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The Bulgarian Chairmanship between Crises

The Chairman's Programme

When Bulgaria assumed the Chairmanship of the OSCE from the Netherlands after the December 2003 Maastricht Ministerial Council, the participating States had just failed to reach agreement on a Joint Declaration for the second time. In contrast to its Dutch predecessor, the Bulgarian Chairmanship commenced entertaining no illusions about the possibility of unity being achieved on the most contentious questions during the year.¹ It was to be proved right. The decision to modestly concentrate on carrying out the responsibilities assumed and, with respect to other – patent and latent – challenges, to wait for a major opportunity to arise to find solutions that were acceptable to all parties appeared an intelligent one.

Even the Chairman-in-Office himself, the Bulgarian Foreign Minister Solomon Passy, explained that “the agenda for the OSCE in 2004 was largely set by the decisions taken at the eleventh Ministerial Council meeting at Maastricht in December 2003, particularly the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century and the OSCE Strategy Document for the Economic and Environmental Dimension. The Bulgarian Chairmanship therefore decided that implementation should be the main theme for the year.”²

Nonetheless, like his forerunners, he sought to emphasize specific issues during his term of office: First, to raise the profile of education as a security-related task within the OSCE's areas of responsibility; second, to strengthen the OSCE's involvement “East of Vienna”, i.e. in the South Caucasus and Central Asia; and third, to increase the Organization's effectiveness outside its territorial limits in the form of “outreach” activities.

It was also foreseeable that the Bulgarian Chairmanship would be forced into intensive activity by breaking crises in conflict-riven regions, particularly in Moldova, where the Dutch Chairmanship had already made a highly dedicated effort. Finally, a number of staffing decisions needed to be made, including the appointment of a new Representative on Freedom of the Media – in which the Dutch Chairmanship had been unsuccessful, despite all its efforts.

1 According to remarks made by staff of the Chairman-in-Office.

2 Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, 6 and 7 December 2004, Sofia 2004, MC.DOC/1/04, 7 December 2004, Activity Report of the Chairman-in-Office for 2004, pp. 83-105, here: p. 83; key OSCE documents are available on the OSCE website (<http://www.osce.org>). See also Solomon Passy, Preface, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 11-13.

The Chairman's Activities

In pursuing his own modest programme, the Chairman-in-Office's first step was to request the OSCE Conflict Prevention Centre to make an inventory of all OSCE activities related to education or training. Thanks to the broad definition used, this generated a long list, ranging from capacity-building in educational institutes to vocational training, and including activities designed to raise awareness of OSCE values and commitments, thus confirming the Chairman's understanding of a "considerable role and investment on the part of the OSCE in education as it relates to conflict prevention".³

The Bulgarian Chairmanship combined its interests in an OSCE education policy and a strengthened presence in Central Asia when it organized a one-day Ministerial Conference in Tashkent (Uzbekistan) on "Education as an Investment in the Future", hosted by the Uzbek government and attended by the Education Ministers of the Central Asian states and Afghanistan. One of the conference's recommendations was to develop regional co-operation on the example of the OSCE Academy in Bishkek. Passy justified the OSCE's particular commitment to Central Asia on the grounds that "high educational standards in this region can help to foster stability and security in the area and can give further impetus to the reform process in general".⁴

The Bulgarian Chairmanship sought to emphasize the educational aspects of a wide variety of the Organization's activities: These included not only events long established in the OSCE calendar, such as the Prague Economic Forum, and the activities of the High Commissioner on National Minorities and the Representative on Freedom of the Media, but also the OSCE Conference on Anti-Semitism, held in Berlin on 28 and 29 March 2004, and the Conference on Tolerance and the Fight against Racism, Xenophobia, and Discrimination, which took place in Brussels on 13 and 14 September 2004. The last two, which received considerable media attention thanks to the participation of a number of well known personalities, had however been initiated by the Maastricht Ministerial Council in December 2003.⁵ The decision to hold a Supplementary Human Dimension Meeting on Human Rights Education and Training – organized by ODIHR – was also made during the Dutch Chairmanship and hence did not arise from any specific desire to stress education policy.

A start was made to realizing Solomon Passy's other concern – to promote an OSCE that was effective outside its geographical territory – by sending an election support team to the Afghan presidential elections of 9 October

3 Activity Report, cited above (Note 2), p. 87.

4 Ibid., p. 86.

5 Cf. Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, Maastricht, 1 and 2 December 2003, MC.DOC/1/03, 2 December 2003, Decision No. 4/03, Tolerance and Non-Discrimination, MC.DEC/4/03, pp. 78-80, here: pp. 78-79.

