SECTION 8. THEORY AND HISTORY OF STATE AND LAW

8.1 Legal framework for the OSCE activities in ensuring the comprehensive security at the European level

During the last decade, despite the considerable efforts of European peoples aimed at strengthening their own security, new challenges and threats have appeared which has led to a revival of discussion between neo-realists and neo-liberalists on the substance and content of national and international security. The ideas of those researchers who advocated the change of the paradigm bringing the security content from the predominantly military dimension to a new level, where its so-called soft non-military aspects are determined as a priority, were popular until recently. It would seem that the massive changes that have taken place in the international system during the last decades of the last century, and, above all, the end of the confrontation of antagonistic socio-political systems, have opened up wide opportunities for ensuring international prosperity and directing joint efforts to counter threats of non-military character.

However, the events of the beginning of the 21st century, connected with the increasing interference of separate states with the internal affairs of other states, expressed in the military operations of Russia in Georgia, the intensification of information and psychological pressure of the neighbouring state on our country in order to destabilize the socio-political situation, intensify the intelligence and subversive activity against Ukraine, military support for radicalized secessionist movements, acts of aggression in the East of Ukraine, annexation by the Russian Federation of the territory of the Autonomous Republic of Crimea, active military confrontation in Syria, etc., have shown the prematurity of the definitive waiver of the military aspects of international security.

At the same time, the problems of increasing the threats to regional security from international terrorism, extremism through the use of violence, organized crime, etc. remain relevant to the European community. The Charter for European Security

adopted at the OSCE summit in Istanbul on November 19, 1999, emphasized that attention should be paid to threats to regional and global non-military security. It was acknowledged that terrorism in all its forms and manifestations, whatever it was called, is completely unacceptable. States parties undertook to increase their efforts in preventing the preparation and financing of acts of terrorism in their respective territories, as well as refusals to provide terrorists with asylum. It was emphasized that excessive and destabilizing accumulation and uncontrolled proliferation of small arms and light weapons poses a threat to peace and security. It was unanimously confirmed that it would be as secure as possible to protect itself from such new threats and challenges by strengthening the democratic institutions and the implementation of the rule of law principle.

The issue of the formation and development of a system of measures used by the OSCE to ensure international security, a comprehensive peace in Europe, therefore is seen as urgent and relevant. This is due not only to its absolute significance for the preservation of human civilization, but also to the high pragmatic values for the stable functioning of European states.

The aim of the article is to study the genesis of the organizational and legal mechanism of the OSCE's work in the field of security, determination of its role and place in the system of ensuring comprehensive peace in Europe.

The OSCE is based on the concept of comprehensive security, according to which no state should strengthen its security to the detriment of other states. The organization deals with security issues in terms of arms control, preventive diplomacy, confidence-building measures, human rights, the development of democratic institutions, election monitoring, economic and environmental security, and so on. All these dimensions are interconnected, interdependent and complementary.

Since its foundation, the Organization pays significant attention to the issue of ensuring general security. The confidence- and security-building measures, developed by the OSCE, support the cooperative approach of the Organization in this area. The legal basis in this area is a series of acts, in particular: Final Act of the Conference on Security and Cooperation in Europe (hereinafter – CSCE) (Helsinki Final Act, 1975)

is the OSCE's fundamental document, which consolidated the need to reduce the risk of armed conflict, misunderstanding or misestimating of military activities that could cause for concern, especially in a situation where the State party does not have clear and up-to-date information on the nature of such activities. Such measures include information sharing, funding, verification, and various forms of military cooperation. They are aimed at reducing the risk of conflict, enhancing trust between OSCE participating States and promoting greater openness and transparency in defence planning and activities. They can also serve as an indicator of an early warning of potential conflicts.[219]

Treaty on Conventional Armed Forces in Europe (hereinafter – the CFE Treaty), November, 1990, imposed quantity restrictions on a number of categories of conventional (non-nuclear and non-missile) weapons, which the member states had the right to station in their territory or in its regions. The treaty made it possible to significantly reduce the offensive potentials of the former enemy states by ensuring effective control over the levels of conventional weapons. The area of application of the Treaty covers the whole land territory of the member states in Europe from the Atlantic Ocean to the Ural Mountains. For each state, the maximum levels for the presence of five categories of conventional weapons (battle tanks, armoured combat vehicles, pieces of artillery (large calibre artillery systems with a calibre of 100 millimetres and above), combat aircraft and attack helicopters) are defined.[220]

The 1992 Treaty on Open Skies seeks to promote confidence-building among States through improved mechanisms for monitoring military activities and compliance with existing armaments control treaties. The treaty establishes an open-air regime which purpose is to provide the opportunity for its participants to carry out flights of territories of each other.[221]

In accordance with the Lisbon Document of 1996, concerning the arms control, it is recognized that arms control, including disarmament and confidence-building and security, is an integral part of the comprehensive and coherent OSCE security concept.[222]

The Astana Commemorative Declaration, adopted during the 2010 summit, calls for the reinstatement and modernization of the arms control and confidence- and security-building regimes and for breathing new life into them, and the expectation of a renewal of the Vienna Document.[223]

