

*Kurt P. Tudyka*

## The Slovenian Chairmanship Has Steered the OSCE into Calm Waters – Is Land now in Sight?

In assuming the Chairmanship of the OSCE in 2005, Slovenia became the smallest of the Organization's 56 participating States so far to do so. Certainly, the assumption of such a function by a small country may pose problems for an international organization on account of a lack of personnel in the Foreign Ministry and other resources. On the other hand, there should be less potential for conflicts of interest and friction with other states than in the case of a country that seeks or is forced to play a major geopolitical role. As a result, the personnel of the Foreign Ministry of the smaller state could find they enjoy the necessary room for manoeuvre and, above all, the time to devote to the work of an international organization. Finally, historical problems in a country's bilateral relations can hamper the work of its representatives in international organization; the OSCE provides several clear examples. However, Slovenia's history as an independent state is short, if not entirely free from international conflict, created as it was by means of violent secession.

Slovenia is the first state to hold the OSCE Chairmanship that was not present in Helsinki in 1975 (simply because it did not exist). Thus another peculiarity about Slovenia is that it belongs to the group of new states that are not only younger than the CSCE/OSCE, but owe their existence to the failure of the CSCE's policy of maintaining the status quo, stabilization, and conflict prevention. By necessity, therefore, the Slovenian diplomatic service does not possess the tradition of other countries, which gives it a certain naïve charm and provides this relatively unknown quantity with an opportunity.

Understandably, Slovenian Foreign Minister, Dimitrij Rupel, did not mention this when giving his eloquent accession speech at the Permanent Council in Vienna on 13 January 2005, but rather stressed Slovenia's young membership of NATO and the EU, its dedication to stability and co-operation in Central and Eastern Europe, its friendship with its Eastern and Western neighbours, and its resolute support for multilateralism.<sup>1</sup>

The Chairman-in-Office supported the work of Andrzej Kasprzyk, his Personal Representative on the Conflict Dealt with by the OSCE Minsk Conference, i.e. the Nagorno-Karabakh conflict, and appointed Alojz Peterle as his Personal Representative for Central Asia. This reveals the priorities that Rupel set among the tasks that he found himself confronted with.

Alongside the OSCE's formal organs, during 2005, the work of the Chairmanship was accompanied by eleven groups and committees. Foremost among them in every respect was the Panel of Eminent Persons, whose seven

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<sup>1</sup> Cf. CIO.GAL/2/05, 13 January 2005.

members Rupel had himself appointed to draw up recommendations on how to solve the OSCE's institutional crisis. Naturally their results influenced the other bodies, such as the working group on OSCE legal capacity, which postponed its meetings to await the Panel's findings, the working group on OSCE reform, the informal groups of "Friends of the Chairman",<sup>2</sup> the working group on strengthening the effectiveness of the OSCE, and the Group of Friends of the Chair on the Enhancement of the OSCE Economic and Environmental Dimension. Other groups dealt with gender equality and human trafficking, combating terrorism, border issues, the Annual Security Review Conference, administration and finances, and the implementation of the Integrated Resource Management system (IRMA).

The Slovenian Foreign Minister, Dimitrij Rupel, assumed the OSCE Chairmanship at a time when the Organization's long-smouldering internal crisis had broken out into open conflict. No budget had been adopted, disunity reigned over the scale of contributions, personnel decisions were being blocked, and disputes among the participating States meant that, once again, there was a failure to agree on a joint declaration at the most recent Ministerial Council in Sofia; some of the participating States had challenged and called into question the Organization's activities, and even its very purpose and *raison d'être*. "A high-level debate about the relevance and fairness of the OSCE's work had created a sense of deep political crisis",<sup>3</sup> was how Rupel himself revealingly described the situation in retrospect. Nonetheless, it was in the character of the Slovenian Chairman-in-Office to remain optimistic.

### *The Slovenian Programme*

Slovenia's Foreign Minister Rupel announced that his Chairmanship would pursue a "triple R agenda" under the three headings of "Revitalize", "Reform", and "Rebalance". By "revitalize", he meant primarily reaching agreement on the budget and the scale of contributions; "reform" referred to re-defining the OSCE's priorities and strengthening relations between the Secretariat and the Chairmanship; and "rebalancing" concerned paying greater attention to all three OSCE dimensions. In the politico-military dimension, he listed the following priority tasks: combating terrorism, tackling the problem of surplus stocks of conventional ammunition, small arms and light weapons, discussing military doctrine, and completing the development of a concept

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2 For more information on this institution, see: Kurt P. Tudyka, *The Dutch Chairmanship: From Porto to Maastricht*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004, Baden-Baden 2005*, pp. 433-445, here: p. 436.