2004.⁶ The intensification of relations with the Mediterranean Partners for Co-operation and the accession of Mongolia as the newest partner country can also be included under the heading of “outreach activities”. Also worth mentioning in this context is the organization, in the last days of the Bulgarian Chairmanship, of the visit of a group of experts from the OSCE Secretariat and ODIHR to assess educational needs in the Palestinian territories.

Important appointments were made during the Bulgarian Chairmanship, and Chairman-in-Office Passy made good use of his right to appoint special representatives. After a long drawn-out process, and following the end of a period during which objections could be raised, Miklós Haraszti was appointed OSCE Representative on Freedom of the Media. The Chairman-in-Office named Helga Konrad as the OSCE’s first Special Representative on Combating Trafficking in Human Beings for a period of two years. This decision was also rooted in a resolution of the Maastricht Ministerial Council.⁷

The Chairman-in-Office appointed three further personal representatives on 22 December 2004: Anastasia Crickley as Personal Representative on Combating Racism, Xenophobia, and Discrimination; Gert Weisskirchen as Personal Representative on Combating Anti-Semitism; and Ambassador Ömür Orhun as Personal Representative on Combating Intolerance and Discrimination against Muslims. Anastasia Crickley will also deal with intolerance and discrimination against Christians and members of other religions.

By renewing the tenure of the former Finnish President, Martti Ahtisaari, as his Personal Envoy for Central Asia, the Chairman demonstrated continuity in his commitment to the five Central Asian states. In 2004, Ahtisaari paid two visits to Kyrgyzstan and Turkmenistan and one each to Kazakhstan, Uzbekistan, and Tajikistan. Key topics at the heart of his discussions were elections, media freedom, and other issues related to political, economic, and environmental developments in these countries. It is also notable that the Vice-President of the Bulgarian National Assembly, Yunal Lutfi, visited Turkmenistan in early December 2004 at the request of the Chairman-in-Office to discuss questions relating to the forthcoming elections, the fight against terrorism, the education system, national minorities, and the access of the International Committee of the Red Cross (ICRC) to prison inmates.

As the crisis in Moldova escalated, the Chairman-in-Office appointed the former Bulgarian President Petar Stoyanov his Personal Representative for Moldova.

The Chairman-in-Office restricted his involvement in the crisis that followed the Ukrainian presidential election to making several statements. The second round of voting was held on 21 November. Three days later, the

6 Cf. Robert L. Barry, The OSCE breaks new ground in a partner country, in: *OSCE Magazine*, December 2004, pp. 7-12.

7 Cf. OSCE, Eleventh Meeting of the Ministerial Council, cited above (Note 5), Decision No. 2/03, Combating Trafficking in Human Beings, MC.DEC/2/03, pp. 35-60, here: p. 35.

Chairman-in-Office called on the Ukrainian authorities to look into the irregularities that had been detected. On 4 December, he acclaimed the decision of the Ukrainian Constitutional Court to declare the second round invalid. He also offered the OSCE's unqualified support for rerun elections. In doing so, he referred to the fact that the Court's decision agreed with the findings of the international observers, including the ODIHR observers, and that a rerun would offer the possibility of a peaceful resolution to the political crisis. He called on the Ukrainian authorities to ensure a fair election campaign and particularly emphasized the necessity of unbiased reporting by the state-controlled media. He did not travel to Ukraine, and named the Secretary General of the OSCE, Ján Kubiš, his Envoy in the discussions with which the OSCE, alongside other mediating organizations, aimed to put an end to the crisis.

Nonetheless, Solomon Passy cannot be accused of unwillingness to visit crisis regions within the OSCE or to attend events of significance for the Organization. For instance, he held talks with the regimes of Belarus and Turkmenistan, which have disregarded OSCE norms; visited the conflict regions of Kosovo and Moldova; attended the Security Council meeting on co-operation between the UN and regional organizations in stabilization processes in New York; and was present at the Annual Session of the OSCE Parliamentary Assembly in Edinburgh. In each case, he supported the OSCE cause through his presence, lending the OSCE his personal authority.

These visits by the Chairman-in-Office, however, did not do as much to further the OSCE's interests as the Organization would have wished.

Following a visit by a representative of the Chair to Minsk to sound out the possibility of talks to resolve the problems between the OSCE and Belarus, Solomon Passy himself travelled there in June to discuss an intensification of the co-operation between the local regime and the OSCE. He also raised the OSCE's concerns over the deteriorating situation regarding civil society, NGOs, the mass media, and political parties in Belarus. With respect to the parliamentary elections planned for 17 October, the Chairman-in-Office underlined the need for them to be "free and fair". He also supported the OSCE Office in Minsk "in pursuing the activities set out in its mandate, in co-operation with the Belarusian authorities and civil society, in order to promote the country's performance vis-à-vis the Organization's principles and standards".⁸ It appears that the visit succeeded in stabilizing relations between the OSCE and Belarus on the best level then possible.