The key act of the confidence- and security-building measures is the Vienna Document 2011 on confidence-building measures and security provisions that provide for the annual exchange of military information on forces located in the territories of participating states, the provision of military messages for risk reduction, including advice on unusual military activities and dangerous incidents, preliminary reports on certain types of military activities, monitoring of certain types of military activities, mandatory demonstration of new samples of major weapons and military equipment coming into service of the armed forces of the States Parties exchange annual plans and compliance with them, including the implementation of inspection visits, the armed forces of the participating countries and evaluation of such visits.[224]

It should be noted that the Vienna Document, the CFE Treaty, the Treaty on the Open Skies are interconnected and mutually reinforcing with regard to arms control commitments. Together, they increase predictability, transparency and military stability and reduce the risk of a serious conflict in Europe. In addition, the CFE Treaty also provides for the limitation of major military equipment systems in Europe, which led to the process of disarmament in the 1990s.

Within the framework of the OSCE, along with further work on general security issues (holding negotiations on arms control, disarmament and confidence-building and security, reducing the risk of conflict, etc.), there was a certain reorientation on the prevention and settlement of local and regional conflicts. At the meeting of the Heads of State and Government of the CSCE participating States in Helsinki on July 9-10, 1992, a package of decisions was envisaged for the creation of crisis-oriented mechanisms of the CSCE, including peacekeeping operations. It was determined that in the context of crisis management the mechanism of peaceful settlement of disputes, the mission of special rapporteurs and the fact-finding mission come first.

The mechanism of peaceful settlement of disputes involves the use in the

Organization of the means of peaceful settlement of international disputes, which should be understood as international legal methods and procedures for settling disputes between the conflicting parties in accordance with the principles of international law, without the use of coercion in any form. In accordance with the provisions of the Helsinki Document of 1992, the Committee of Senior Officials (CSO), in the event of a conflict, in order to establish the basis for its settlement, may send a mission of rapporteurs or a fact-finding mission, adopt or activate a mechanism of good offices, mediation or reconciliation, make a decision on the creation of a basis for negotiation.[225]

Generally, international disputes are settled through negotiations, which are the most affordable, flexible and effective means of peaceful settlement of disputes. This is due to the fact that the particular purpose, the composition of the participants, the level of representation in the negotiations, their organizational form and other procedural issues are agreed by the parties to the dispute. The positive outcome of the negotiations may be expressed either in the immediate resolution of the dispute, or in reaching an agreement on the use of another peaceful means of resolving it.

The use of good offices is carried out in response to the request of the parties to the dispute and on the initiative of the third party itself; they represent the actions of the non-participating party, aimed at establishing contacts between the parties involved in the dispute.

Provisions on the application of good offices and mediation are contained in the Hague Convention for the Pacific Settlement of International Disputes of 1907, according to which “Contracting States agree, In case of serious disagreement or conflict, before an appeal to arms the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers” (Article 2). The Convention states that “the part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance” (Article 4).[226] The mediator’s obligations cease from the time when one of the parties to the dispute or the intermediary himself verifies that the proposed means of reconciliation have not been

adopted. Good offices and mediation are not mandatory.

Disputing parties may resort to consultations, which are a kind of negotiation. They are a relatively new means of peaceful resolution of international disputes, their appearance dates back to the 20th century. The subject of consultations is usually issues that are of vital importance to States or international organizations. In order to conduct consultations, the parties may set up advisory committees, prescribe periodicity of meetings in advance, and so on. The mentioned peculiarities of consultations promote the search for compromise solutions by the conflicting parties, the continuity of the contacts between them, as well as the implementation of the agreements reached in order to prevent the emergence of new disputes and crises.

It should be noted that a number of international treaties provide for consultation as a peaceful means of resolving international disputes, for instance, according to Article 283 of the United Nations Convention on the Law of the Sea, 1982. The 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character states that if there is a dispute between two or more States Parties to this Convention as to its application or interpretation, upon request any of them, consultations are held between them. At the request of any of the parties to the dispute to participate in the consultations, an Organization or a conference is invited.[227]

Other peaceful means should include mediation that involves the active direct involvement of a third party in a peaceful resolution of a dispute, including making suggestions on particular aspects of a matter or on a dispute as a whole. The task of the intermediary is to reconcile opposing claims and to eliminate tensions if it arises between disputing states. The OSCE devotes considerable attention to this form of dispute settlement in its activities. In particular, in order to facilitate the achievement of the objectives of the Assembly, in 2016, the mandate of the Special Representative on Mediation was established, according to which they should act as the main contact person in the Parliamentary Assembly for the mediation and conflict cycle; coordinate the Parliamentary Assembly's efforts and actions aimed at increasing readiness of the Parliamentary Assembly to mediate and promote dialogue; put forward concrete

initiatives and measures as a continuation of the OSCE Parliamentary Assembly Resolution on the development of mediation capacity in the OSCE area, adopted in Baku in 2014; to monitor the development of the situation in the field of international security, paying particular attention to protracted and emerging conflicts; to maintain contact with the OSCE, its independent institutions and field operations on all issues relating to the conflict cycle; promote gender mainstreaming and gender analysis in mediation processes; to increase the contribution of parliamentarians to OSCE mediation activities, with a special emphasis on strengthening ties between the Parliamentary Assembly and the government's side of the organization; to liaise with other international mediation organizations, promoting the role of parliamentary diplomacy in preventing and resolving conflicts; to report to the President on all activities in a timely manner and to present a report to the Assembly and its Standing Committee as needed.[228]

