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The Spanish OSCE Chairmanship 2007

The Programme of the Spanish Chairmanship

With Spain's assumption of the OSCE Chairmanship in 2007, a large country was leading the Organization for the first time in more than a dozen years, and only the third time in history.¹ This brought many benefits: not only a large cadre of qualified and able personnel and an acknowledged tradition of skilled diplomacy, but also such things as Spain's intermediary role in European relations with North Africa and Ibero-America. Spain's was therefore expected to be an innovative Chairmanship. Furthermore, a socialist government had just come to power after many years of conservative rule, which seemed to raise the possibility of additional creative momentum for the OSCE.

Meanwhile, however, at the Brussels Ministerial Council, the Belgian Chairman had succeeded in leading the Organization at least some way out of a situation that had threatened its very existence.² His successor, the Spanish Foreign Minister Miguel Ángel Moratinos Cuyaubé explicitly praised him for this in his inaugural speech in the Permanent Council, perhaps only out of politeness: "An outstanding success was obtained [...] The decisions taken in Brussels have established clear-cut guidelines for our work together in 2007"³

Nonetheless, the snapshot of the Organization given by the new Chairman at the start of his term of office was far from rosy: "Our current situation is not an easy one. The Participating States and the OSCE itself are passing through a complicated stage."⁴ Tasks to which he referred included the restoration of regional stability in the Balkans, the strengthening of coexistence, democratic institutions, and the rule of law in the former Yugoslavia, and the continuation of the Kosovo mission.⁵ With unusual candour, he noted that the transition to democracy of many states was very far from complete. Then he turned to the long-running conflicts in the OSCE area, including Moldova "on both shores of the Dniester", Georgia, and Nagorno-Karabakh. He pulled no punches in describing relations between some participating States as "strained" and "characterized by sanctions, pressure or aggressive rhetoric".

1 Germany 1991, Italy 1994.

2 For more information, cf. Kurt P. Tudyka, *Die OSZE – Besorgt um Europas Sicherheit* [The OSCE – Concerned about European Security], Hamburg 2007, pp. 58-60.

3 Speech by the Spanish Minister of Foreign Affairs and Cooperation Miguel Ángel Moratinos Cuyaubé, Permanent Council of the OSCE, CIO/GAL/007, Vienna, 11 January 2007.

4 Ibid.

5 For this and for the following statements, cf. *ibid.*

Noting that it was necessary to admit that the consensus on values and their realization sometimes appeared to be weakening, he added rather darkly that “intolerance, discrimination and even hatred” are threatening our ever more diverse societies. Finally, he turned to the difficult situation within the OSCE itself, as typified by the budget freeze.

His report on the state of the Organization closed with the sobering statement that “Project Europe” is still unfinished, by which he meant the plan to make Europe a space of peace, security, freedom, and co-operation. In this survey, as in other statements he made, it is striking that the Chairman-in-Office referred back again and again to the CSCE and never mentioned the Charter of Paris, and hence that he stressed the OSCE’s role as a forum for dialogue, without dwelling on institutional arrangements. In its way, the rather wordy virgin speech of the Spanish foreign minister and newly appointed Chairman-in-Office already foreshadowed the fact that he would be more concerned with preserving the OSCE than leading it to a renaissance.

Before detailing his plans, he named three principles that would underpin and guide his efforts, and which we can consider “secondary virtues”: *priority*, *perseverance*, and *patience*. At least he gave “priority” a concrete form with his resolution to pursue a balanced relationship between the three dimensions.

The Chairman went on to give examples of proposals in each of the three dimensions, although these were defined in only vague terms. Although he said he wanted to pay particularly close attention to the familiar prolonged conflicts, he made no specific predictions or even promises. He stated his intention of improving the synergy between the Permanent Council and the Forum for Security Co-operation by continuing to hold debates on civil and military co-operation in emergencies. Efforts were to be increased to combat terrorism, including by tightening travel document security, enhancing legal co-operation on criminal affairs, and involving civil society. More would be done to protect and provide due recognition to the victims of terrorism.

In the economic and environmental dimension, he emphasized the linkages between ecology and security by stressing the concept of “environmental security”. Relevant issues include soil degradation and contamination, and water management.