The Chairmanship acted less than skilfully in pursuing the OSCE's interests with respect to another problematic regime. When the time was approaching for the regular renewal of the tenure of the Head of the OSCE Centre in Turkmenistan, the Chairmanship first asked the Turkmen government for its approval, although this is not standard diplomatic procedure in the case of tenure renewals. When the Turkmen government failed to answer,

8 Activity Report, cited above (Note 2), p. 98.

this *faux pas* meant that the Head of Centre had to be recalled. In April 2004, during a visit to the Central Asian states, Solomon Passy visited Turkmenistan with the declared intention of promoting stronger co-operation between the country and the OSCE, the resolution of media-related issues, and joint action in the fight against terrorism and drug trafficking. However, Passy, who travelled with a large Bulgarian delegation, including representatives of private companies, was accused of acting more as Foreign Minister, i.e. as a representative of his own country's interests, than as a spokesman for the international community.⁹

The OSCE was also completely taken by surprise by the violence that broke out in Kosovo in March 2004 and almost reached pogrom-like levels. That hardly flatters an organization dedicated to monitoring and preventing conflicts. However, despite the large number of OSCE personnel deployed, the Organization plays a subordinate role to the UN and KFOR in this conflict. Together with his predecessor, Jaap de Hoop Scheffer, who had since become Secretary General of NATO, the Chairman-in-Office visited the region in April 2004 during a tour that also took him to Belgrade and Bosnia and Herzegovina. In October, he visited Kosovo once again shortly before the elections.

The Bulgarian Chairmanship was particularly active in efforts to find a solution to the Moldova-Transdnistria conflict, although this collapsed shortly before an agreement between the two parties could be reached. The various mediators were invited to Sofia for initial consultations in January; further talks were held in February in Belgrade. These led to a five-sided round of discussions in April in Tiraspol and Chişinău – the first such in six months. A follow-up meeting took place in May. In June, the Chairman-in-Office visited Moldova and met with all sides. He supported the mediators' proposals for a political solution and expressed his criticism at the lack of progress in the issue of the withdrawal of the Russian forces.

He also found himself confronted by a crisis concerning the use of the Latin alphabet in Moldovan schools in Transdnistria. In July, the Bulgarian Deputy Foreign Minister, Petko Draganov, travelled to Moldova to support the OSCE Mission there in defusing the escalating tension between the two sides over this issue. In September, as the crisis deepened, the Chairman-in-Office dispatched his Personal Representative for Moldova, Petar Stoyanov, to Chişinău and Tiraspol. Despite the efforts of the mediators and several positive developments, no progress was made towards a comprehensive political settlement in the first six months of the year. By inviting the mediators to a meeting in Sofia on 11 and 12 October, the Chairmanship attempted to breathe new life into the deadlocked negotiations. This led to new discussions in Varna between the mediators and representatives of the Republic of Moldova and Transdnistria on 8 and 9 November. At the end of 2004, observers were resigned to the fact that "additional efforts are still needed to

9 According to witnesses in Ashgabad.

find a formula for a comprehensive settlement on the basis of a strengthening of the sovereignty and territorial integrity of the Republic of Moldova while ensuring a special status for Transdnistria".¹⁰

In several areas, multiple rounds of discussions were not sufficient to achieve the desired result. This was true, for instance, of the attempt to develop a regime for the joint control and monitoring of borders. Nonetheless, the OSCE's South-Eastern Europe Cross-border Co-operation Programme (OSCCP) was continued by means of seminars on "civilian aspects of training and advice to border police, assistance to and facilitation of institution building and promotion of regional co-operation". The programme aims to streamline co-operation between the various border police forces and establish the groundwork for following up specific topics during 2005. In September 2004, the Bulgarian Chairmanship organized a joint conference with technical experts from the OSCE and the United Nations Office on Drugs and Crime (UNODC) on questions of border management and border security. Its aims were to encourage these international organizations to share their experience in order to promote more effective border management and better border security and to develop a more strategic and co-ordinated approach for the provision of international assistance. Also on the topic of border management in 2004, the Chairmanship, the Secretariat, and the OSCE Mission to Moldova developed contingency plans for an OSCE border and customs monitoring operation on the frontier between Moldova and Ukraine. By the end of 2004, however, the Organization had neither succeeded in getting this mission off the ground nor in producing a draft of a general border monitoring regime that was acceptable to all participating States.