3 Organization for Security and Co-operation in Europe, *Thirteenth Meeting of the Ministerial Council, 5 and 6 December 2005, Ljubljana 2005*, MC13EW66, 6 December 2005, Activity Report of the Chairman-in-Office, pp. 83-102, here: p. 83. The document is available at: [http://www.osce.org/documents/mcs/2005/12/18653\\_en.pdf](http://www.osce.org/documents/mcs/2005/12/18653_en.pdf).

for border security and management. He also announced that it was necessary to strengthen the economic and environmental dimension and stressed his openness to new initiatives in that area, such as by convening a conference on energy security. He underlined the central role of the human dimension and declared trafficking in human beings, migration, and integration to be priorities for the Slovenian Chairmanship.

The Chairman-in-Office also announced his intention to appoint a Panel of Eminent Persons in accordance with the Decision of the Sofia Ministerial Council.

After cautiously outlining this selection of practical tasks, he turned to the regional “frozen” conflicts to whose resolution the Slovenian Chairmanship wished to contribute. He first mentioned the positive results of co-operation between the OSCE and Ukraine during the Ukrainian constitutional crisis, arguing that this co-operation should be strengthened. Consolidating the OSCE’s work in the Balkans was named a further key focus, with the Chairman noting that the OSCE should concentrate on the areas in which it can have the greatest effect: refugee return, protection of national minorities, capacity building – particularly in the judiciary and police – and elections. Kosovo, where the OSCE plays a major role, was also named a priority area for the OSCE’s activities in 2005. It was, however, not apparent whether the Chairman-in-Office was seeking a shift in emphasis – or even a relocation – of OSCE field activities from the Balkans to Central Asia, as had been proposed by others, including his predecessors. While he did not forget to address the conflict hot-spots and crisis areas in the South Caucasus (Nagorno-Karabakh, and South Ossetia and Abkhazia in Georgia), Moldova, and Central Asia generally, there was no evidence of prioritization.

Finally, Rupel identified the strengthening of co-operation with other organizations as a further item on his working programme, and argued that the OSCE should also pay more attention to regions outside the OSCE area. In this connection, he mentioned his support for the organization of elections in Afghanistan, and for ODIHR to send an assessment team to the Palestinian Territories.

#### *The Activities of the Chairman-in-Office*

In a typical year, an OSCE Chairman is required to attend conferences, take part in meetings, and hold discussions with government officials from OSCE participating States and representatives of international organizations. Whether routine activities or one-off events, virtually none of these take place in the Chairman-in-Office’s own capital and few in Vienna. As a result, the Chairman-in-Office is required to undertake a great deal of travel. The Chairmanship of Dimitrij Rupel proved no exception to this general rule, and

Dr Rupel proved willing to make strenuous journeys to less “comfortable” missions in problematic OSCE States.

In the first half of 2005, in particular, the Chairman made a large number of visits as a result of ongoing or emerging crises in the long-acknowledged problem areas of Central Asia and the South Caucasus. These visits had not only a crisis management function, but also served to encourage democratic and rule-of-law reform or to support promising proposals for resolving long-running conflicts, such as the Armenian-Azerbaijani conflict or the conflict in Moldova. In February, Dimitrij Rupel visited Kazakhstan, where, according to his statement, the observance of democratic standards was less than satisfactory. Kazakhstan had banned an opposition party and adopted restrictive new media laws and laws against extremism. The Kazakh parliamentary elections of 2004 had also been criticized by ODIHR. On the other hand, Rupel praised the progress that had been made, specifically in the fight against terrorism, and promised support for media law reform. After all, Kazakhstan is applying for the OSCE Chairmanship in 2009. From Kazakhstan, Rupel moved on to Uzbekistan, where he criticized the deficits in democratic development with respect to freedom of the media, the judicial system, and the use of torture in prisons, as well as addressing the negative assessment of the latest parliamentary elections. He also promised OSCE support to the government in Tashkent in areas such as improving the electoral system and reforming the economy.

The appointment of the former Slovenian Prime Minister and Minister for Foreign Affairs Alojz Peterle as the Chairman’s Personal Representative for Central Asia can also be considered in this context. He was presented by Dr Rupel during this trip. In the following months, Peterle was to be kept unexpectedly busy with the crisis in Kyrgyzstan.

