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THE ROLE OF OSCE IN PREVENTING AND COMBATING CORRUPTION.

Svetoslav Spassov³⁰

Thank you very much for giving me this opportunity to participate in this high-level forum. It's a pleasure to spend some more time with your students at your university. And thank you very much for your kind invitation.

I focused my presentation on the role of OSCE – Organization for Security and Co-operation in Europe, in preventing and combating corruption.

Few words about the history OSCE: It was initiated in 1972. We called it the “Helsinki Process” which started on 22nd of November 1972 and ended on the 8th of June 1974. It was happening in Helsinki. Preparatory conversations took place in order to fund the “Conference on Security and Cooperation in EuropeCSCE”. This was the first name for the organization in the beginning, till 1995. The organization met twice a year. Two sessions: Spring and Autumn sessions. Then the transition of the organization from “Conference” to “Organization” initiated in the summit in Budapest in December 1994, when the participants decided to rename the organisation. Effectively, from 1st of January 1995, its name became the Organisation for Security and Cooperation in Europe. OSCE has three dimensions: political, environmental and economic, where anti-corruption is included and human rights. A wide range of security issues including arms control, confidence and security building measures, human and national minorities rights, democ-

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ratisation strategies for police actions, the fight against terrorism, economic and environmental actions.

The Organization for Security and Cooperation in Europe is uniquely situated and driven by its core values, to combat corruption in all its forms. Yet it remains an under used resource in the fight against corruption. The organization is consensus based. The decisions are made by an *animus* agreement from all 57 participating states. This ensure that when the OSCE acts, it does so with support and input from all of its members. However, it also predictably leads to decisions being delayed, what frequently offered to do extra news reasons for spoiler efforts by members like Russia, which recently blocked the OSCE Annual Human Rights Conference.

Regularly, the organisation approves different documents and strategic papers regarding the work of the organisation and for improving International Security, when there is a consensus. Here are some examples:

The 1990 Paris Charter for a New Europe - between 19-21 November 1990, a year after the fall of the Berlin Wall, the vision of the new role of the organisation was discussed;

The 1992 Helsinki Document “The Challenges of Change - 2 years after the New Europe Paris Charter was signed, a “Challenges to Change final document was agreed on during a summit in Helsinki in 1992;

The Budapest “Document 1994 - Towards a Genuine Partnership in a New Era” - in December 1994, the Budapest “Document ‘94 - Towards a Genuine partnership in a new era” was adopted;

The 1999 Istanbul Charter for European Security - at a summit in Istanbul in November 1999, an OSCE European security charter was accepted;

The 1999 Vienna Document of the Negotiations on Confidence and Security Building Measures - it includes a number of measures for perfecting the mechanisms already in existence for the purpose of exchanging military information by specifying the requirements and unifying the way of providing information; The 2003 Maastricht OSCE Strategy to address Threats to Security and Stability in the Twenty-First Century.

The last strategic document was signed in 2003. I was ambassador from 2012 until 2019, when it was very difficult to have consensus having Russia on board, for example. Unfortunately, lately there are not so many strategic documents signed.

The OSCE structure is formed by Political Bodies, Executive Structures, other Structures and Institutions of the OSCE:

Political Bodies of the OSCE:

OSCE Summits;

OSCE Ministerial Council;

OSCE Chairmanship;

Permanent Council of the OSCE;

OSCE Forum for Security Cooperation (FSC).

OSCE Executive Structures:

OSCE Secretary General;

OSCE Secretariat;

The Conflict Prevention Centre;

The Office for Democratic Institutions and Human Rights;

The Special Representative and Coordinator for Fighting Trafficking in Human Being;

The High Commissioner on National Minorities;

OSCE Representative's on Freedom of the Media;

The OSCE possesses a well-developed institutional structure;

Other Structures and Institutions of the OSCE:

Parliamentary Assembly of the OSCE;

Court for Conciliation and Arbitration;

Minsk Group.