In the human dimension, the Chairman announced an ambitious yet nebulously worded plan aimed at democratization: promoting greater participation and diversity in increasingly plural societies. He also announced comprehensive efforts to combat intolerance, discrimination, and trafficking in human beings, improving transparency and democratic processes, and to promote the creation of societies based genuinely on the rule of law. He declared his intention of strengthening ties with the Mediterranean partners for co-operation and undertaking more activities together with the OSCE’s Asian partners. In this connection, it was also interesting that he mentioned the possibility that the OSCE could acquire new partners in the future. Finally, he

noted the need to co-operate more effectively with other international organizations, in order, in part, to reduce overlap and create synergies. He did not, however, detail specific steps.

The remarks of the Spanish foreign minister and the programme he presented for the OSCE sphere were quite clearly influenced by Spain's domestic social and political problems and experiences.

Three-and-a-half months later, the delegations received a document entitled "The Way to Madrid", which discussed each of the aforementioned topics in favour of introducing a long-term and transparent approach to decision-making processes. The Chairman thus offered preliminary ideas about the format and the content of the Ministerial Council Meeting and invited the delegations to further debate. He had already received a "quasi-universal" request to examine ways and means to confer to the Council a higher capacity of attraction for ministers as well as enhanced visibility for the general public. The Ministerial Council "should be what it was intended to be from its inception: that is an annual occasion to provide political guidance and visibility to the work of the Organization".⁶

The Activities of the Spanish Chairmanship in 2007 – Successfully Strengthening the OSCE?

In considering an OSCE Chairmanship, it would be useful to divide its activities into four types, all of which are naturally associated with leadership, orientation, and representation. These can in turn be broken down into existing activities taken on by the new Chairmanship, tasks forced upon it, and self-initiated activities. Without implying any sort of ranking, the first category includes oversight of the Secretariat and other OSCE institutions, i.e. the exercise of their various mandates; the second, conflict management; the third, collective opinion shaping; and the fourth, consultation and communication.

Just like all his predecessors, the Spanish Chairman ensured that he was closely assisted by a personal confidant by naming the Spanish diplomat Josep Borrell to be his Special Envoy. He also confirmed Ambassador Andrzej Kasprzyk as his Personal Representative with responsibility for the Minsk Process (i.e. the conflict on Nagorno-Karabakh). The Chairman's other four Personal Representatives also continued to perform their activities: Gert Weisskirchen, responsible for combating anti-Semitism; Ömür Orhun, for combating intolerance and discrimination against Muslims; Anastasia Crickley, for combating racism, xenophobia, and discrimination against Christians

6 *Announcement of a food-for-thought paper on preparations for the Madrid Ministerial Council meeting*, CIO.GAL/58/07, 30 April 2007, p. 11; on the Spanish proposal for the adoption of an OSCE strategy on environment and security, which was later submitted for approval to the OSCE Ministerial Council, see CIO.GAL/66/07, 30 April 2007.

and members of other religions, and Eva Biaudet, the Special Representative for combating trafficking in human beings.

Whether it liked it or not, one of the most delicate issues the Spanish Chairmanship had to take over was to resolve the question of the stalled decision-making process on Kazakhstan's application to assume the OSCE Chairmanship in 2009. This topic had developed from a question of the objective abilities and qualifications of the first Central Asian applicant for the position into a geopolitical dispute (above all one over political principles) on the formal equality and equal treatment of all participating States and the significance accorded to OSCE principles in the constitutional reality of a candidate country; the question became mixed up with the Spanish Chairmanship's opportune efforts to balance the OSCE's three dimensions. If this did not at first appear to offer a means for softening the fronts dividing participating States, it later did so thanks to a deal involving the granting of future Chairmanships to other candidates.

The adoption of the budget on 2 February 2007 came as a great relief to the Chairman, not just because it was ultimately his responsibility, but also because he needed to deal with many other things.⁷

The Spanish Chairmanship managed successfully the move to the Secretariat's new headquarters in Vienna, which was opened with great ceremony by Spain's King Juan Carlos and the Austrian President Heinz Fischer on 21 November 2007.⁸

Of all the OSCE's operational activities, election monitoring caused the Chairman-in-Office the greatest headache. Alongside Russia's well-known fundamental questioning of the OSCE's activities in this area, new disputes emerged, which shook the Organization to the core. These arose both from ODIHR's negative assessment of several elections, and especially as a result of Russia's (and briefly Poland's) refusal to admit observers in the usual fashion.