In March, Rupel visited Moldova and spoke with both conflict parties in Chişinău and Tiraspol, continuing the commendable efforts of his predecessors to bring about compromise and rapprochement between the conflict parties. At the end of March, the crisis in Kyrgyzstan began to dominate the Chair’s activities. Rupel travelled to Bishkek himself and Peterle repeatedly interposed as a mediator at the heart of the near-civil-war conditions that accompanied the end of the Akaev era, where his considerable personal commitment had a preventive effect.

In late March, Rupel travelled to Kosovo. In early April, he visited Yerevan, Baku, and Tbilisi, using this occasion to call for a new meeting – the twelfth since 1994 – between the presidents of Armenia and Azerbaijan. It was hoped that an agreement would be easier to achieve in a year without elections. Unfortunately, this did not prove to be the case.

In April, Rupel visited Serbia and Montenegro and Albania, and then returned to Kyrgyzstan, Tajikistan, and Turkmenistan, which he at least wanted to encourage to take an active part in OSCE activities. After all, following a long period of absence, Turkmenistan had taken part in the most re-

cent Human Dimension Implementation Meeting in Warsaw. In September, Rupel revisited the three countries of the South Caucasus. In October, he travelled to Bosnia and Herzegovina and Macedonia, then on to Belgrade and Priština, and finally back to Chişinău and Kiev.

Besides visiting the OSCE's crisis regions, Rupel also attended conferences and other events, where he represented the OSCE and gave the Chairman's perspective on current developments. The Chairman's participation in a number of OSCE events as a matter of tradition is self-explanatory. This year, these included the annual OSCE Economic Forum in Prague in late May, the OSCE Conference on Anti-Semitism and Other Forms of Intolerance in Cordoba in early June, the Annual Security Review Conference in Vienna at the end of June, the meetings of the Parliamentary Assembly of the OSCE in Vienna in late February and in Washington in early July, and the OSCE Mediterranean Seminar in Rabat in early September.

The attendance of the Chairman-in-Office was also required at the meetings of the OSCE-EU Troika, held in 2005 at the end of March in Brussels and in mid-September in New York. Rupel had several other meetings with representatives of EU organs, for instance, with the foreign ministers in Luxemburg in April, and with the Commission in Brussels in November. Contacts with the Council of Europe are also part of the Chairman's compulsory programme. At the end of February, he gave a speech in Strasbourg; in mid-May, at the summit in Warsaw; and in mid-November, again to the Committee of Ministers in Strasbourg. A focus of the discussions was once again the avoidance of duplication. As the OSCE Chairman-in-Office, Rupel was invited to attend NATO's North Atlantic Council meeting in Brussels in late January, the NATO Parliamentary Assembly in Ljubljana at the end of May, and the Euro-Atlantic Partnership Council meetings in Åre in May and Brussels in November.

Because the OSCE considers itself a regional arrangement of the United Nations, and is recognized as such by the UN, a minimum of communication is required between the two, if only to maintain formal contacts. Rupel addressed the Security Council in New York in early March, and the Human Rights Committee in Geneva in mid-March. In mid-September, he attended the summit in New York to mark 60 years of the United Nations.

Maintaining good relations with the OSCE partners for co-operation in Asia – Japan, South Korea, Thailand, Mongolia, and Afghanistan – was the reason for the Chairman's attendance at the international security conference in Seoul at the end of April. His appearance at the Central Europe Initiative (CEI) in Piestany at the end of November, on the other hand, can be partly accounted for by his role as Slovenian foreign minister. He paid his respects to the governments in Washington, at the start of March, and Moscow, in mid-July. In June, he visited the British prime minister in London.

This busy schedule of visits accounts for by no means all of the travelling undertaken by the OSCE Chairman. During his year in Office, he con-

tinued to present papers at academic conferences. Finally, the events held in Helsinki, Berlin, and Vienna in late July and early August to celebrate the 30th anniversary of the signing of the CSCE Final Act took up considerable time, though less demanding in terms of their subject matter.

The huge amount of travelling done by the Chairman allows us to conclude that the performance of this function depends on mobility. One could perhaps playfully suggest that the real essence of the Chairman's function could be better expressed by dropping the first two letters of his title.