The OSCE, while paying close attention to mediation in conflicts, focuses on enhancing the role of the OSCE mediators. To this end, the Ministerial Council, among other things, has been invited to focus on building capacity for systematic mediation support within the OSCE Conflict Prevention Centre (CPC), which includes, inter alia: 1) training and capacity building within the OSCE structures; 2) knowledge management and operational management; 3) establishing contacts, networking, co-operation and coordination with relevant local/national actors as well as with international, regional and sub-regional organizations; 4) providing prompt support to the Presidents, their special representatives, field operations managers and other relevant intermediaries from the OSCE (Article 10).[229]

The fact-finding missions and mission rapporteurs are established on the basis of decisions by the Committee of Senior Officials or the Advisory Committee of the Conflict Prevention Centre and have a clear mandate. States Parties are required to facilitate the mission of their territory in accordance with the mandate. As a result of the mission's work, reports are submitted to the discussions of the Committee of Senior Officials or the CPC Advisory Committee, as a rule, reports are made public.

An important means of resolving a dispute is the transfer of it to the judicial

authorities, in particular arbitration. The obligation to recognize and enforce a decision is the key to distinguishing an arbitration procedure from the means of peaceful settlement of disputes set forth above. On the basis of the Convention on Conciliation and Arbitration of 1992 [230] (which came into force in 1994), the Court of Conciliation and Arbitration of the OSCE was established with the aim of settling by means of reconciliation and, where appropriate, the arbitration of disputes submitted to it for consideration by the States Parties Conventions that were not regulated within a reasonable time by negotiation. Disputes may include conflicts over territorial integrity, delimitation of maritime borders or environmental and economic issues. The court is not a permanent body and creates conciliation commissions and arbitration tribunals on a special basis.

Conciliation is carried out by the Conciliation Commission, which is created for each dispute. The Commission consists of intermediaries appointed by the States Parties (two persons) for a renewable period of six years. Intermediaries should be individuals who occupy or occupy high government or international positions and have recognized competence in the field of international law, international relations or dispute resolution.

Arbitration is carried out by the Arbitral Tribunal, which is created for each dispute. The Arbitral Tribunal consists of arbitrators and their deputies appointed by the States Parties (one from the state) for a term of six years, with the right of appointment for a repeated term. The judges and their deputies must have the qualifications required for appointment to the highest judicial positions in their countries or to be lawyers with recognized competence in the field of international law. Intermediaries, arbitrators and Registrar perform their functions in complete independence. World mediators and arbitrators form the entirety of the OSCE Court of Conciliation and Arbitration.

Within the organization, the OSCE High Commissioner on National Minorities, based on the Helsinki Document of 1992, has the mandate to provide early warning and, where necessary, to take urgent measures on issues of national minorities at the earliest possible stage, tense situations that have not yet emerged from the early

warning stage, but potentially able, in the opinion of the High Commissioner, to escalate into a conflict in the OSCE area. The High Commissioner is authorized to: collect and receive from any source, including from the media and non-governmental organizations, information on the situation of national minorities and the role of the parties involved; to assess as early as possible the role of the parties directly concerned, the nature of the tensions of the situation and the recent events associated with it, as well as, where possible, potential consequences for peace and stability in the OSCE area; to visit any of the States parties and personally contact the directly concerned parties for the first-hand reception of information on the situation of national minorities and to apply preventive diplomacy.[231]

The main tools of the Organization for solving the problems of the early warning, conflict prevention and resolution, crisis and post-conflict recovery are a network of field operations and the Conflict Prevention Centre. The latter acts as a focal point for early warning, facilitates dialogue, supports mediation and other efforts to prevent and resolve conflicts, and supports the initiative of regional cooperation. The CPC is responsible for planning the creation, reorganization and closure of field operations. It plays a key role in supporting and coordinating the OSCE's activities in this field, analysing and providing policy advice, and acting as a bridge between field operations, the OSCE Secretariat and the leadership of the OSCE.

Field operations have individual mandates agreed upon by consensus of the participating States. Field operations are conducted solely with the consent of the host country. In addition to its headquarters, some field operations also have field offices, regional centres and/or training centres in their host countries.

The activities of the OSCE in the field are intended to assist host countries in fulfilling OSCE commitments in practice and to strengthen local capacity within specific projects that are tailored to their needs. These include support for law enforcement, minority rights, legislative reforms, rule of law and freedom of the media, promotion of tolerance and non-discrimination, etc. A number of on-field operations contribute to early warning and conflict prevention. In accordance with their mandates,

some field operations are also tracking and reporting on field events, enabling them to cope with crises and play an important role in the post-conflict period.