The Chairmanship must have been alarmed at the critical comments directed by the Russian Federation and other CIS countries at the current state of the OSCE, which were no longer merely symptoms of a regional crisis within the OSCE area, but targeted the Organization as a whole. They distilled the accumulated complaints that had been raised from time to time in recent years. On 3 July 2004, the Presidents of nine CIS countries delivered a declaration on the necessity of OSCE reform.¹¹ This was followed by an appeal by eight CIS Foreign Ministers in Astana on 15 September.¹² This is evidence of a new East-West divide that could threaten the very substance of the OSCE. The situation had become so delicate that the Chairman-in-Office decided to avoid making a public statement for fear that it provoke the com-

10 Activity Report, cited above (Note 2), p. 98.

11 Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, *Statement by CIS Member Countries on the State of Affairs in the OSCE*, Moscow, 3 July 2004, at: http://www.in.mid.ru/brp_4.nsf/0/3be4758c05585a09c3256ecc00255a52?OpenDocument. Azerbaijan, Georgia, and Turkmenistan did not sign the document.

12 Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, *Appeal of the CIS Member States to the OSCE Partners*, Astana, 15 September 2004 (unofficial translation from the Russian), at: http://www.in.mid.ru/brp_4.nsf/0/70f610ccd5b876ccc3256f100043db72?OpenDocument. Azerbaijan, Georgia, Moldova, and Turkmenistan did not sign the document.

plainants into a more dangerous breach with the Organization – one that could even prove impossible to heal. He did send two letters to his 54 fellow Foreign Ministers and to the Presidents of the CIS countries.¹³

The Chairmanship evidently thought it could defuse the situation by offering its own compromise suggestions. It promised to attempt to redress the balance between the three dimensions of the OSCE, and spoke in favour of spending funds freed up from the Balkans in Central Asia and the Caucasus and of strengthening the political role of the Chairman-in-Office, the Secretary General, and the Parliamentary Assembly. The Chairman-in-Office's proposals to relocate the Economic Forum to rotate among the five Central Asian states and to hold the Human Dimension Implementation Meetings in one of the South Caucasian countries caused consternation among at least some participating States.

Following difficult negotiations in various committees, the Bulgarian Chairmanship attempted to reach a decision on the controversial matter of the scale of contributions in the form of an acceptable compromise – one more closely based on the ability to pay. In December, after several “chair's guesses”, the Chairman presented a proposal for the two scales of contribution that it described as final. It aimed to avoid significant increases and reductions by limiting the possible margin of variation. The necessary consensus was blocked by the Russian Federation.

The Chairmanship had to accept a further setback with the end of the Border Monitoring Operation in Georgia, the renewal of whose mandate was once again blocked by Russia.

The Sofia Ministerial Council

The Twelfth Meeting of the Ministerial Council took place on 6 and 7 December 2004. As always, the country holding the Chairmanship played the host, Bulgaria choosing to hold the event in the capital, Sofia. Besides the usual formalities, the first day was taken up with the reports of the Chairman-in-Office, the President of the Parliamentary Assembly, the Secretary General, and the delegations of the participating States. The second day began with the passing of three declarations: One on preventing and combating terrorism, one on the sixtieth anniversary of the end of the Second World War, and one on the Nagorno-Karabakh conflict. Nineteen decisions were also passed, most of which had been prepared by the Permanent Council or the Forum for Security Co-operation. Six of them dealt with institutional matters, eight concerned the first dimension, two the second, and three the third. The foundations for these decisions had, in part, been laid at the Eleventh Minis-

13 Identically worded letters to the Foreign Ministers of the OSCE participating States of 22 July 2004; letter of 24 September 2004 to the twelve Presidents of the CIS countries on the occasion of their summit meeting on 15 September 2004 in Astana.

terial Council Meeting in Maastricht 2003, for while only eleven decisions were passed there, two important documents were also concluded: the Strategy to Address Threats to Security and Stability in the Twenty-First Century and the Strategy Document for the Economic and Environmental Dimension.

Once again, more of note occurred away from the routines of the OSCE's regular decision-making machinery. This included an agreement between the USA and the Russian Federation on the terrorism declaration, sealed behind the backs – or under the noses – of the other delegations, which had previously failed to agree on the wording of a joint proposal. Given the document's authors, it is no surprise that neither Chechnya nor Guantanamo was mentioned. Hence, in its most sensitive section, the Sofia Ministerial Statement on Preventing and Combating Terrorism made the following cryptic statement: “[...] considering that acts of terrorism seriously impair the enjoyment of human rights, we reaffirm our commitment to protect the enjoyment of human rights and fundamental freedoms, especially the right to life, of everyone within our jurisdiction against terrorist acts [...] We acknowledge that effective prevention of and fight against terrorism require the involvement of civil society in our countries.”¹⁴

While these machinations at least led to the adoption of a basic text, however convoluted, other matters, such as declarations on the situations in Moldova, Georgia, and Ukraine, or a decision on the new budget, were not even considered by the OSCE's decision-making machinery. This also manifested itself in the proliferation of objections, caveats, restrictions, exhortations, and expressions of regret and complaint raised in seven interpretative statements. Particularly noteworthy was the declaration of the delegation of the Russian Federation, which opposed the usual practice of releasing a Joint Declaration of the Ministerial Council, thereby causing the failure of the Chairman's draft. Following the examples of his Austrian and Dutch predecessors, the Chairman then delivered this as the “Chairperson's Statement”, thereby acknowledging that no consensus had been reached.