### *The Ljubljana Ministerial Council*

As with any club or association, the most important date in the OSCE's year, and that of its Chairman, in particular, is the "annual general meeting" of its members. The results of the year are considered, the members reflect on the past twelve months, and guidance is sought for the year ahead. At the 13th Meeting of the Ministerial Council in Ljubljana on 5-6 December 2005, most OSCE participating States were represented by their foreign ministers. Three declarations were adopted and 19 decisions were made. They were not the most significant thing about the meeting, however, which rather lay in the noticeably improved communication between the representatives of the participating States.

The Ministerial Council adopted a Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant,<sup>4</sup> a Statement on Georgia,<sup>5</sup> and a Statement on the Conflict Dealt with by the OSCE Minsk Group.<sup>6</sup> The Chairman announced that the Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism had been adopted by the Ministerial Council through the silence procedure,<sup>7</sup> and launched the adoption of the Border Security and Management Concept by the Ministerial Council.<sup>8</sup> The adoption of this concept was praised by the delegations, namely the European Union, that expect more secure and open borders together with a framework for enhancing co-operation between the participating States "in the fight against the scourges of terrorism and organized crime".<sup>9</sup>

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4 *Thirteenth Meeting of the Ministerial Council*, cited above (Note 3), Ministerial Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant, MC.DOC/3/05 of 6 December 2005, pp. 2-3.

5 *Ibid.*, Statement on Georgia, MC.DOC/4/05 of 6 December 2005, pp. 4-5.

6 *Ibid.*, Statement on the Conflict Dealt with by the OSCE Minsk Group, MC.DOC/5/05 of 6 December 2005, p. 6.

7 *Ibid.*, Ministerial Statement on the International Convention for the Suppression of Acts of Nuclear Terrorism, MC.DOC/1/05 of 20 June 2005.

8 *Ibid.*, Border Security and Management Concept, MC.DOC/2/05 of 6 December 2005, pp. 9-15.

9 *Ibid.*, Statement by the European Union, Annex 4 to MC(13) Journal No. 2 of 6 December 2005, pp. 71-72, here: p. 71.

Several of the following decisions had a purely formal character: The French diplomat Marc Perrin de Brichambaut, who was already active in his new role, was officially appointed for three years as Secretary General of the OSCE with retroactive effect from 21 June 2005; Finland was formally entrusted with the 2008 OSCE Chairmanship; and it was agreed to hold the 14th Ministerial Council Meeting in Belgium on 5 and 6 December 2006.<sup>10</sup> Equally formal was the decision to task the Permanent Council, the Secretary General, and the relevant OSCE institutions and structures to continue the work they commenced in 2005 on the topic of migration in all three dimensions and to report to the 14th Ministerial Council Meeting.<sup>11</sup> The decision to continue to make efforts to implement the OSCE documents on small arms and light weapons and stockpiles of conventional ammunition and to charge the Forum for Security Co-operation with drawing up a progress report also had a formal character.<sup>12</sup>

The participating States then made a number of appeals in which they call upon themselves to undertake or refrain from undertaking a particular action. For instance, in the decision on a comprehensive document on combating transnational organized crime, they “urged” the participating States to enhance co-operation between themselves and the UNODC, the Council of Europe, and other international organizations with reference to the relevant UN conventions and protocols, and other decisions, conferences, meetings, and seminars.<sup>13</sup> The decision on enhancing legal co-operation in criminal matters to counter terrorism belongs in the same category. It asks participating States to collectively act to extradite or prosecute perpetrators, organizers, supporters, and sponsors of terrorist acts. It also tasks the Secretary General with organizing an expert workshop and national training seminars for prosecutors and judicial officials on extradition and mutual legal assistance.<sup>14</sup>

A further appellate decision was passed on combating the threat of illicit drugs.<sup>15</sup> In it, the participating States called upon themselves to enhance their co-operation to prevent and counter the threat of the production of and trafficking in illicit drugs and tasked the Secretary General with organizing another expert workshop in 2006.

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10 Ibid., Decision No. 1/05, Appointment of the OSCE Secretary General, MC.DEC/1/05 of 6 December 2005, p. 19; Decision No. 18/05, OSCE Chairmanship in the Year 2008, MC.DEC/18/05 of 6 December 2005, p. 61; Decision No. 19/05, Time and Place of the Next Meeting of the OSCE Ministerial Council, MC.DEC/19/05 of 6 December 2005, p. 62.