The Political Body meets every ten years, the Ministerial Council summits takes place every year, in December. The Chairmanship which is the State chairs and The OSCE Permanent Council meets once a week. The OSCE Forum for Security Cooperation – FSC, and The Executive Bodies Structure are formed by the Secretary General and Secretariat.

Regarding the Parliamentary Assembly, I would like to mention that this is a political body parallel to other OSCE structures in which lawmakers, parliamentarians, from participating states meet for discussion and to debate resolutions. It operates on ma-

majority vote rather than consensus. This is the difference between the Parliamentary Assembly and OSCE Permanent Council or Ministerial Council. Supplementary, items resolutions which can be raised in committee by individual party members and later voted by the entire Assembly. While resolutions do not carry over direct orders to the OSCE, they do express the unified will of Parliamentary Members and serve to prompt the OSCE into connecting organisational change.

The OSCE has field operations for prevention of conflicts:

There are different types of field operations and to the OSCE missions in different participating states. OSCE also works in the field of anti-corruption through the OSCE missions

OSCE Mission to Skopje - it was launched in 1992 and so far has been the longest operation the Organisation has undertaken;

OSCE Mission in Estonia - From 1992 to 2001, the OSCE established a mission in Estonia to assist the process of defining the status of Russian population in the country;

OSCE Mission in Latvia - The Latvia mission started in 1993 and lasted until 2001.

OSCE Mission to Ukraine - In June 1994, the OSCE decided to send a mission to Ukraine in order to prevent tension and to improve the mutual understanding between the Autonomous republic of Crimea (Ukraine); OSCE Mission to Montenegro and others.

Another type of field mission is The Post-War Recovery:

OSCE Missions in Central Asia; OSCE Mission to Bosnia and Herzegovina; OSCE Mission to Croatia; OSCE Missions in Kosovo; OSCE Presence in Albania: OSCE Special Monitoring Mission in Ukraine.

Regarding corruption, the OSCE participating states have recognised that *“corruption represents one of the major impediments to the prosperity and sustainable development of the participating States that undermines their stability and security and threatens the OSCE shared values”* (quoted from MC decision n° 11/04), adopted as a Ministerial Council decision during the Bulgarian chairmanship in 2004.

The role of OSCE in preventing and combating corruption:

Based on the mandate given by its participating States, OSCE

supports national authorities in implementing commitments under relevant international instruments and standards to prevent and combat corruption, in particular the United Nations Convention Against Corruption (UNCAC) and the OECD's Istanbul Anti-Corruption Action Plan.

The OSCE also provides a platform for dialogue on political and security issues and it is uniquely positioned to support co-operation among its participating States in implementing and enforcing anti-corruption models and mechanisms. The mandate of OSCE in preventing and combating corruption:

The OSCE work in anti-corruption is guided by the 2003 Maastricht OSCE Strategy Document for the Economic and Environmental Dimension, as well as relevant Ministerial Council Decision of 2004 in Sofia, 2014 in Basel, 2016 in Hamburg, as well as a 2012 OSCE Dublin Declaration. These commitments tasked the OCEEA (OSCE Economic and Environmental Activities) to engaging in relevant capacity building activities and encouraged participating States to promote transparency and accountability in the public sector.

The OSCE anti-corruption program and activities:

OSCE supports concrete anti-corruption programmes and activities through capacity building and awareness-raising events, scoping and advisory missions, as well as activities aimed at strengthening institutional and legislative frameworks. Increasingly, the assistance is focusing on corruption prevention measures, asset recovery, anti-money laundering and countering terrorism financing through national risk assessments, sharing of experiences and best practices, and online training.