The six resolutions on institutional questions included the routine decision to renew the mandate of the High Commissioner on National Minorities,¹⁵ the OSCE Chairmanship in 2007,¹⁶ and on the time and place of the next Ministerial Council.¹⁷ The decision on the role of the OSCE Secretary General,¹⁸ the decision on the relationship between the OSCE and its Partners

14 OSCE, Twelfth Meeting of the Ministerial Council, cited above (Note 2), Sofia Ministerial Statement on Preventing and Combating Terrorism, pp. 1-2.

15 Ibid., Decision No. 1/04, Extension of the Mandate of the OSCE High Commissioner on National Minorities, MC.DEC/1/04 of 25 June 2004, p. 15.

16 Ibid., Decision No. 18/04, Decision on the OSCE Chairmanship in the Year 2007, MC.DEC/18/04 of 7 December 2004, p. 59.

17 Ibid., Decision No. 19/04, Decision on the Time and Place of the Next Meeting of the OSCE Ministerial Council, MC.DEC/19/04 of 7 December 2004, p. 60.

18 Ibid., Decision No. 15/04, Decision on the Role of the OSCE Secretary General, MC.DEC/15/04 of 7 December 2004, p. 54.

for Co-operation,¹⁹ and, particularly, the decision on the establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, which was charged with producing its report, including recommendations, by the end of June 2005,²⁰ were more significant. The Ministerial Council explained the last of these decisions in terms of “a need to improve the Organization’s functioning as well as its capabilities for collective action”, and asked the Panel to “review the effectiveness of the Organization, its bodies and structures and provide an assessment in view of the challenges ahead” and to “make recommendations on measures in order to meet these challenges effectively”.²¹ At the same time, the Ministerial Council expected that the creation of the Panel would “give new impetus to political dialogue and provide strategic vision for the Organization in the twenty-first century”.²² The wording of this decision reveals that the participating States had taken heed of the crisis in the OSCE, the existence of which they had long denied.

The eight decisions relating to the first (politico-military) dimension were mostly prepared by the Forum for Security Co-operation and were ultimately related to the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century adopted at the Maastricht Ministerial Council. There, the participating States had already agreed to elaborate a border security and border management concept. Given the complexity of the topic, however, some participating States were of the view that the time was not yet ripe in 2004 for the OSCE to pass a resolution on fundamental questions of border policy. At the Ministerial Council Meeting in Sofia, therefore, the participating States merely agreed on political goals, basic principles, and items to be considered when the final concept is drafted in 2005. Many other decisions shared this character of being part of a longer process.

Decisions in the first dimension include the above-mentioned decision on the elaboration of an OSCE border security and management concept,²³ the decisions on further implementing the OSCE Document on Stockpiles of Conventional Ammunition,²⁴ on standard elements of end-user certificates and verification procedures for SALW exports,²⁵ on OSCE principles on the control of brokering in small arms and light weapons,²⁶ OSCE principles for

19 Ibid., Decision No. 17/04, Decision on the OSCE and Its Partners for Co-operation, MC.DEC/17/04 of 7 December 2004, p. 58.

20 Ibid., Decision No. 17/04, Decision on the Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, MC.DEC/16/04 of 7 December 2004, p. 56-57.

21 Ibid., p. 56.

22 Ibid.

23 Ibid., Decision No. 2/04, Decision on the Elaboration of an OSCE Border Security and Management Concept, MC.DEC/2/04 of 7 December 2004, pp. 16-18.

24 Ibid., Decision No. 5/04, Decision on Further Implementing the OSCE Document on Stockpiles of Conventional Ammunition, MC.DEC/5/04 of 7 December 2004, p. 21.

25 Ibid., Decision No. 6/04, OSCE Standard Elements of End-user Certificates and Verification Procedures for SALW Exports, MC.DEC/6/04 of 7 December 2004, p. 22.