11 Ibid., Decision No. 2/05, Migration, MC.DEC/2/05 of 6 December 2005, pp. 20-21.

12 Ibid., Decision No. 8/05, Further Efforts to Implement the OSCE Documents on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition, MC.DEC/8/05 of 6 December 2005, pp. 32-33.

13 Ibid., Decision No. 3/05, Combating Transnational Organized Crime, MC.DEC/3/05 of 6 December 2005, pp. 22-23.

14 Ibid., Decision No. 4/05, Enhancing Legal Co-operation in Criminal Matters to Counter Terrorism, MC.DEC/4/05 of 6 December 2005, pp. 24-26.

15 Ibid., Decision No. 5/05, Combating the Threat of Illicit Drugs, MC.DEC/5/05 of 6 December 2005, pp. 27-28.

Another appeal is the decision to support the implementation of Resolution 1540 (2004) of the United Nations Security Council on the threat posed by the proliferation of weapons of mass destruction and their delivery systems.<sup>16</sup> Thankfully, the OSCE did make one new departure by adopting the decision on measures to enhance container security. It calls upon all participating States to implement the measures recommended in the Framework of Standards to Secure and Facilitate Global Trade of the World Customs Organization (WCO).<sup>17</sup>

A decision with greater political relevance was that on the OSCE seminar on military doctrine in Vienna on 14-15 February 2006. The Ministerial Council explicitly welcomed it as “as a means to enhance the security dialogue and the work of the FSC”.<sup>18</sup> The seminar should be seen as a concession towards the Russian Federation with respect to its demands to strengthen the politico-military dimension of the OSCE.

The extensive decision on “tolerance and non-discrimination: promoting mutual respect and understanding” can be considered the counterpoint to this in the human dimension. In addition to adopting a number of normative statements, by passing this decision, the Ministerial Council decided to support the ODIHR programme on tolerance and non-discrimination, adding that “the OSCE should continue to raise awareness and develop measures to counter prejudice, intolerance and discrimination”.<sup>19</sup> The Ministerial Council tasked ODIHR with, among other things, assisting the participating States in developing the means to collect and maintain reliable information and statistics on hate crimes and violent manifestations of intolerance and discrimination.

A number of further decisions were passed in connection with the human dimension, dealing with, among other topics: promoting human rights education and training;<sup>20</sup> upholding human rights and the rule of law in criminal justice systems;<sup>21</sup> combating trafficking in human beings;<sup>22</sup> and promoting gender equality in conflict prevention, crisis management, and post-conflict rehabilitation in order to raise the number of women in the OSCE Secretariat, institutions, and field operations, particularly among senior staff

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16 Ibid., Decision No. 7/05, Supporting the Effective Implementation of UN Security Council Resolution 1540 (2004), MC.DEC/7/05 of 6 December 2005, p. 31.

17 Ibid., Decision No. 6/05, Further Measures to Enhance Container Security, MC.DEC/6/05 of 6 December 2005, pp. 29-30.

18 Ibid., Decision No. 9/05, OSCE Seminar on Military Doctrine, MC.DEC/9/05 of 6 December 2005, p. 34.

19 Ibid., Decision No. 10/05, Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding, MC.DEC/10/05 of 6 December 2005, pp. 35-39, here: p. 36.

20 Ibid., Decision No. 11, Promotion of Human Rights Education and Training in the OSCE Area, MC.DEC/11/05 of 6 December 2005, pp. 40-41.

21 Ibid., Decision No. 12/05, Upholding Human Rights and the Rule of Law in Criminal Justice Systems, MC.DEC/12/05 of 6 December 2005, pp. 42-43.

22 Ibid., Decision No. 13/05, Combating Trafficking in Human Beings, MC.DEC/13/05 of 6 December 2005, pp. 44-45.



and decision makers.<sup>23</sup> A further and particularly comprehensive decision dealt with preventing and combating violence against women. The Ministerial Council urged the participating States, “with the support and assistance of the OSCE, to take all necessary legislative, policy and programmatic monitoring and evaluation measures to promote and protect the full enjoyment of the human rights of women and to prevent and combat all forms of gender-based violence against women and girls”.<sup>24</sup>

A decision on the integrity of OSCE personnel, unfortunately necessary as a result of recent abuses, called for measures to ensure the highest standards of conduct and accountability among members of international peacekeeping forces and missions. In this decision, the Ministerial Council calls upon the participating States “to improve, where necessary, measures to prevent military and civilian personnel deployed abroad to peacekeeping forces or other international missions, as well as OSCE officials, from engaging in trafficking in human beings or exploiting victims of trafficking”.<sup>25</sup>

