ostrom E , (2003), " An agenda for research institutions," Public Choice , Vol . 48, pg 24.

² Puto A. (2010), E Drejta Ndërkombëtare Publike, Botimet Dudaj, Tiranë., pg 170.

of the Provisional Constitutional Package on 29 April 1991, which contained provisions that recognized political pluralism in respect of human rights.¹

Following the 1997 internal turmoil, relations between Albania and the OSCE took on a new dimension. The Danish OSCE Chairmanship, through the Special Envoy, former Chancellor of Austria, Dr. Franz Vranitzky, mediated in resolving the political crisis in Albania, which made possible the deployment of the OSCE Presence in Albania. The latter is not a permanent representation of the Organization, but has a temporary mandate, the current version of which was approved in 2003. Today Presence supports legal, judicial, administrative and ownership reforms, capacity building of the Assembly, the fight against trafficking and corruption, the promotion of good governance and the empowerment of civil society. It also supports state police and the process of dismantling obsolete ammunition stocks. It helps Albania to implement the commitments made by our country to the OSCE. The OSCE presence has gradually reduced the number of projects, which speaks of country's progress and more efficient use of Presence's resources. Lastly, it has closed its four regional offices (Shkodra, Kukës, Vlorë and Gjirokastra), showing our strengths in the fields of Presence's mandate. The OSCE has Missions in all the Western Balkan countries, which operate in accordance with the respective mandates adopted by the Permanent Council, the main OSCE decision-making body, with the participation of the ambassadors of the 57 participating countries in the Organization. Albania works to ensure that the activities of these missions are effective and serve the peace, stability and European integration of the region.

Albania also cooperates closely with OSCE institutions, such as the ODIHR and the Office of the Press Freedom Representative. Cooperation focuses on areas of interest to our country such as electoral reform, digitalization process, public television reform and national radio and television council.

Increasing the role and profile of Albania in the region and in the international arena has influenced the radical change of OSCE relations. Albania is not only a consumer of OSCE expertise, but it contributes immensely to preserving and promoting the role of the Organization in the security architecture in Europe². Over the last few years, Albania has significantly increased its profile in the OSCE. She hosted the Autumn Session of the OSCE Parliamentary Assembly (October 2012), the High Level Conference on Tolerance and Non-discrimination (May 2013) and the Third Press Conference in Southeast Europe (September 2013). Our bid to lead the Organization in the near future is an expression of the new level of relations with the OSCE and will represent the greatest contribution that our country will give to European security issues.

Albania's contribution to regional developments, where the OSCE has 6 Missions deployed, is very welcome in the Organization.

The OSCE Presence in some important areas of CSO-OSCE co-operation

The OSCE Presence in Albania provides assistance to Albanian authorities and civil society in promoting democratization, rule of law, human rights and consolidating democratic institutions in accordance with OSCE principles, standards and engagements. In addition, to fully realize its objectives, the OSCE Presence in Albania works in partnership with the host country to strengthen key state institutions, to consolidate a democratic control and balance system, and to strengthen dialogue between the parties to increase trust in these institutions.³ The OSCE has been present with its mission in Albania since 1991. Bearing in mind the positive role that Albania has played in developing and improving relations, as well as the overall positive changes that have taken place in southeastern Europe, assessing the overall progress achieved in Albania in recent years as well as the most important position taken by the country's institutions The OSCE decided that, after the end of the mandate, it should update the Presence mandate in Albania in order to reflect the developments that have taken place in the country.⁴

OSCE Permanent Council Decision 588 clearly stated the goals of the OSCE presence in the continuation of its mission in Albania.

¹ Puto A. (2010), E Drejta Ndërkombëtare Publike, Botimet Dudaj, Tiranë, pg165.

² Glasius, Marlies. "Do International Criminal Courts Require Democratic Legitimacy?" *European Journal of International Law* 23, no. 1 (February 1, 2012): 43–66. doi:10.1093/ejil/chr104.

³ Puto A. (2010), E Drejta Ndërkombëtare Publike, Botimet Dudaj, Tiranë, pg 170.

⁴ Kuci K., (2010), Filozofia Politike, UMSH, Tiranë, pg 67.