26 Ibid., Decision No. 7/04, OSCE Principles on the Control of Brokering in Small Arms and Light Weapons, MC.DEC/7/04 of 7 December 2004, p. 23.

export controls of man-portable air defence systems (MANPADS),²⁷ enhancing container security,²⁸ combating the use of the internet for terrorist purposes,²⁹ and on reporting lost and stolen passports to Interpol's automated search facility/stolen travel document database.³⁰

The first of the two decisions concerning the second (economic-environmental) dimension affected virtually the whole dimension, as it applied to the OSCE's most important and visible task in these fields, namely the holding of the Economic Forum.³¹ This comprehensive decision, complete with annex, did not hold back in terms of critical undertones and can be read as both a rebuke aimed at the form the event had taken so far and a final appeal to save it. Its declared intention was to create conditions to improve the efficiency and effectiveness of the Economic Forum – as the decision's title euphemistically stated. In fact, it was necessary to create these from scratch. It was the Ministerial Council's wish that the Economic Forum would promote the implementation of the Strategy Document more effectively. The topic of each Economic Forum meeting should focus on questions to which the OSCE can bring its particular added value. The decision also expressed the desire that the Economic Forum "should strengthen its role in providing a framework for political dialogue among the participating States on key issues regarding the economic and environmental dimension of the OSCE and should become more policy oriented and focus on practical proposals, building upon the work done during the preparatory process" and "should provide a framework for a more effective participation of officials and experts from the participating States, relevant international, regional and subregional organizations, financial institutions, representatives of academic and business circles, as well as NGOs". The decision also stated that the Forum should be more closely integrated with the preparatory seminars and that particular emphasis should be placed on putting the ideas discussed in the Forum into practice.

The second decision on economic affairs and security concerned the fight against corruption.³²

The content of the three decisions relating to the third (human) dimension had already been through a long consultation process before the Ministerial Council. This was particularly true of the decision on the OSCE Action

27 Ibid., Decision No. 8/04, OSCE Principles for Export Controls of Man-portable Air Defence Systems, MC.DEC/8/04 of 7 December 2004, p. 24.

28 Ibid., Decision No. 9/04, Enhancing Container Security, MC.DEC/9/04 of 7 December 2004, p. 25.

29 Ibid., Decision No. 3/04, Combating the Use of the Internet for Terrorist Purposes, MC.DEC/3/04 of 7 December 2004, p. 19.

30 Ibid., Decision No. 4/04, Combating Reporting Lost/Stolen Passports to Interpol's Automated Search Facility/Stolen Travel Document Database (ASF-STD), MC.DEC/4/04 of 7 December 2004, p. 20.

31 Ibid., Decision No. 10/04, Improving the Efficiency and Effectiveness of the Economic Forum, MC.DEC/10/04 of 7 December 2004, pp. 26-27.

32 Ibid., Decision No. 11/04, Combating Corruption, MC.DEC/11/04 of 7 December 2004, p. 28.

Plan for the Promotion of Gender Equality.³³ It is based on Permanent Council Decision No. 353 of 1 June 2000 and aims to set the OSCE's priorities for the promotion of gender equality – both within the Organization itself and in the participating States – and to establish mechanisms to ensure ongoing monitoring of such efforts.

The two other decisions deal with tolerance and non-discrimination³⁴ and the needs of child victims of trafficking for protection and assistance.³⁵

During the Ministerial Meeting, Ukraine stood on the brink of a constitutional crisis, and the topic inevitably came up several times at Sofia. The Chairman-in-Office stressed the OSCE's key role in election monitoring as early as his opening address. Several participating States expressed their willingness to support international election observation efforts in a rerun of the election. But no joint declaration on Ukraine was passed, although the Ukrainian delegation itself supported the formulation of such a declaration.

The greatest disappointment, however, in view of the effort expended during 2004, must have been the failure to finalize a joint declaration on either Moldova, although a draft was prepared ("Declaration on the Stability and Security of the Republic of Moldova"), or Georgia. This led the EU members among the participating States resignedly to admit "the lack of progress made this year in the search for solutions with regard to both regional conflicts".³⁶

The key contradictions in Sofia, as reflected in the declarations, are the same that had prevented agreement being reached at Maastricht in 2003: The exhortation issued to the Russian Federation to "honour without delay the commitments made in Istanbul in 1999" to withdraw its troops and military equipment from Moldova and "reach an early agreement [with Georgia] on the duration and modalities of the functioning of the Russian military bases".³⁷ This statement by the EU countries was accompanied by one from the NATO states, delivered by the Greek delegation: "Fulfilment of these remaining Istanbul commitments, undertaken in 1999, on the Republic of Georgia and the Republic of Moldova will create the conditions for NATO Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty."³⁸ In Sofia, once again, this point of view was directly opposed to the position of the Russian Federation, which considered "a supposed linkage between the so-called Istanbul commitments and ratification of the Agreement on Adaptation of the Treaty on Conventional Armed Forces in

33 Ibid., Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality, MC.DEC/14/04 of 7 December 2004, pp. 38-53.

34 Ibid., Decision No. 12/04, Tolerance and Non-discrimination, MC.DEC/12/04 of 7 December 2004, p. 29.

35 Ibid., Decision No. 13/04, The Special Needs for Child Victims of Trafficking for Protection and Assistance, MC.DEC/13/04 of 7 December 2004, pp. 36-37.