Field operations establish and maintain a multitude of partnerships with local and national authorities, institutions and institutions, civil society, as well as with international organizations. Such partnerships support the coordination of efforts, ensure complementarity, and mutually reinforce their influence in the areas of joint participation.

OSCE field operations in the area of conflict prevention and resolution include: capacity building for local actors aimed at reducing potential causes and sources of conflict; facilitating the exchange of political and civil partners to eliminate the risk of conflict at an early stage; assisting in facilitating dialogue, mediation and trust in the activities of conflict-affected communities and communities; monitoring of the security situation in the OSCE participating States; promotion of confidence building; support for plans to respond to the national crisis.

OSCE field operations are active in the field of arms control. They work with national governments and international organizations. Their activities include: inventory control of small arms and light weapons and conventional ammunition, including destruction of them; support for national small arms control mechanisms; assistance in the rehabilitation of areas contaminated with explosives; Assistance in the disposal of hazardous chemicals stored in military facilities, including melange, highly toxic and flying component of rocket fuel; contributing to national initiatives on the collection of illicit small arms and light weapons; Supports initiatives to reduce illegal storage of weapons; carry out training and conduct awareness-raising campaigns.[232]

The organization has expanded a number of field operations that vary from one another to another, depending on their goals, in particular: the OSCE mission in Serbia was introduced in order to assist the state in the formation of strong, independent, accountable and effective democratic institutions. The mission interacts with government agencies, civil society and the media in the areas of rule of law and human rights, law enforcement, democratization, and media development. In addition, it interacts with other missions in the area and implements collaborative projects.[233]

The main priority of the Mission in Moldova is to assist in resolving the Transdniestrian conflict. This controversial issue is rooted in the conflict that erupted in 1992 between the Transdniestrian authorities and the central government in Chisinau. Fierce clashes have led to several hundred victims: more than 100,000 have become refugees. The ceasefire agreement was reached in July 1992, and the parties undertook to negotiate a settlement of the conflict. Other activities of the Mission include arms control; human rights and the rule of law in Moldova; support for electoral processes, as well as the development of a free media environment.[234]

Since March 2014, the OSCE Special Monitoring Mission in Ukraine (hereinafter – OSCE SMM) has been introduced in connection with the appeal of the Government of Ukraine to the OSCE and a consensus decision of all 57 countries of the Organization. OSCE SMM is an unarmed civilian mission that operates 24/7 in all regions of Ukraine. Its main tasks are to observe and report on the situation in Ukraine impartially and objectively, and to promote dialogue between all parties to the conflict.[235] In addition, the Project Coordinator works in Ukraine, which helps the country to overcome the challenges of the crisis. Through his projects, he contributes to transformations that are crucial for a stable and democratic future of the country. The Coordinator is committed to a comprehensive multidimensional approach to projects covering a range of sectors, such as constitutional reform; reform of the law and criminal justice system; human rights education and legal education; use of the dialogue as a tool for managing crisis situations and implementing reforms; psychological and social rehabilitation of victims of the crisis of people; the fight against cybercrime and trafficking in human beings; mine detection and disposal programs and democratic control of the security sector; environmental protection; border security; freedom of the media; election; good governance and gender equality.[236]

In the event of an intensification of the conflict, a peacekeeping operation may be decided upon. In this case, the consent of the directly interested parties to conduct operations is required. Operations involve the sending of groups of military observers or peacekeeping forces. The individual membership of the OSCE peacekeeping

operations is provided by individual participating States. Operations may be conducted in the event of conflicts between States Parties and in their territory. Their task is to monitor the ceasefire, monitor the withdrawal of troops, provide support in maintaining the rule of law and order, and provide humanitarian assistance. They do not foresee coercion and are carried out in a spirit of impartiality. The overall political control over the peacekeeping operation and its management is exercised by the Steering Board.

Requests for the start of the OSCE peacekeeping operations may be sent by one or more States Parties to the Committee of Senior Officials through the acting Chairperson. The decision to initiate peacekeeping operations and the direction of such missions shall be taken by consensus by the Council or acting as its agent by the Committee of Senior Officials. The Council/Committee of Senior Officials makes such decisions only when all interested parties demonstrate a commitment to create favourable conditions for the operation, in particular through the peace process, and willingness to cooperate. Before a decision is made to send a mission, the following conditions must be fulfilled: an effective and long-term cessation of fire is established; the necessary memoranda of understanding have been agreed upon by the parties concerned; and provided guarantees of permanent security of the personnel involved. Participating in OSCE peacekeeping operations is the right of all State Parties.[237]

The OSCE operations are conducted with due regard to the role of the United Nations. In the context of peacekeeping operations, the OSCE can use the resources and expertise of other organizations, such as the European Union, NATO, and the Commonwealth of Independent States. In each case, the OSCE decides to use the assistance of such organizations.

It should be emphasized that the OSCE peacekeeping operations cannot be considered as a substitute for negotiation and, therefore, should be considered as time-limited measures.