In order to fulfill its purpose in Albania, the OSCE focuses on:

1. Legislative and judicial reform, including property reform;
2. Regional Administrative Reform; Electoral Reform;
3. Strengthening the capacities of the Assembly;
4. Combating trafficking and corruption, including supporting the implementation of relevant national strategies;
5. Developing effective laws and regulations for an independent media and an Ethics Code; promoting good governance and projects for strengthening the society.

OSCE in Albania, the electoral system and democracy

*"Everyone has the right to participate in the governance of his country, either directly or through freely chosen representatives. Everyone has the right to equal access to public services in his country. The will of the people is the basis of state power; this will has to be expressed in periodic and free elections, which should be general and equal voting, as well as by secret ballot or by the equivalent free voting procedure."*¹

Democracy is a form of government that the state authority derives from the people. The word "democracy" comes from the old Greek word demos-that means people and kratos that means power. The principles of modern democracy have gradually evolved from the religious movements of Calvinism during the 17th century, especially in Scotland, England and the Netherlands where communities began to support and share not only religious, but political ideas as well. The philosophy of freedom and equality was further expanded during the period of enlightenment that would then be recognized as the core values of democracy.²

The first democratic state was founded in the US, when France was the first European state established by democratic principles after the French revolution. After 1945 there was a proliferation of Western democracy in Europe and around the world, which replaced authoritarian forms of government. After defeating fascist governments, it seemed that the crisis that democracy experienced during the 20th century was overcome. The long process of decolonization in which the right to self-determination was recognized by Western countries resulted in the behavior of democracy in their former colonies. Dictatorships in Spain, Portugal, Greece, Argentina and Uruguay have all become democracies in the last decades³. With the collapse of the Berlin Wall in 1989 and the collapse of the Stalinist system in Central and Eastern Europe, it was noticed that democracy really triumphed. However, not all countries that theoretically support democracy as a form of government do not respect democratic principles or the life of democratic practice. This more than a paradoxical development holds that holding a critical debate on democracy and democratization is a need.

"My notion of democracy is that the weakest should have the same chance as the strongest." Essential elements of modern democracy. It is difficult to measure how democratic society is. However, there are a number of key elements that constitute the foundations of any democratic society. To better understand these elements, education and learning at all levels play a key role.

Equality - the principle of equality means that all human beings are born equal, must enjoy equal opportunities, participate in the political life of the community, and have equal treatment in the face of the law. This also includes social and economic equality between women and men.

Participation - democracy is meaningless without participation, community participation and policy issues are a prerequisite for building a democratic system. Democracy is a form of participation, sometimes participation is a broad concept and it does not only contain powerful political, but also social and economic implications. But participation alone cannot guarantee democracy.

¹ Kuci K., (2010), Filozofia Politike, UMSH, Tiranë, pg 70.

² Roberta A. Dahl, (1989), Democracy and its Critics, Yale University Press, pg 23.

³Keller H and Geir U. (2012) eds. UN Human Rights Treaty Bodies: Law and Legitimacy. 1st ed. Cambridge University Press, pg 78.

Majority rule and minority rights, even though democracy is defined by the rule of the people, are in fact the rule of the majority. This also implies a majority obligation to take into account the different rights and needs of minority groups. The extents to which obligations are met are an indicator of further enhancement of democratic values in society.

State of the law

We must first clarify what is the terminology we must accept: the rule of law or the rule of law, terms widely used today in political and juridical literature. Both terms have the same meaning, express the same concept, that of close and mutual connection between the state and the law. This connection is explicitly expressed in Article 4, point 1 of the Constitution of the Republic of Albania: "the law constitutes the basis and limits of the state's activity". Perhaps for reasons of constitutional referral, in Albania it seems that the expression "rule of law" has acquired citizenship.

The definition of the rule of law varies according to authors and ages. The rule of law is, above all, a theoretical model of organizing political systems. It has become a fundamental theme of politics since it is considered as one of the main characteristics of the democratic regime, but is not necessarily a democratic regime. Generally a state of law is not necessarily democratic, but every democratic state is a state of law. The rule of law thus seems like a first step in forming a democratic state. Its opposite is despotism or police regimes, where arbitrariness and the regime of violence prevail. It is true that the notion of the State of the law is being challenged by the notion of a State of the Art.