The decision on strengthening the effectiveness of the OSCE is potentially explosive and deals with issues at the heart of much contemporary criticism of the OSCE. In it, the Ministerial Council calls upon the Permanent Council to continue its reform work and report to the 2006 Ministerial Council. Drawing on the considerations of the Panel of Eminent Persons, further attention is to be paid to the following areas:<sup>26</sup>

- Rules of procedure;
- Improving the consultative process;
- Improving the planning and efficiency of OSCE conferences;
- Strengthening the efficiency, effectiveness and transparency of the Organization’s activities, including their budgetary and extra-budgetary financing;
- Considering ways to further enhance the role of the Secretary General, including through further strengthening the co-operation with the heads of institutions and of field operations;
- Modernizing the Secretariat to further improve its capacity to support the Chairmanship-in-Office and the participating States and to co-ordinate OSCE activities.

The list also includes a number of tasks that some but certainly not all participating States would like to be considered:

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- 23 Ibid., Decision No. 14/05, Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation, MC.DEC/14/05 of 6 December 2005, pp. 46-49.
- 24 Ibid., Decision No. 15/05, Preventing and Combating Violence against Women, MC.DEC/15/05 of 6 December 2005, pp. 50-54, here: p. 50.
- 25 Ibid., Decision No. 16/05, Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions, MC.DEC/16/05 of 6 December 2005, pp. 55-56, here: p. 56.
- 26 Cf. *ibid.*, Decision No. 17/05, Strengthening the Effectiveness of the OSCE, MC.DEC/17/05 of 6 December 2005, 57-60, here: p. 58.

- Strengthening the effectiveness of the OSCE institutions and field operations;
- Examining the possibility of providing the OSCE with legal status and granting privileges and immunities;
- Further improving the programme planning, so that it may better reflect the Organization's priorities;
- Improving the professionalism of OSCE personnel and the management of its human resources, with due regard to the gender and geographical balance;
- Considering the possibility of thematic missions in an OSCE-wide or subregional context.

In a move that takes up the criticism of ODIHR emanating from the CIS countries, ODIHR is tasked to report to the next Ministerial Council on the implementation of existing commitments and ways of strengthening its election-related activities.<sup>27</sup>

The surprising consensus among the members of the Panel of Eminent Persons naturally had a positive effect on the atmosphere in which the ministers met, and they were even able to agree on a "roadmap" for dealing with the Panel's report. The agreement on the scale of contributions had an equally harmonizing effect, as did the bilateral agreement between the Russian Federation and Georgia on the withdrawal of Russian troops stationed in Georgia.<sup>28</sup> The agreement on the Statement on Nagorno-Karabakh announcing that the parties to the conflict were prepared to move on from the negotiating phase to the decision-making phase also had a positive effect.

There was an almost ritual disagreement over the same questions that had been the stumbling blocks to consensus – and thus to a joint Ministerial declaration – in the last three Ministerial Council Meetings, so that the Chairman-in-Office, like his forerunners, was forced to make use of his privilege of presenting the draft of the document as his personal statement.<sup>29</sup> Disunity continued to reign between the Russian Federation and the NATO states over the controversial commitments entered into by the States Parties to the CFE Treaty at Istanbul in 1999, specifically over the requirement for the withdrawal of Russian forces from Moldova in 2005 and the linkage of this commitment with the entry into force of the Adapted CFE Treaty. The Third CFE Review Conference, which was to be held in Vienna in June 2006 with the aim of strengthening the treaty regime, thus received an early setback six months prior at Ljubljana. It was not to recover from this blow and

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27 Cf. *ibid.*, pp. 58-59.

28 Agreement between Georgia and Russia on Terms and Rules of Temporary Functioning and Withdrawal of the Russian Military Bases and Other Military Facilities of the Group of Russian Military Forces in South Caucasus Deployed on the Territory of Georgia, at: [http://www.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=78&info\\_id=900](http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=78&info_id=900).

29 *Thirteenth Meeting of the Ministerial Council*, cited above (Note 3), Statement by Dr. Dimitrij Rupel, Chairman-in-Office of the OSCE, Annex 2 to MC(13) Journal No. 2 of 6 December 2005, pp. 66-69.

eventually failed. The entry into force of the adapted treaty would have made it possible for new states to sign up to it. A similar fate befell the attempt to secure agreement on a decision welcoming the conclusion of the first phase of implementation of the Treaty on Open Skies and the positive assessment it received from that treaty's First Review Conference in 2005.