The Chairman presented three of the promised food-for-thought reports, which were intended to guide the Organization's work in 2007, to provide a basis for evaluating it, and finally to provide a basis for proposals on how to improve its work in the future. The first concerned the examination of the three-committee structure of the Permanent Council, which had been introduced in 2006; the second, the participation of NGOs; and the third, a review of commitments entered into, as proposed by ODIHR.

The task of supervising the OSCE's field presences, generally also a routine matter, involved two departures from business as usual during the Spanish Chairmanship. The first was the closure of the OSCE Mission to Croatia, which appeared to have been handled satisfactorily and was later

7 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 780, Approval of the 2007 Unified Budget*, PC.DEC/780/Corr.1, 2 February 2007.

8 Cf. Philip Hatton, *Moving into an Architectural Jewel*, in: *OSCE Magazine* 1/2008, pp. 22-25.

adjudged to have been so. In contrast, Kosovo's move towards *sui generis* statehood confronted the mission there with significant problems of legitimacy, leading to further political and practical problems. The Chairmanship found a precarious temporary solution to this crisis by proposing that the mission's mandate be renewed only on a monthly basis. The closure of the OSCE Mission to Croatia implicitly raised the question once again of how long the OSCE would continue to have field missions.

In the area of conflict management, the tasks assumed by the Spanish Chairmanship included the perennial efforts to resolve the intractable conflicts in Moldova and Georgia and over Nagorno-Karabakh. The Chairman travelled to Azerbaijan and Armenia with the key aim of improving the chances of finding a settlement to the smouldering conflict before 2008, which is an election year. Sceptical commentators have stated that the intervention of the Chairman-in-Office in long-term conflicts can only make matters worse.

On top of that came the sudden and dramatic worsening of the disputes between Georgia and the Russian Federation and the constitutional crises in Albania and Ukraine. The Chairman intervened in all of these in various ways. In the conflict between Georgia and South Ossetia, observers say that the value of the Chairman's "fire-brigade" function, which he considers so useful, is overestimated.

The following list of interventions illustrate his efforts to ensure conflicts do not escalate:

- 9 January 2007: Appeal to the Russian Federation and Belarus concerning the delivery of oil
- 13 January 2007: Dispatch of Special Envoy Jose Pons as a mediator to Albania
- 29 January 2007: Official reprimands sent to Georgia and Ossetia
- 12 February 2007: Call for Turkmenistan to ensure that the presidential elections are fair
- 7 March 2007: Criticism of the elections in Abkhazia
- 19 April 2007: Offer to mediate in Ukraine following riots at the constitutional court
- 23 April 2007: Dispatch of Special Envoy Jose Pons to Moldova
- 28 April 2007: Proposal to discuss US missile defence plans in the OSCE
- 3 May 2007: Criticism of the removal of a monument in Tallinn, and protests at the Estonian Embassy in Moscow.

Collective opinion forming encompasses not just the weekly meetings of the Permanent Council and the Forum for Security Co-operation and their committees and working groups, which also serve decision making, but also the vast array of additional meetings, events, conferences, and meetings of bod-

ies. Some of them are organized and chaired directly by the Chairmanship, some indirectly, but all are its responsibility. Naturally, neither the Chairman-in-Office nor his Permanent Representative in Vienna, the Chairperson of the Permanent Council, could take part in all these events. The following selection illustrates what happened in 2007:

