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Foreword by the Chairperson-in-Office

When Kazakhstan assumed the duties of the OSCE Chairmanship at the beginning of this year, we were proud to become the first Central Asian state, the first former Soviet republic, and the first majority-Muslim country to chair the Organization. Now, as our year at the helm concludes, we remain proud – proud of the work that the Organization has accomplished this year. At the beginning of December, at President Nursultan Nazarbayev’s initiative, OSCE Heads of State or Government gathered in Astana for the first OSCE Summit in eleven years. They reaffirmed their adherence to all agreed-upon OSCE norms, principles, and commitments, and laid out an ambitious vision of a free, democratic, common, and indivisible security community stretching from Vancouver to Vladivostok.

In January, in a video address to the OSCE Permanent Council in Vienna, President Nursultan Nazarbayev announced that Kazakhstan’s Chairmanship would be guided by “four Ts” – trust, tradition, transparency, and tolerance. We endeavoured to live up to these principles, to be worthy of the confidence placed in us, and to meet the expectations of the OSCE community. We also endeavoured to enhance trust in the OSCE area and to strengthen the Organization itself. Special conferences marking the 20th anniversary of the Charter of Paris and the Copenhagen Document in France and Denmark, as well as the informal meeting of the OSCE foreign ministers in July in Almaty contributed to this, as did, of course, the Astana Summit in December.

In the politico-military dimension, our Chairmanship has supported joint efforts to revive and strengthen the arms control regime and confidence-building measures. Together with our partners in the Forum for Security Cooperation, we began looking at a much-needed update of the Vienna Document 1999, and we hope that a revision will be agreed upon next year. We also adopted a plan of action to tackle the threat of small arms and light weapons. A roundtable in February highlighted the importance of the principles inherent in the OSCE Code of Conduct on Politico-Military Aspects of Security.

In the economic and environmental dimension, we prioritized good governance at border crossings and the development of secure and efficient land transportation. The 18th Economic and Environmental Forum focused on this topic and contributed to crucial international deliberations at a time when we are emerging from the global financial crisis. The link between the environment and security was also in focus, particularly the potential of using the work to address the challenges of the Aral Sea region as a model for resolving environmental problems elsewhere in the OSCE area.

In the human dimension, Kazakhstan put the spotlight on tolerance as an essential element of security. We focused attention on interethnic and interreligious tolerance with a view to reducing the risk of conflict in the OSCE area. The OSCE High-Level Conference on Tolerance and Non-Discrimination held in June in Astana was part of this work. The Chairmanship spared no effort in fostering constructive co-operation with civil society and ensured the broadest possible involvement of non-governmental organizations in the OSCE's activities. We also strongly supported the work and the independence of the OSCE institutions, which serve as important tools for ensuring respect for human rights, fundamental freedoms, democratic principles, and the rule of law throughout the OSCE area.

We endeavoured to enhance co-operation in countering transnational threats and challenges, including those originating outside the OSCE area. In addressing these and other challenges, we sought to strengthen the OSCE's interaction with its Partners for Co-operation, particularly Afghanistan, and with other international and regional organizations.

As with all OSCE Chairmanships, our agenda was also set by unforeseen events and crises. The crisis in Kyrgyzstan was a challenge for all of us. Our Special Envoy, Ambassador Zhanybek Karibzhanov, together with colleagues from the OSCE Secretariat, immediately travelled to Bishkek to support negotiations with all stakeholders to restore public order and confidence. In close co-operation with the United Nations, the European Union, and others, the OSCE played an important role in supporting Kyrgyzstan's efforts to return to stability, first in April and then in June when renewed violence broke out. While strengthening the activities of the OSCE field operation in the country we led complex negotiations on how the OSCE could contribute to the process of restoring public safety. In the end, we agreed on sending a group of international police advisors to Kyrgyzstan for a year as part of a Community Security Initiative. The advisors will help restore confidence between the police and the local population, and between the different ethnic communities. The Organization will remain committed to stabilizing the situation in the country and to its sustainable development.