An essential component of the OSCE's comprehensive security is counteracting terrorism. With expertise in conflict prevention, crisis management and early warning, the OSCE contributes to global efforts to combat terrorism. It promotes a coordinated and coordinated approach to combating terrorism at all levels, including coordination

between national authorities, cooperation among countries, cooperation with relevant international and regional organizations, etc. The strategic and priority areas of the OSCE's work on the fight against terrorism are: to promote the implementation of the international legal framework for combating terrorism and to intensify international legal cooperation in criminal matters related to terrorism; counteract violent extremism and radicalization; counteraction and termination of financing of terrorism; counteracting the use of the Internet for terrorist purposes; promoting dialogue and cooperation on counter-terrorism issues, in particular within the framework of public-private partnerships between public authorities and the private sector (business community, industry) as well as civil society and the media; strengthening national efforts to implement UN Security Council Resolution 1540 (2004) regarding the non-proliferation of weapons of mass destruction; enhancement of security of travel documents; the promotion and protection of human rights and fundamental freedoms.

The relevant activities are carried out by the OSCE executive bodies within their mandates, including the Secretariat, the OSCE Office for Democratic Institutions and Human Rights (Warsaw), the OSCE Representative on Freedom of the Media (Vienna) and the OSCE's field operations.[238]

In July 2017, the OSCE Parliamentary Assembly Standing Committee established the OSCE PA's Ad Hoc Committee on Countering Terrorism, which, in consultation with relevant partners, evaluates trends in the field of terrorism in the OSCE area in order to identify priority areas for cooperation in the OSCE PA in order to advance the efforts of the OSCE PA in countering terrorism. In accordance with the mandate, the Ad Hoc Committee is endowed with the following powers: to intensify the efforts of the OSCE PA in countering terrorism, with a special focus on inter-dimensional issues, to explore innovative approaches in the OSCE area and to report to the President and the Standing Committee; to review the trends of terrorism in the OSCE area and to develop promising policy recommendations aimed at enhancing the role of the OSCE and supporting the efforts of States parties to develop effective and relevant human rights counterterrorism response measures; promote inter-parliamentary dialogue and exchange of best practices and lessons learned on counter-terrorism issues; work in

close contact with the OSCE executive bodies and relevant external counterparts in countering terrorism in order to enhance the visibility and effectiveness of the OSCE; to contribute to the implementation of the recommendations of the OSCE PA in the field of countering terrorism. As of 2019, the Ad Hoc Committee consists of 12 members covering North America and Europe.[239]

Border management is essential for security in the OSCE area. Borders are the first lines of defence of the country, and the movement of trade through them is crucial for the health of the economy all over the world. In 2005, the OSCE committed itself to achieve a balance between the need to maintain security against transboundary threats and the freedom of movement of people, goods, services and investments. Cooperation among States Parties is a key to this border management strategy and security, in particular with regard to international risks such as illicit drug trafficking, terrorism, migration, transport security and organized crime.

In connection with the development of security threats associated with new challenges that have intensified and sharply evolved in the 21st century and are no longer limited to national borders. New criminal networks are usually interconnected and organized, and the borders between crime and terrorism are blurred. The OSCE responds to these transnational threats with a comprehensive strategy aimed at combating terrorism; border management and ensuring their safety; and building a modern, democratic and efficient police force.

In order to ensure better coordination, increase coherence and more efficient use of OSCE resources to address these challenges, the OSCE has created a Transnational Threats Department headed by a Co-ordinator. The Department consists of four subdivisions – Action against Terrorism, Border Security and Management, Strategic Police Matters, and Co-ordination Cell, and also deals with cross-cutting topics, such as cyber/ICT security and POLIS, OSCE's online law enforcement information system.

The OSCE operates to unite border authorities, international organizations and security partnerships. This included border monitoring operations in Georgia from 1999 to 2004; The Ohrid Border Process, which, between 2003 and 2007, created the

basis for participating States to develop a coherent approach to border security and management in south-eastern Europe, as well as assessments and consultations on strategic planning in south-eastern Europe, Central Asia and the South Caucasus. Recently, much attention has been paid to Central Asia and Afghanistan.

The OSCE has launched an initiative to establish the OSCE Border Security and Management National Focal Point Network, allows for the regular exchange of information on specific frontiers. The OSCE supports this network by developing opportunities for the exchange of practice, information and ideas through annual meetings, multimedia conferences and events for small working groups.