- 22-23 January: Vienna, part one of the 15th Economic and Environmental Forum
- 6-7 March: Vienna, OSCE Annual Implementation Assessment Meeting
- 12-13 March: Zaragoza, Second Preparatory Conference to the 15th OSCE Economic and Environmental Forum
- 22-23 March: Vienna, Workshop on enhancing legal co-operation in criminal matters to counter terrorism
- 29-30 March: Vienna, Supplementary Human Dimension Meeting
- 26-27 April: Milocer, Montenegro, Regional meeting of OSCE Heads of Mission in South-Eastern Europe
- 16-18 May: Warsaw, Human Dimension Seminar
- 21-23 May: Prague, part two of the 15th Economic and Environmental Forum
- 31 May-1 June: Vienna, Public-private partnership conference on combating terrorism
- 7-8 June: Bucharest, High-level conference on combating discrimination and promoting mutual respect and understanding
- 11 June: Zagreb, Judges' meeting on inter-state co-operation in war crimes proceedings, promoted by the OSCE
- 12-13 June: Ulaanbaatar, OSCE-Mongolia Conference
- 19-20 June: Vienna, 2007 Annual Security Review Conference
- 28-29 June: Vienna, Drugs experts conference
- 12-13 July: Vienna, Supplementary Human Dimension Meeting
- 19-20 July: Vienna, Workshop on travel document security
- 10-11 September: Helsinki, First Preparatory Conference to the 16th OSCE Economic and Environmental Forum
- 13-14 September: Vienna, High-level meeting on victims of terrorism
- 20-21 September: Vienna, Conference on combating the sexual exploitation of children on the internet
- 9-10 October: Córdoba, Conference on intolerance against Muslims
- 18-19 October: Vienna, Supplementary Human Dimension Meeting
- 5-6 November: Madrid, Madrid Youth Forum.

A considerable number of people were involved in these and other events. For instance, 600 people attended the Budapest conference; 300 were at the Prague forum, and 200 visited the meeting in Zaragoza. However, merely crunching numbers tells us nothing about the effectiveness of all this activity. One notable initiative on the part of the Chairmanship was choosing Israel to

host the Mediterranean Seminar on combating intolerance and discrimination and promoting mutual respect and understanding on 18-19 December 2007.

Meeting and participating in joint activities with representatives of other governments and international organizations helps to promote consultation and communication within the OSCE and beyond. Naturally, this means the Chairman-in-Office has a busy schedule of travel and speechmaking. The following activities illustrate the efforts of the Spanish Chairmanship in this regard in 2007:

- 9 January: Discussions with UN Special Envoy for Kosovo Martti Ahtisaari in Madrid
- 11 January: Meeting with NGO representatives in Vienna
- 22-23 January: OSCE Troika meeting in Brussels; followed by OSCE-EU Troika meeting
- 25 January: Meeting in Madrid with mediators and observers of the situation in Moldova
- 10-14 April: Visit to the five Central Asian participating States; meetings with NGO representatives and with the opposition in Kyrgyzstan
- 3 May: "2+2" meeting with the Council of Europe
- 25 May: Another meeting in Madrid with mediators and observers of the situation in Moldova
- 4 June: Visit to Azerbaijan
- 5 June: Visit to Armenia
- 28 September: Speech to the UN General Assembly in New York
- 8 October: Meeting with the Moldovan president in Chişinău
- 8 October: Meeting with the Transnistrian leader in Tiraspol.

The Spanish Chairman-in-Office undertook fewer foreign trips than some of his predecessors from smaller countries. As well as reflecting personal preference, this could have objective causes arising from the Spanish foreign ministry's superior diplomatic network.

The Results of the Spanish Chairmanship

The Chairman-in-Office can display the fruits of his labour during the Ministerial Council, which is limited to two days in length by the OSCE Rules of Procedure, and which he prepares and heads. However, this "harvest" is often accompanied by hectic sowing, or – to risk stretching the metaphor – watering and fertilizing, aimed at rapidly increasing the yield. This was certainly how it occurred under Spain's stewardship.

The Ministerial Council convened on 29 and 30 November 2007 in Madrid. As always used to be the case, it began with a public opening ceremony. This was followed by the three closed plenary sessions. The short final, pub-

lic session ended in the early evening of 30 November. After the welcome by the Spanish prime minister and addresses by the Chairman-in-Office, the president of the Parliamentary Assembly, and the Secretary General of the OSCE came the statements of the heads of delegation, which, as usual, took up the most time, and speeches by representatives of international organizations. Of all the items on the agenda, the adoption of documents took the least time. Curiously, the Permanent Council had to meet beforehand for an extraordinary session, its 690th plenary meeting, for five minutes to refer the documents to the Ministerial Council, which was necessary before they could formally be adopted. During this session, the Permanent Council also made a snap resolution to create a partnership fund, consisting of voluntarily contributed funds to be used to finance conferences, seminars, workshops, and other meetings with partner countries.⁹