The rule of law is the pillar of democracy. When state actions are based on the principles of the rule of law, people are more inclined to trust the authorities and among them to cooperate with the same society. If the rule of law is established, people act in a very individualist way. The rule of law implies a well-functioning legal system that provides guidance on the basic rules that determine the functioning of a social organization and which helps to put them into practice. Based on this argument, we understand the existence of the rule of law is very important to have a democratic electoral system.

Elections are the essence of democracy or the means by which it operates. Democracy in all its forms is based on the electoral system, which creates the governing structure of a country, ensures the participation of citizens in the formation and political control of government and power, and enables political pluralism¹. Hence, it follows that elections have a multifaceted role in democracy.

Voting is a fundamental element of democracy. The electoral system defines the community of rules on how to vote and how voter votes are translated into places in Parliament. So the election of the electoral system is of significant importance in the democratic representation system. The system determines who will be elected to represent the constituencies, what will be the parties that will form the government, what will be the parties that will form the opposition. So the determination of citizens' governance goes through the elections, the basis of which lies the electoral system.

Calling a "citizen" voter, exercising this right in power is and should be understood by each of the citizens as the only effective mechanism that free individuals, organized in a form of pluralist government every 3/4 years, aim at this means the whole community where they live in general, but in particular each one for themselves, realize the opportunity to improve the level of life more². The electoral campaign should be considered by each voter as a more chance for him and his loved ones; as an opportunity for his close family to improve the current level of living, to benefit from certain state policies; where an individual feels safer in the workplace or in the business he or she exercises; where the health system is reformed and the benefits are concrete; where the child is educated in school institutions that are worthy of the name and the standard of teaching; where the state makes a more dignified policy with its neighbors and realizes that it can not abuse the term "partners" and "friends"; where the individual and the family can exercise, together or separately, more potently than the four years that went, declared and universally accepted rights by everyone to move and "see the world" without fear of politics Consuls of a state will consider them and their family as "people with a risk" to return to the country³. Ultimately,

¹ Soós, A. K., (2011), *Politics and Policies in post-Communist Transition. Primary and Secondary Privatisation in Central Europe and the former Soviet Union*, Budapest, Central European University Press, pg 25.

² Freedman R. (2013) *The United Nations Human Rights Council: A Critique and Early Assessment*. Routledge, pg 56.

³ Dryzek J., (1996), "Informal logic of institutional design " in R. Goodin. *The theory of institutional design*, Cambridge

being called a voter must understand that you, the individual, and the governance of the next four years you intend to be partners with each other in the policies that will be applied in the future or be opiate or skeptical of these policies¹.

Being a voter, you should be aware every day of being "citizen", without hesitation, although it is the state's responsibility to secure this right; check the basket if you are registered as a voter in the voting lists; to ask to be registered if they have wrongly omitted by "state" or by cast according to you; to follow the views of political parties on policies that are of interest to you and are a priority for your fate; be present if you have meetings with the candidates in your area, and in particular the meetings where the candidate participates and you have voted the time that went; to ask without fear of your party or party exponents that you think you will vote about the ambiguous attitudes of her or her candidate policy; to assess as an individual the "personality" that competes in your area; to be more active with the people around you to encourage them to participate in the polls².

Conclusions

Finally, it should be noted that the Organization for Security and Co-operation in Europe has, for some years now, faced a slump in its role. Because of the non-consensus among member states, especially between East and West, a conflict that was thought to have been over in the course of time. For the reasons mentioned above, the OSCE is no longer in the position of the leader, narrowing the work of its missions to public opinion and consultancy. In many cases non-respect of basic principles by the organization itself has affected the loss of trust in the member states and those who would be assisted.

Election Observation by the OSCE in Albania has the potential to enhance the integrity of electoral processes, defining and presenting irregularities and fraud, and providing recommendations for improving electoral processes. Can promote public credibility, as a guarantor, can promote electoral participation and reduce opportunities for potential election-related conflicts. It can also serve to increase international understanding by sharing experiences and information about democratic developments.

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¹ Soós, A. K., (2011), Politics and Policies in post-Communist Transition. Primary and Secondary Privatisation in Central Europe and the former Soviet Union, Budapest, Central European University Press, pg 27.

² Soós, A. K., (2011), Politics and Policies in post-Communist Transition. Primary and Secondary Privatisation in Central Europe and the former Soviet Union, Budapest, Central European University Press, pg 34.