To the disappointment of most delegations, the problem of Moldova was not addressed. Nor did the Kosovo question receive a mention, even though the Russian delegation had wanted to raise it in reference to the fourth principle of the Helsinki Final Act – territorial integrity.<sup>30</sup> It may well have been possible to formulate a statement on Moldova that all could have agreed upon, but any such hopes were ultimately dashed on the intransigence of the Transdniestrian separatists, who required the help of their Russian patrons to resist this. According to the lengthy statement of the Moldovan delegation, the Transdnistria issue could have been brought closer to resolution via democratization and demilitarization of the region. In Moldova's view, the ultimate goal of the negotiations should have been to determine the special legal status of the Transdniestrian region within the Republic of Moldova. The documents adopted by the Moldovan Parliament on 10 June 2005 and the Law on Basic Principles of the Special Legal Status of the Localities on the Left Bank of the Nistru/Dniestr River (Transdnistria) of 22 July would have provided the framework for a settlement.<sup>31</sup>

Nevertheless, at least the Russian Federation – unlike, for instance, the USA – did not issue a so-called “interpretative statement” and welcomed, in particular, the consensus achieved over reform. That was made easier for Russia by the Slovenian Chairmanship, which was prepared – as were other delegations – to admit one of Russia's criticisms, namely that election monitoring was in need of reform, such as the deployment of more highly qualified election observers who are fluent in the language(s) of the host country or the creation of a fund that would facilitate the participation of observers from poorer countries.

At the very least, the Ministerial Council of Ljubljana indicated that the crisis of the OSCE has not worsened.

### *Retrospective and Summary*

The Slovenian Chairmanship is proud of the results achieved during its term of office.<sup>32</sup>

The existing “external” crises remained, and new ones emerged. No conflict is close to resolution, but at least discussions continued. In the case

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30 Cf. Statement by the Delegation of the Russian Federation, Annex 5 to MC(13) Journal No. 2 of 6 December 2005, pp. 73-73, here: p. 74.

31 Cf. Statement by the Delegation of Moldova, Annex 6 to MC(13) Journal No. 2 of 6 December 2005, p. 75.

32 These sentiments were expressed to the author by the Chairman's staff.

of Moldova, an agreement appeared again to be imminent. The disappointment was thus all the greater when the five meetings between the presidents, at which the OSCE was a mediator alongside the Russian Federation and Ukraine, failed to achieve their goal.<sup>33</sup> While the “Prague Process” on Nagorno-Karabakh continued, it was overshadowed by worrying armament programmes on both sides. The Chairmanship had negative experiences with Uzbekistan. The Moscow mechanism was invoked, but failed. Elections in Kazakhstan and Azerbaijan gave cause for criticism.

Internally, the OSCE successfully achieved stabilization. The atmosphere has improved, and a corresponding number of substantive organizational achievements have been made: the agreement on the unified budget; the resolution of the problems over the scale of contributions, at least for now; the appointment of a new Secretary General; and the renewal of the contract of the director of ODIHR.

The situation has become calmer. Expressions of willingness to reform the Organization have ameliorated contradictions, a common platform has been found, reform is no longer taboo. Yet the good will of the OSCE community will not suffice if those who steer it from their capital cities do not provide it with a role apart from NATO and the EU. The OSCE is still looking for a new driving force.

At the end of its Chairmanship, Slovenia became a member of the Troika, the body that advises every Chairman-in-Office on how to steer the OSCE. For the first time in its history, the 2006 Troika consists entirely of EU members. Will this affinity benefit the OSCE?

The more fundamental question continues to lurk in the background: What is the OSCE to become more efficient for? After the Ljubljana Ministerial Council, this question was rightly raised in public.<sup>34</sup> The Slovenian Chairman steered the OSCE ship from stormy seas into calmer waters and handed the tiller over to his Belgian successor along with this question. The journey continues for the time being. It is to be hoped that the crew can find a course that will bring all the passengers safely to harbour.

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33 Cf. CIO.GAL/10/05, 2 February 2005.

34 Reinhard Veser, *Effizienter, aber wozu?* [More efficient, but what for?], in: *FAZ*, 5 December 2005, p. 6.