In the Chairman's view at least, the most important procedural innovation in the Ministerial Council Meeting was the holding of a working lunch on the first day, to which he invited the foreign ministers and the heads of delegations. In this semi-formal atmosphere, he sought to encourage an open discussion of the most controversial topics. As a result of this achievement, as the Chairman-in-Office euphorically put it (although the heads of delegations had also eaten lunch together in previous years), a "spirit of Madrid" came into being, which – if one accepts the Chairman-in-Office's explanation – had given the participating States the confidence to be willing to compromise. He therefore strongly recommended that it be repeated at future meetings.

As at earlier Ministerial Council Meetings, several countries, including the US, were not represented by their foreign ministers. In the course of the meeting, the same oppositions arose that were evident at other recent ministerial meetings: over the non-ratification of the Adapted CFE Treaty by the NATO states and Russia's failure to keep its promise to withdraw troops from Moldova and Georgia. The situation was exacerbated this time by Russia's announcement that it was suspending the existing CFE Treaty.

As already mentioned, the meeting took place in the shadow of the 2006 Brussels Ministerial Council, which had failed to decide on Kazakhstan's application for the OSCE Chairmanship in 2009. This had been opposed by the USA, in particular, on the grounds that Kazakhstan lacked the necessary democratic structures.

Other irreconcilable differences, whether manifest or latent, existed with regard to the Kosovo question, ODIHR, the role of the missions, the budget, the legal personality of the OSCE, and regional issues. Yet the Madrid Ministerial Council did not collapse or leave the OSCE paralysed, but resulted in the issuing of two announcements, the adoption of four declar-

9 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 812, Establishment of a Partnership Fund*, PC.DEC/812, 30 November 2007.

ations or statements, and of ten decisions, even if this was, in purely qualitative terms, a rather meagre haul.¹⁰

Two important decisions needed only to be announced by the Chairman-in-Office, having already been made through a silence procedure before the summer: the decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Miklós Haraszti, on 7 March 2007, and the decision on the appointment of the OSCE High Commissioner on National Minorities, Ambassador Knut Vollebæk, on 4 July.¹¹

The Ministerial Council then adopted three “Ministerial Statements” or “Ministerial Declarations”,¹² one on the OSCE partners for co-operation, one on the negotiations aimed at ending the conflict in Nagorno-Karabakh, and the third on supporting the United Nations global counter-terrorism strategy. The statement on Nagorno-Karabakh was no more than a reaffirmation of the OSCE’s support for the negotiating body, known as the Minsk Group, which the Chairman had already declared a success.

As its name would suggest, the Chairman gave particular weight to the “Madrid Declaration on Environment and Security”.¹³ Indeed, the OSCE’s engagement with the dangers of climate change, as explicitly stated in the declaration, does amount to a new field of activity for the Organization, as the Chairman stressed.

The Ministerial Council then passed several “decisions”, which largely concerned organizational matters,¹⁴ such as a decision on issues relevant to the Forum for Security Co-operation, one on OSCE engagement with Afghanistan, one on public-private partnerships in countering terrorism, and one on following up the Fifteenth Economic and Environmental Forum in the area of water management. This decision includes a call for closer co-

10 Cf. the statistical comparison in: Kurt P. Tudyka, In the Absence of a Summit, Is the Ministerial Council Going Round in Circles? In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 53-63.

11 Cf. Decision No. 1/07, Extension of the mandate of the OSCE Representative on Freedom of the Media, MC.DEC/1/07 of 7 March 2007, in: Organization for Security and Co-operation in Europe, *Fifteenth Meeting of the Ministerial Council*, 29 and 30 November 2007, Madrid 2007, MC15EW72, 30 November 2007, p. 15, and Decision No. 2/07, Appointment of the OSCE High Commissioner on National Minorities, MC.DEC/2/07 of 4 July 2007, in: *ibid.*, p. 16.