We also worked to resolve the protracted conflicts that continue to threaten security in the OSCE area. The Transdnistria conflict settlement process remains a priority, and we saw some positive dynamics this year, including the holding of regular informal 5+2 meetings, which include the three mediators – the OSCE, the Russian Federation, and Ukraine – and the two parties to the conflict, as well as the EU and the United States as observers. The Minsk Group continued its intensive efforts to resolve the Nagorno-Karabakh conflict, and we hope that further progress can be made in this respect in the coming year. The Geneva International Discussions served as a useful tool in the search for solutions in the area of security, stability, and humanitarian issues following the August 2008 conflict in Georgia. A positive sign here was the resumption of the Dvani/Ergneti Incident Prevention

and Response Mechanism, which was reconvened in October, following a one-year hiatus. We are convinced that the proper functioning of this mechanism will help increase the level of trust and expand the opportunities for resolving security and humanitarian questions.

Much of the second part of the year, following the decision by participating States to hold a Summit in Astana, was devoted to preparations for this top-level meeting. Over two intensive days, we welcomed presidents, prime ministers, government ministers, and other top officials to our young capital. As expected given the complex political environment, negotiations were difficult. The Astana spirit kept us working, seeking constructive solutions to build consensus. It was late at night when President Nazarbayev chaired the final session of the Summit, where the “Astana Commemorative Declaration: Towards a Security Community” was adopted. This declaration is a strong document that reaffirms our adherence to the norms and principles that form the basis of security in the OSCE region. Just as importantly, it lays out a common vision for the future.

“We are determined to work together to fully realize the vision of a comprehensive, co-operative and indivisible security community throughout our shared OSCE area. This security community should be aimed at meeting the challenges of the 21st century and based on our full adherence to common OSCE norms, principles and commitments across all three dimensions,” the leaders said in the declaration.

As Kazakhstan’s Chairmanship draws to a close, we stand ready to do all we can to help the incoming Lithuanian Chairmanship, and the Irish and Ukrainian Chairmanships that follow, to move this vision closer to reality.

Preface

Kazakhstan's OSCE Chairmanship in 2010 cast a spotlight on a region that most Europeans, certainly prior to the collapse of the Soviet Union, would have considered *terra incognita*.¹ Central Asia, which has an area of over four million square kilometres and a population of some 60 million, is the topic of the special focus section in the OSCE Yearbook 2010.

In January 1992, not long after achieving independence, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan were admitted to the CSCE/OSCE. The decision was not without controversy at the time, but the view was to prevail that an integrationist policy – i.e. one that supported granting all the successor states of the Soviet Union participation in the CSCE/OSCE – would not only contribute to overcoming the political and economic crises that followed the break-up of the multinational USSR, but was also in accord with the OSCE's inclusive and co-operative concept of security.² Institutional relations between the Organization and the states of the region have been successively expanded since the establishment of a long-term mission in civil-war-struck Tajikistan in 1993/94; since 1999, the OSCE has had a presence in each of the five states.

According to the OSCE's multidimensional understanding of the concept, security – in Central Asia as elsewhere in the OSCE area – should be established in the politico-military, the economic and environmental, and the human dimensions. From the very start, however, the extent to which European conceptions of security, with their close links to democracy, the rule of law, and human rights, could be transposed to Central Asia was a subject of dispute. A critical analysis in a recent OSCE Yearbook painted a less than rosy picture. It argues that while all the states of the region spoke positively of intensifying co-operation with the OSCE in the 1990s, none acted consistently in accordance with its fundamental principles. The author concludes that this could not be attributed to a lack of resources and capacities alone – there was also a shortage of political will.³ In all five Central Asian states,

1 There is no standard definition of which countries belong to the region of Central Asia. The primarily political understanding of the term used here and within the OSCE encompasses the five former Soviet republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Although these states indisputably share certain qualities, they by no means constitute a homogeneous group, and in terms of social and economic development, for instance, demonstrate considerable differences.

2 Cf. Tim Epkenhans, *The OSCE's Dilemma in Central Asia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 213-222, here: p. 213.