Ensuring comprehensive security is an integral part of the functioning of OSCE bodies and institutions, in particular: the OSCE Forum for Security Cooperation (hereinafter – the FSC), which is the decision-making body for military-political aspects of security, established as an integral part of the CSCE, the Helsinki Document of 1992 (Section V) [240], authorized to deal with a broad range of military-political issues, from traditional security between states and within states, to counteract transnational threats, such as arms trade, including weapons of mass destruction. Its main tasks are regular consultations and intensive cooperation on military security issues; negotiations on measures to strengthen confidence and security; further reducing the risks of conflict and implementing agreed measures. Decision No. 5/99 of October 6, 1999 [241], in connection with the establishment of the OSCE Communications Network, which is a computer system that provides a direct link between the capitals of the participating States for the transmission of communications concerning, inter alia, the provisions of the Vienna Document, the CFE Treaty and the Open Skies Treaty, the FSC is responsible for managing the network in accordance with the decision of the Rome meeting of the Council in December 1993 on the dissolution of the Advisory Committee of the Conflict Prevention Centre (CPC) and the transfer of its functions to the Standing Committee and the FSC, and taken at the Helsinki meeting in 1992 the FSC mandate to implement confidence- and security-building measures (CSBMs); if necessary, the FSC will inform other OSCE-related bodies on the work of the network, as well as consider their proposals for its wider use.

The activities of the Forum:

1. Creating confidence through transparency and openness: The OSCE approach is that military security and stability can be achieved through increased military transparency and openness, as well as the exchange of military information. This is done through a series of mutually reinforcing and interconnected transactions and the exchange of relevant information. They provide verification of compliance with agreed commitments; notification of military actions; various forms of military cooperation and regular exchange of military information on defence planning documents; military budgets; defence policies and doctrines, including visits to military facilities, observation visits and demonstration of new weapon systems. These measures serve as indicators for early warning of potential conflict situations and help States avoid misunderstandings, contribute to stability and security.
2. Providing a platform for dialogue: The OSCE is a unique platform for mutual dialogue on security issues. Each state can raise security issues at any time, with the possibility of discussion among all 57 members every week. The Forum may propose solutions to these problems or develop measures to mitigate its impact on European security.
3. Fight against illicit small arms and ammunition: It is recognized that small arms and light weapons are the cause of most deaths in conflict and non-military situations. The OSCE area includes many large manufacturers of such weapons, and the Organization is very serious about the problem of the illicit proliferation of weapons. States Parties have adopted a number of key documents for regulating the production, transfer, storage, collection and destruction of such weapons, as well as for controlling its exports. In particular, the Organization adopted the OSCE Document on Stockpiles of Conventional Ammunition (FSC.DOC/1/03 of 19 November 2003), the OSCE Action Plan on Small Arms and Light Weapons (Decision FSC.DEC/2/10 of 26 May 2010), Document/Decision on Small Arms and Light Weapons (FSC.DOC/1/00/ Rev.1 dated June 20, 2012); A number of practical guides on best practice regarding certain aspects of light control (Best Practice Guide on National Controls over Manufacture of Small Arms and Light Weapons; Best Practice Guide on Marking, Record-keeping and Traceability of Small Arms and Light Weapons; Best Practice Guide on National Procedures for Stockpile Management and

Security; Best Practice Guide on National Control of Brokering Activities; Best Practice Guide on Export Control of Small Arms and Light Weapons; Best Practice Guide on the Definition and Indicators of a Surplus of Small Arms and Light Weapons; Best Practice Guide on National Procedures for the Destruction of Small Arms and Light Weapons; Best Practice Guide on Small Arms and Light Weapons in Disarmament, Demobilization & Reintegration (DD&R) Processes [242]). The OSCE helps States in implementing these documents. Upon request, it provides assistance in the collection and destruction of small arms and light weapons and conventional ammunition, helps to improve legislation for the effective control of small arms and helps to improve inventory management. It also facilitates the exchange of information on small arms and light weapons; the transfer of conventional weapons; and anti-personnel mines.

4. Non-proliferation of Weapons of Mass Destruction: The OSCE helps to implement UN Security Council Resolution 1540 on non-proliferation of weapons of mass destruction. He is implementing a project that assists interested States Parties in the development of national action plans and the establishment of the necessary legislative framework. The organization also conducts educational activities and provides specialized training, as well as helps to improve legislation, promote best practice and intensify cooperation with other international organizations.

5. Democratic control of the armed and security forces: Recognizing the importance of democratic civilian control over the armed forces and security forces, the Forum adopted the OSCE Code of Conduct on Politico-Military Aspects of Security, 1994. This unique document represents a milestone in the management of the security sector, requiring States parties to exercise democratic control over their armed, internal, paramilitary, intelligence and police forces. The Code of Conduct also includes key principles of relations between States. States are required to ensure that their armed forces remain politically neutral and to guarantee the observance of human rights of security personnel. States report annually on national practices, helping to strengthen confidence and security in the OSCE area.

The OSCE Parliamentary Assembly is the forum for dialogue for 323 representatives from 57 Member States in order to achieve comprehensive security.

Created by the Paris Summit in 1990 with a view to broadening OSCE participation in national parliaments in the participating States, also pursues other important objectives set out in the preamble of the Assembly's Rules of Procedure, in particular: assesses the fulfilment of OSCE objectives by the participating States; discusses issues raised at meetings of the Council of Ministers and summits of the OSCE Heads of State and Government; develops and facilitates the implementation of mechanisms for preventing and resolving conflicts; provides support for the consolidation and consolidation of democratic institutions in the OSCE participating States; promotes the development of OSCE institutional structures, as well as interaction and co-operation between existing OSCE institutions (Rule 2).[243] To achieve these goals, the Parliamentary Assembly uses various means, including the Final Declaration and a number of resolutions and recommendations that are adopted annually at the annual session. Other means include: the work of the committee with the solution of important contemporary international problems; various programs, including a large election observation program and various seminars for the development and consolidation of democracy; as well as sending special missions and Parliamentary Assembly delegations to problematic or crisis regions.