12 Cf. Ministerial Declaration on the OSCE Partners for Co-operation, MC.DOC/1/07 of 30 November 2007, in: *ibid.*, pp. 3-4; Ministerial Statement, MC.DOC/2/07 of 30 November 2007, in: *ibid.*, p. 5; Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy, MC.DOC/3/07 of 30 November 2007, in: *ibid.*, pp. 6-9.

13 Cf. Madrid Declaration on Environment and Security, MC.DOC/4/07 of 30 November 2007, in: *ibid.*, pp. 10-12.

14 Cf. Decision No. 3/07, Issues Relevant to the Forum for Security Co-operation, MC.DEC/3/07 of 30 November 2007, in: *ibid.*, pp. 17-18; Decision No. 4/07, OSCE Engagement with Afghanistan, MC.DEC/4/07/Corr.1 of 30 November 2007, in: *ibid.*, pp. 19-22; Decision No. 5/07, Public-Private Partnerships in Countering Terrorism, MC.DEC/5/07 of 30 November 2007, in: *ibid.*, pp. 23-24; Decision No. 7/07, Follow-up to the Fifteenth Economic and Environmental Forum: Water Management, MC.DEC/7/07 of 30 November 2007, in: *ibid.*, pp. 27-28.

operation with the United Nations Economic Commission for Europe (UNECE). This could help to raise the significance of the OSCE's second dimension, which has so far tended to be weak, particularly since both organizations have the same membership.

Both the Netherlands, as a result of the failure to secure legal personality of the OSCE, and Ukraine, to express reservations about the role of the Collective Security Treaty Organization (CSTO), appended interpretative statements to the decision on Afghanistan.¹⁵ The Russian Federation issued a statement in favour of co-operation with the CSTO and for control over the planning and funding of the engagement with Afghanistan to remain with the Permanent Council.¹⁶ The decision is concerned with the possibility of strengthening the OSCE's engagement with Afghanistan in order to monitor its borders with the states of Central Asia, to train Afghan police, and to support efforts to combat drug trafficking.

There was one decision in the second dimension (on protecting critical energy infrastructure from terrorist attack)¹⁷ and three dealing with human-dimension issues:¹⁸ the decision on combating trafficking in human beings for labour exploitation, the decision combating sexual exploitation of children on the internet, and the decision on tolerance and non-discrimination: promoting mutual respect and understanding. Of these three decisions, the one on human trafficking stands out, because it is the first time that the OSCE has addressed the market for illegal labour.

The last but one decision, on future OSCE Chairmanships, was considered a life-or-death matter for the Organization.¹⁹ In it, Kazakhstan was granted the Chairmanship in 2010, as was Greece in 2009, and Lithuania in 2011 in a multi-year-package.

The decision in Kazakhstan's favour became possible after the Kazakh foreign minister, Marat Tazhin, made a speech on the first day, in which he distanced himself from a Russian proposal that the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which has always been independent, should be effectively subordinated to the governments of the par-

15 Cf. Decision No. 4/07, OSCE Engagement with Afghanistan, cited above (Note 14), Attachments 1 and 2.

16 Cf. Statement by the Delegation of the Russian Federation, Annex 1 to MC(15) Journal No. 2 of 30 November 2007, in: *ibid.*, p. 81.

17 Cf. Decision No. 6/07, Protecting Critical Energy Infrastructure from Terrorist Attack, MC.DEC/6/07 of 30 November 2007, in: *ibid.*, pp. 25-26.

18 Cf. Decision No. 8/07, Combating Trafficking in Human Beings for Labour Exploitation, MC.DEC/8/07 of 30 November 2007, in: *ibid.*, pp. 29-32; Decision No. 9/07, Combating Sexual Exploitation of Children on the Internet, MC.DEC/9/07 of 30 November 2007, in: *ibid.*, pp. 32-33; Decision No. 10/07, Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding, MC.DEC/10/07 of 30 November 2007, in: *ibid.*, pp. 34-36.