36 Ibid., Statement by the European Union, pp. 69-70.

37 Ibid., p. 69.

38 Ibid., Statement by the Delegation of Greece, p. 71.

Europe (CFE)³⁹ to be illegitimate. Russia argued that the agreements that had been made between Russia and Georgia and Russia and Moldova in November 1999 were bilateral in nature and did not create any obligations with respect to third countries. Russia further argued that it was complying with those agreements and hence that responsibility for the fate of the CFE Treaty was in the hands of those signatory states that were not fulfilling their obligation to ratify it.

As in the case of other regional problems, such as the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, which remained in the background in Sofia, the failure to reach agreement is based not only on irreconcilable strategic differences between the NATO states and the Russian Federation, but also by local powers opposed to solutions where they see themselves as the losers in any deviation from the status quo.

Thus, the delegations of Moldova and Georgia used the Ministerial Council as a forum to highlight their specific problems and their current expectations of the OSCE. For Moldova, this continues to mean the search for a solution to the Transdnistria conflict, one that would “defin[e] the status of the eastern regions as an integral part of the sovereign and territorially integral State – the Republic of Moldova”⁴⁰ as well as, in the short term, the signing of the “Declaration on the Stability and Security of the Republic of Moldova”, the text of which, negotiated with great difficulty, aimed to establish an internationally recognized border regime and to facilitate the resolution of the conflict. Georgia’s concerns were, in the short term, the continuation of the OSCE’s Border Monitoring Operation and, in the longer term, a stable resolution of the South Ossetian and Abkhaz questions.

The Ministerial Council had always been concerned with such regional differences, sometimes overshadowed by them, and has inevitably suffered as a result. In Sofia, these disputes were joined by new differences of opinion, almost amounting to a full-blown quarrel between the participating States. The unresolved question of the scale of contribution appeared relatively harmless at first, but even this was capable of becoming earnest if deliberately linked to or perceived as relating to the questioning of OSCE structures or of any other aspect of the Organization’s principles.

By far the most serious matter, however, concerned the grave complaints forcefully made by the Russian delegation and which affected the OSCE at its core.⁴¹ In commenting on the Chairperson’s Statement, the Russian delegation began by bluntly declaring that some of the views expressed by the Chairman did not reflect the agreed consensus. Thus, Russia did not feel itself bound by the conclusions and recommendations of the Chairman and did not consider it possible to take account of them in the work and structures of the OSCE. Noting that it had not been possible to agree on im-

39 Ibid., Statement by the Delegation of the Russian Federation, pp. 75-76, here: p. 76.

40 Ibid., Statement by the Delegation of Moldova, pp. 72-73, here: p. 72.

41 Cf. Statement by the Delegation of the Russian Federation, cited above (Note 39).

proving election practices, Russia nonetheless hoped that the OSCE would be able to conduct a comprehensive analysis of electoral legislation in participating States in the coming year and draw up unified standards, common criteria, and a methodology for objective electoral observation and the unbiased evaluation of election results. Russia also made the threatening-sounding statement that the results of this process would form the basis for its assessment of the effectiveness of ODIHR and the OSCE as a whole. The Russian delegation again registered its disappointment at the imbalance between the OSCE's three dimensions, finding justification in the fact that "approval by the Ministerial Council of such objectively timely initiatives as the holding of a seminar on military doctrines and a conference on energy issues" was thwarted.⁴² Russia regretted that the initiatives proposed by the countries of the Commonwealth of Independent States for improving the state of affairs within the Organization, as set out in the Moscow Declaration of 3 July 2004 and the Appeal to the OSCE Partners adopted in Astana on 15 September 2004, did not find sufficient resonance. Finally, the Russian delegation made a thinly veiled threat, declaring that "in the light of the thematic and geographical distortions persisting in the work of the Organization and the widespread application of 'double standards', the usefulness of the OSCE and its ability to respond appropriately to modern-day challenges and to meet the real interests and needs of the participating States are yet more seriously called into question".⁴³ In the view of the Russian Federation, comprehensive reform of the OSCE, its activities, structures, specialist institutions, field operations, and financing system should take priority in 2005.

Undoubtedly, it was this sort of apocalyptic tone that gave the final impetus to the decision to establish the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE.