The Parliamentary Assembly consists of three General Committees, which correspond to the three main sections of the Helsinki Final Act: Committee on Political Affairs and Security; Committee on Economic Affairs, Science, Technology and Environment; Committee on Democracy, Human Rights and Humanitarian Questions. The first General Committee focuses on military-political aspects of security, the principles governing relations between States parties, and confidence-building measures in military matters. The Second General Committee examines the threats to economic and environmental security, as well as explores the possibilities for cooperation in these and related industries. The Third General Committee is considering humanitarian and human-rights threats to security.

The Acting Chairman is responsible, on behalf of the Council/Committee of Senior Officials, for coordinating and consulting on the ongoing activities of the Organization. When dealing with issues related to a crisis or conflict, the acting

Chairman may at his own discretion appoint a personal representative with a clear and specific mandate to provide support. The intention to appoint a personal (special) representative and his mandate, the acting Chairman informs the Senior Officials Committee; he also includes in his reports to the Council/Committee of Senior Officials information on the activities of the personal representative, as well as any comments or recommendations submitted by the latter.

Given the wide range of issues that are part of a security policy and which require constant monitoring to address pressing issues (countering). the Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination and Personal Representative of the OSCE Chairperson-in-Office on Combating Anti-Semitism has been mandated to raise awareness and report OSCE PA to preserve the issue of prejudice and discrimination in the OSCE area, including anti-Semitism, other religious and racial intolerance and other forms of intolerance; raise awareness and report to Parliamentary Assembly on the record of OSCE participating States in combating these problems; advise the Assembly on the implementation of a coherent policy on these issues, as well as the development of new policies and strategies, including how to protect affected people and communities; strive to promote dialogue and exchange of best practices within the Assembly to combat identified problems; as well as to communicate with relevant actors within the OSCE that are struggling with prejudices and discrimination in the OSCE area, including anti-Semitism, religious and racial intolerance, and other forms of intolerance.[244]

In 2010, the mandate of the Special Representative of the OSCE Chairperson-in-Office on Gender was established, according to which the Special Representative has the following tasks: to monitor the gender situation in the OSCE, including in the institutes and field missions, and report to the president; to promote the discussion of gender issues within the OSCE and, in particular, the OSCE Parliamentary Assembly; to develop, in cooperation with the Gender Group in the International Staff, a more active gender profile of the OSCE Parliamentary Assembly; to cooperate with the OSCE in organizing appropriate measures; to report on specific issues.[247]

Trafficking in human beings affects all OSCE participating States and is both a security threat and a human rights problem. Almost all countries in the area are countries of origin, transit or destination or a combination of them. The OSCE deals with all relevant issues: human rights and the rule of law; corruption and the fight against crime; discrimination and inequality; economic, labour and migration policies. In 2003, the Office established the Office and the post of Special Representative and Co-ordinator for Combating Trafficking in Human Beings to assist States Parties in developing and implementing effective policies to counteract this negative phenomenon. The Special Representative (since 2004) collects information on trafficking in human beings in the OSCE area; promotes dialogue in the OSCE, in particular in its Parliamentary Assembly, on how to combat trafficking in human beings; advises the Assembly on the implementation of a coherent policy on these issues and on the development of a new policy; Think of how to protect victims and how to deal with criminal elements; maintains contact with relevant actors within the OSCE dealing with human trafficking issues.

The Special Representative and Co-ordinator urge Governments to include the fight against all forms of trafficking in their political agenda. For this purpose, they regularly visits the countries, holds meetings with state bodies, parliamentarians, representatives of judicial bodies and non-governmental organizations. After the visit, the Special Representative reports on what steps have been taken in the country, as well as what challenges the country faces and in which areas it is possible to strengthen the anti-trafficking policy. These reports contain specific and targeted recommendations to help the country meet its commitments to combat trafficking in human beings, and are subject to promulgation. In 2016, the Office of the Special Representative visited the OSCE participating States – Armenia, the Czech Republic, Turkey and the United States of America. The next visit was to Romania. In 2017, the Office of the Special Representative visited the OSCE participating States – Denmark, Mongolia and the Russian Federation. The next visit was made to Canada.[246]

The OSCE cooperates with field operations, the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and

international partner organizations, providing specialized training and expert advice to law enforcement and non-governmental organizations, whose cooperation is crucial in combating human trafficking. The victim-focused approach focuses on children who are sexually abusive online.