The most important programmes and activities consist of:

Promoting the ratification and implementation of the UN Convention against Corruption and the Financial Action Task Force's Recommendations on antimoney laundering and countering the financing of terrorism;

Improving national anti-corruption, anti-money laundering and countering terrorism financing frameworks;

Conducting capacity building through sharing the best practices and regional training activities for representatives of govern-

ments, the private sector and civil society;

Developing mechanisms of information sharing to more effectively identify, trace, and suppress money laundering and the financing of terrorism; Promoting stolen asset recovery initiatives and strengthening international cooperation in financial investigations;

Conducting national risk assessments, by which countries identify the threat of money laundering activity in their jurisdiction, examine the vulnerability of the country in its ability to prevent and intercept specific types of illicit financial activity.

Providing tools and guidance for policy makers and practitioners on good governance issues through publications such as the OSCE Handbook on Combating Corruption, the OSCE Handbook on Data Collection in Support of Money Laundering and Terrorism Financing National Risk Assessments and OSCE online training modules on good governance and combating corruption.

Producing policy recommendations and publications.

The OCEEA implements its anti-corruption activities in cooperation with OSCE Field Operations and many other partners, such as, UNODC, OECD, IACA and relevant national agencies.

Conclusion. Corruption poses a significant threat to security and stability. It undermines democracy, diminishes the rule of law, and hinders social and economic development by diverting much needed investments from welfare and infrastructure to the pockets of corrupted individuals. Widespread corruption can lead to general public dissatisfaction towards State institutions, disillusion with the government, which can result in unrest and instability. Thank you for your attention.

(Resumo em português)

A Organização para a Segurança e Cooperação na Europa (OSCE) prossegue iniciativas de relevo no combate à corrupção através da aprovação de documentos estratégicos orientados para a Segurança Internacinal e do desenvolvimento de operações e missões no terreno vocacionadas para prevenção de conflitos.

Em relação à corrupção, os Estados participantes da OSCE reconheceram que *“a corrupção representa um dos principais impedimentos à prosperidade e ao desenvolvimento sustentável dos Estados participantes, que mina a sua estabilidade e segurança e ameaça os valores partilhados da OSCE”* (decisão MC nº 11/04, adotada pelo Conselho Ministerial durante a presidência búlgara em 2004).

Com base no mandato dado pelos Estados participantes, apoia as autoridades nacionais na assunção de compromissos em conformidade com instrumentos e padrões internacionais relevantes para prevenção e combate à corrupção, como a Convenção das Nações Unidas Contra a Corrupção (UNCAC) e o Plano de Ação Anticorrupção da OCDE de Istambul.

Simultaneamente intervém como plataforma de diálogo sobre questões políticas e de segurança e de apoio à cooperação entre Estados participantes na implementação e aplicação de modelos e mecanismos anticorrupção. O trabalho da OSCE a este nível guia-se pelo Documento de Estratégia da OSCE de Maastricht de 2003 para a Dimensão Económica e Ambiental, bem como pelas Decisões do Conselho Ministerial Relevante de 2004 em Sofia, de 2014 em Basel, de 2016 em Hamburgo, bem como da Declaração OSCE Dublin de 2012. Através destes compromissos a OCEEA (Atividades Económicas e Ambientais da OSCE) ficou incumbida de desenvolver atividades relevantes de capacitação e de encorajamento dos Estados participantes na promoção da transparência e responsabilidade no setor público.

O programa e as atividades anticorrupção da OSCE, incluem ainda a elaboração de ferramentas instrumentais e a orientação na elaboração de políticas sobre questões de boa governança. São exemplos a disponibilização de publicações como o Manual da OSCE sobre Combate à Corrupção, o Manual sobre Compilação de Dados em Apoio à Lavagem de Dinheiro e Financiamento do Terrorismo, Avaliações de Risco Nacional e a elaboração de Módulos de Treino on-line sobre boa governança e combate à corrupção. Quanto à OCEEA implementa a sua atividade em cooperação com as operações de campo da OSCE e outros parceiros, como UNODC, OCDE, IACA e agências nacionais relevantes.