Given the situation in which the Organization found itself at the end of 2004, it is no wonder that the Ministerial Council once again failed to reach agreement to hold the long-overdue next OSCE Summit Meeting of Heads of State or government – despite the fact that 2005 marks the Organization's 30th anniversary.

Retrospective and Summary

If even Bulgaria admits that the issues it wished to emphasize during its Chairmanship were lost against the colourful background of varied activity, this is not an act of false modesty but a sober and honest reporting of the facts.⁴⁴ Education is an integral part of many activities and cannot easily be pursued independently, visibly, and convincingly by an organization whose

42 Ibid., p. 75.

43 Ibid.

44 For details, see the Activity Report, cited above (Note 2).

primary focus is security policy. The Bulgarian Chairmanship's educational initiatives were met with scepticism by the representatives of many participating States⁴⁵ – despite the work of the field missions, particularly with respect to the creation of curricula in Bosnia and Herzegovina, the OSCE Academy in Bishkek, schools using the Latin alphabet in Moldova, the “Youth and Education” programme of the OSCE Mission in Kosovo (OMIK), and other education-related field activities.

Likewise, looking back on 2004, the foregrounding of (even the reorientation on) Central Asia and the Caucasus also appears to have been largely declaratory and to have had only marginal practical value – hardly surprising given the challenges that exist or are emerging in other regions. The declared intention of changing the focus of the Organization's activities has not been achieved – or not yet. Predictably, related proposals and initiatives made by the Chairman received the approbation of those who were set to benefit from them, such as the Georgian government and its support for the proposal to hold the 2005 Human Dimension Implementation Meeting in Tbilisi.

The Bulgarian Chairmanship's third priority was the expansion of the OSCE's activities outside the borders of the participating States. The most noteworthy activity of this kind – the Organization's activities in Afghanistan in 2004 – appear to have been more of a stopgap measure undertaken on the urging of others rather than an indication of the way ahead. Given the substantive problems the Organization is faced with, the support provided to Afghanistan appears as unrealistic and presumptuous, despite the fact that the Chairman-in-Office adjudged it a successful first-step in building up the OSCE's outreach activity.

In evaluating its own achievements, the Bulgarian Chairmanship recognized, on the one hand, that its activities were mostly concerned with carrying out the tasks assigned to it at the 2003 Maastricht Ministerial Council. At the same time, it referred to the internal problems of the OSCE, which overshadowed so much and whose solution is now a matter for future chairmanships.

In terms of PR and external relations, there were significant differences between the approach of the Bulgarian Chairmanship and that of its Dutch predecessor. There was no programme of cultural events in 2004 and no systematic communication with NGOs. The latter were disappointed by the Chairman-in-Office's very first public appearance: On 2 December 2003, visiting, together with his Dutch colleague, an expectant gathering of NGOs in Maastricht, the Bulgarian Foreign Minister – in contrast to his eloquent predecessor – remained silent, to the disappointment of those who had assembled. This lack of understanding of the interests of the NGOs was a con-

45 According to a number of Vienna-based diplomats; a favourable view was given by Rolf Ekéus, The education solution: Fostering harmony in diversity, in: *OSCE Magazine*, December 2004, pp. 20-24.

stant throughout the year: In contrast to the Dutch Chairmanship in 2003, there were no significant contacts with NGOs during 2004.⁴⁶

The Bulgarian Chairmanship inherited an OSCE plagued by crisis and passed it on unchanged. When the Chairmanship was handed over to Slovenia in November 2004, the participating States had again demonstrated that they were unable to agree upon a Joint Declaration. It was the second time in a row that this had happened, and the third time in the Organization's history. Once again, it was the intransigence of the Russian Federation that scuppered any hope of the necessary agreement being reached. Finally, therefore, a heavy mood of defeatism and self-doubt marked the proceedings.

Unlike his optimistic, euphemism-loving Dutch predecessor, the Bulgarian Chairmanship never believed that the OSCE could be healed. And during his year in office, the crisis only deepened. While there was no shortage of activity, and, with the creation of the Panel of Eminent Persons, the year did end with a prospect of therapy for the Organization, the work of the OSCE nonetheless appears to have declined in quantitative terms in 2004 year on year.⁴⁷ In terms of quality, some of the people directly involved in the Organization look back on 2004 as a year of stagnation, procrastination, and quiescence, while others hold that the Chairmanship made the most of a difficult situation between crises.⁴⁸

46 Cf. OSCE, Annual Report on OSCE Activities 2003, p. 15, and OSCE, Annual Report on OSCE Activities 2004, pp. 7-26.

47 Measured by the size of the two Annual Reports (184 and 149 pages, respectively). Though it must be noted that the 2003 Annual Report made such an overblown impression that the format was changed for 2004.

48 This reflects the opinions of Vienna-based diplomats.