The OSCE is promoting security policy outside the Organization, and in 2017, the objective of facilitating cooperation in this area was to establish the mandate of the Special Representative on Mediterranean Affairs, whose task is to strengthen the Mediterranean dimension of the Assembly's work, given that European security is directly related to security and stability in the Mediterranean region; to maintain contacts with Mediterranean partners on cooperation and to engage in activities in support of relations between the Mediterranean area and the OSCE area; to encourage meetings and exchanges with the OSCE Contact Group with Mediterranean Partnership, to participate in the OSCE Annual Conference on behalf of the Assembly, and to make special visits, where possible, to the Mediterranean Partnership; to consider ways to strengthen the role of the Assembly's Mediterranean Forum; to consider tools for promoting the organization of the Mediterranean Forum under the auspices of the OSCE Parliamentary Assembly; to report regularly on the events in the region, including opportunities for improving cooperation.[247]

2018 was marked by the establishment of the mandate of the Special Representative on Central Asia, who is responsible for promoting the active participation of parliamentarians from Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) in the work of the OSCE Parliamentary Assembly on strengthening parliamentary system in the area; maintaining communication and work of the OSCE field presence in the region, as well as relevant OSCE institutions, international and regional organizations and diplomatic missions; encouraging closer contacts between parliaments in the region to facilitate the expansion of intra-regional cooperation in all three dimensions of the OSCE; providing reports to the President of the Assembly on developments in the area, including the possibility of expanding the parliamentary dialogue and further inter-parliamentary cooperation between the states of Central Asia.[248]

In 2018, the Special Representative on South East Europe was appointed to serve the following areas: to promote dialogue in all strata of society, in particular at the parliamentary level, in order to promote reconciliation and reconstruction in South-Eastern Europe, and in particular in the Western Balkans, and contribute to the transformation and strengthening of democratic institutions; maintain close contact and serve as a focal point for the Assembly in the area as a whole and its participation in the activities of the Council for Regional Cooperation, in particular; to advise and report to the President on the situation in the area, in particular on the development of the situation in Bosnia and Herzegovina and on the Belgrade-Pristina dialogue, as well as the issue of the issue of the former Yugoslav Republic of Macedonia; to communicate with relevant actors within the OSCE, as well as with PA Committees dealing with migration and terrorism dealing with issues related to the area.[249]

It should be noted that the OSCE responds to changes in world politics, political life of countries, challenges and threats to the world law and order, to this end, efforts are being made to reform the existing legal, institutional framework for cooperation between Member States in this area. The organization has developed a number of guidelines for the management and reform of the security sector (Security Sector Governance and Reform: Guidelines for OSCE Staff), which provide the OSCE executive bodies and their staff with an instrument for implementing a coherent and coordinated approach to maintaining governance and reform processes in the state-led security sector.[250] Initiated by Switzerland in 2014 (CIO.GAL/18/14), the concept of governance and security sector reform is a relatively new concept, which is closely linked to a comprehensive understanding of the concept of security in terms of the OSCE. Thus, through its own institutions and field missions, the OSCE has for a long time served as a source of expertise for many participating countries on a number of important aspects of the Guidelines for OSCE Staff, including police reform, border management and security, the fight against terrorism, the fight against corruption, the reform of the justice sector etc. The concept of the Guidelines already has a broad legal framework within the OSCE. In recent years, the concept of the Guidelines has been increasingly recognized by the OSCE participating States and the executive bodies of

this Organization as a concept that plays an important role in conflict prevention, early warning, crisis management, and peace building.

Practical activities in the area of security sector reform and cooperation include reform of the law, reduction and/or transformation of armies, training of personnel of the rights of military personnel, as well as humanitarian law. These activities are carried out in conjunction with OSCE field operations, the Office for Democratic Institutions and Human Rights and the Conflict Prevention Centre. They all work closely with governments, non-governmental organizations and civil society.

Some of the main OSCE topics in this area include: rules of interaction and integrity in the defence and security bodies; protection of human rights of servicemen; strengthening the supervisory role of parliament; promoting better communication of the institutions of the security sector with citizens; promotion of active participation of civil society; retraining of dismissed personnel for civil work; provision of social rights in the transition from conscript to professional army; consideration of the bill.

Since its foundation, the OSCE has taken a prominent place in the system of international intergovernmental organizations, identifying a major priority for itself in the field of comprehensive security. The presence of representatives of the Organization on the territory of the states where the crisis has arisen due to armed conflicts, unstable political conditions, etc. inspires the belief in the population of the state for the better, urges the authority to make maximum efforts to eliminate existing problems. The presence of representatives of the OSCE, in particular the OSCE Special Monitoring Mission in Ukraine and the Project Co-ordinator, is very significant, considering the situation in the East of Ukraine, which has a protracted nature, since 2014.

In order to enhance the OSCE's operational component in the field of security, there is an urgent need to increase the level of its monitoring structures, which should work closely with the media and bring the results of their work to the attention of the public so that the public can react to these reports and feel real support and express their opinion on how to improve its work. Of particular importance is the rapid response to events that have their consequences related to the humanitarian nature of

providing real help to victims of humanitarian catastrophes, military conflicts, political crises, which entail mass riots, human rights violations, etc. This case involves mechanism for additional protection of the civilian population during the crisis, when there is a political crisis in the state, undemocratic processes that are not explicitly expressed or suppressed by the state authorities.