19 Cf. *Decision No. 11/07, OSCE Chairmanships in 2009, 2010 and 2011*, MC.DEC/11/07 of 30 November 2007. The final decision just dealt with the time and place of the next meeting of the Ministerial Council; cf. Decision No. 12/07 of 30 November 2007, Time and Place of the Next Meeting of the OSCE Ministerial Council, in: *ibid.*, p. 39.

ticipating States: “Kazakhstan commits to preserve ODIHR and its existing mandate and will not support any future efforts to weaken them.”²⁰ Tazhin also stated that, with ODIHR’s help, Kazakhstan would reform legislation related to elections and political parties by the end of 2008, and would work with the OSCE Representative on Freedom of the Media to liberalize its media laws.²¹

Kazakhstan had received the support of Russia, among others, with Moscow keen to see an answer to the question of whether the OSCE represented the interests of all participating States. The USA had barely disguised the fact that its assent to Kazakhstan’s assuming the Chairmanship would require the latter to distance itself from a Russian proposal that would have prohibited ODIHR from publishing the results of its election monitoring activities without the approval of the affected government. The Russian foreign minister, Sergei Lavrov, described this as a deep crisis in the OSCE, whose origins lay in the fact that “some states”, as he said, attempted to turn it into an instrument for “democratizing lessons”, and refused completely to discuss necessary reforms.²²

Greece, Lithuania, Belarus, the Russian Federation and Kazakhstan all issued interpretative statements regarding the multi-year decision. While the first two countries merely expressed polite thanks for being selected, the other three statements revealed the contradictory understandings of the OSCE that had emerged in the run-up to the decision. The representative of the Russian Federation noted “that the decision was preceded by attempts to tie us all down with certain conditions regarding the attainment of consensus, including the demand that we must renounce all further efforts to reform the Office for Democratic Institutions and Human Rights (ODIHR).”²³ As could be expected, the Belarusian representative shared this point of view, opposing the imposition of preconditions on candidates for the Chairmanship,²⁴ while the Kazakh delegation was ultimately concerned with avoiding offending any side, expressing, on the one hand, disappointment at not being selected to hold the 2009 Chairmanship, but adding, ironically and cryptically, that “the situation related to our bid should not be regarded as a precedent but, never-

20 *Address of H.E. Dr. Marat Tazhin, Minister of Foreign Affairs of the Republic of Kazakhstan, at the OSCE Ministerial Meeting*, Madrid, 29 November 1997, at: <http://en.government.kz/documents/publications/page09>.

21 Cf. OSZE-Vorsitz für Kasachstan [OSCE Chairmanship for Kazakhstan], in: *Frankfurter Allgemeine*, FAZ.NET, 30 November 2007, at: <http://www.faz.net/print/Politik/OSZE-Vorsitz-fuer-Kasachstan>.

22 *Speech by Russian Minister of Foreign Affairs Sergey Lavrov at the 15th OSCE Ministerial Council Meeting*, Madrid, November 29, 2007, at: http://www.in.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcb3/79192e2f10681d34c32573a30046d58a?OpenDocument.

23 *Statement by the Delegation of the Russian Federation*, Annex 5 to MC(15).Journal No. 2 of 30 November 2007, in: Fifteenth Meeting of the Ministerial Council, cited above (Note 11), p. 86.

24 Cf. *Statement by the Delegation of Belarus*, Annex 3 to MC(15) Journal No. 2 of 30 November 2007, in: *ibid.*, p. 84.

theless, as an example of a constructive decision taken with a view to raising the importance and role of the OSCE in the global community”²⁵

Among the statements made at the Ministerial Council, the comments of Russian Foreign Minister Lavrov are particularly interesting because they contain a blunt illustration and reflection of the OSCE’s crisis. He cites “deep-seated differences in the views of the role, purpose and future of the OSCE” and states that the participating States have been “unable to overcome the negative trends in the evolution of the OSCE”.²⁶ He goes on to describe it as a “moment of truth” for many of the fundamental problems of European security. In Lavrov’s view, however, the OSCE unfortunately remains “on the sidelines of the main developments”, its lack of relevance is a consequence of the domination of particular group interests over pan-European ones. He then lists a catalogue of grievances, including the question of Kosovo, the long blockage of Kazakhstan’s candidature, the lack of accountability of the missions, the misuse of extrabudgetary funds, the questionable value of the presence of certain shady NGOs at OSCE meetings, the one-sidedness of measures taken by ODIHR, and finally the problem of the CFE Treaty.²⁷

When Russian journalists asked whether Russia might be about to leave the OSCE, Lavrov answered in the negative, adding that “I hope that the acrimonious nature of the discussion in the OSCE may cause everyone to reflect upon the future of the Organization.”²⁸ This was a reaction to US Under Secretary of State R. Nicholas Burns, who had accused Russia of carrying out an “attack” on the OSCE’s very substance.²⁹

Conclusion

At the Madrid Ministerial Meeting, not only were fewer declarations and decisions adopted than in previous years, but those that were adopted lacked substance. At least as worrying is the fact that no decisions were adopted on the conflicts that continue to smoulder in various parts of the OSCE area or, above all, on the precarious situation of the Mission in Kosovo. Despite lengthy and intensive preparation by a specially appointed commission, the Ministerial Council was unable to adopt the draft convention on the legal

25 *Decision No. 11/07*, cited above (Note 19), Attachment to MC.DEC/11/07, pp. 37-38, here: p. 38.

26 *Statement by Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, at the Fifteenth Meeting of the OSCE Ministerial Council*, MC.DEL/34/07, 29 November 2007, p. 1.

27 Cf. *ibid.*, pp. 1-2.

28 Reinhard Vesper, Vor den Duma-Wahlen. Russlands Anschlag auf die OSZE, in: *Frankfurter Allgemeine*, FAZ.NET, 29 November 2007, at: <http://www.faz.net/s/RubDDBDABB9457A437BAA85A49C26FB23A0/Doc~E7AACED21379E474291511599DE474DCB~A.Tpl~Ecommon~Scontent.html> (author’s translation).

29 Cf. *ibid.*

status of the OSCE, which is urgently required if only to secure the personal safety of OSCE personnel. Efforts to achieve consensus here floundered on whether the legal formalization of the Organization should extend as far as the creation of a charter. The Chairman nonetheless attached the finished draft to his final statement. Likewise, the draft of a document acclaiming the work of human rights defenders and institutions failed to achieve the necessary unanimous support.

The Ministerial Council's failure to produce a political declaration was less of an issue – given that it has not done so since 2003 – than its failure to even produce a draft of one. The Spanish Chairmanship appeared to be afraid of both losing face and of reopening recently closed divisions (more like chasms). This is ultimately an admission of his own loss of power, belief, and patience in the possibility of producing a consensus by means of persuasion. However, what was lacking here was less the Chairman's ability to formulate a compromise as the a general willingness to compromise on the part of the participating States. One small blessing was the lower number of interpretative statements attached to the decisions that were passed than in previous years. This can be traced back, however, to a clever strategy of restraint that avoided insisting that certain decisions be passed.

Instead of a political declaration approved by a mere majority of the participating States, the Chairmanship preferred to present its "food for thought", which did not even include those tasks that had not been or could not be performed.³⁰ Once more, this did not fail to include the desire for a meeting of Heads of State or Government – the last Summit having been held in Istanbul, eight years ago. Yet the OSCE is a dependent variable in the international environment, which is shaped by the major participating States in other forums.

The Chairman admitted that he was himself disappointed at what had been achieved, even if he expressed it indirectly: "The reality of this year has left us with mixed feelings." As he noted, the problems included "disagreements, the occasional intrusion of tensions and conflict situations".³¹ Although he had always avoided making grand announcements, he had nonetheless possessed a very different conception of how the Ministerial Council would progress. Nor was he able to inspire hope of an OSCE renaissance, and the Organization must continue to fear for its ongoing ability to function effectively. However, the Spanish Chairman was able to reduce the level of fear during his term of office. His achievements were minimal, sufficing merely to keep the Organization afloat; it was more a matter of preserving existing achievements than searching for – let alone finding – renewal.

30 Cf. *Spain Chairmanship's Food for Thought on the Outcome of the Madrid Ministerial Council*, Cf. CIO/GAL/181/97, 4 December 2007.

31 *Statement by the Minister for Foreign Affairs and Co-operation of Spain, Chairman-in-Office of the OSCE, at the Fifteenth Meeting of the Ministerial Council*, MC.DEL/12/07, 29 November 2007, p.1.