3 Cf. *ibid.*

autocratic presidential regimes were established, while deficits in democratization and human rights are noted to this day.⁴

Both the OSCE's noble aspirations and expectations and the growing sense of disenchantment must be seen alongside the West's concrete interests. Central Asia has for some time now been moving increasingly rapidly towards the centre of European and international policy concerns, as evinced, for example, by the adoption of the EU Strategy for Central Asia in 2007. Besides Central Asia's strategic importance, which results from its proximity to Afghanistan, its key role in securing the EU's new external borders, and its role in combating the illegal trade in drugs and arms, the interests of the West in Central Asia are largely economic and trade-based, above all the desire to secure Europe's energy supply. Kazakhstan and Turkmenistan have major oil and gas reserves, particularly the latter; Central Asia is the second largest source of natural gas after the Persian Gulf.⁵ Furthermore, Kazakhstan and Uzbekistan are among the world's ten largest producers of Uranium, a strategically vital metal whose importance is likely to grow significantly in the near future.⁶

Central Asia is the only major OSCE region significantly shaped by Islam. Three authors dedicate their contributions to this topic in this year's Yearbook: Tim Epkenhans, the former director of the OSCE Academy in Bishkek, who analyses the role of Islam in the security discourse of the Central Asian states, and Arne C. Seifert and Esen Usabaliev, whose joint contribution considers relations between the secular state and the Muslim community in Kyrgyzstan.

In another contribution in the special focus section, Leonid Golovko discusses the opportunities for comprehensive legal reform in Central Asia and the barriers that stand in its way.

Central Asia is home to well over 100 different nationalities – more than 130 in Kazakhstan alone. In her contribution to the special focus section, Beate Eschment discusses nationalities policy and the situation of national minorities in Kazakhstan. Moreover, as a consequence of the arbitrary borders drawn between the republics in the 1920s with no reference to ethnic

4 In the Bertelsmann Transformation Index 2010 Status Index (which ranks transition countries in terms of democratization, rule of law, and market reforms), Kazakhstan comes 76th, Kyrgyzstan 83rd, Turkmenistan 115th, Tajikistan 118th, and Uzbekistan 120th of 125 countries. In the categories "Political Rights" and "Civil Freedoms" (human rights) of Freedom House's 2010 "Freedom in the World" rankings, Kyrgyzstan, Kazakhstan, and Tajikistan each achieved scores of 6 and 5 on a scale from 1 (free) to 7 (unfree), while Turkmenistan and Uzbekistan each merited a 7 in both categories. For further information, see: Stillstand auf niedrigem Niveau? Die zentralasiatischen Staaten in den neuesten politischen Länder rankings [Stuck at the Bottom of the Table? The Central Asian States in Recent National Comparisons], in: *zentralasien-analysen* 29/10, 28 May 2010, pp. 12-24, at: <http://www.laender-analysen.de/zentralasien/pdf/ZentralasienAnalysen29.pdf>.

5 Cf. Miguel Á. Pérez Martín, *Geo-Economics in Central Asia and the "Great Game" of Natural Resources: Water, Oil, Gas, Uranium and Transportation Corridors*, Real Instituto Elcano working paper, Madrid, 19 April 2010, p. 14.

6 Cf. *Ibid.*, pp. 21-25.

considerations, each of the Central Asian states contains significant national minorities of ethnic groups that form the titular nation in adjacent states. The recent events in Kyrgyzstan – the political unrest and overthrow of President Kurmanbek Bakiy in April and the bloody clashes (not seen since 1990) between ethnic Kyrgyz and members of the Uzbek minority in Osh and Jalal-Abad in June 2010 – present a paradigmatic example of just how fragile the states in the region are. In their contribution, Thomas Kunze and Lina Gronau consider why it has not proven possible to stabilize Kyrgyzstan following the Tulip Revolution of 2005.

For Central Asia, and particularly for Kazakhstan, Europe is a “sought-after modernization partner”,⁷ something that finds expression not least in Kazakhstan’s “Strategy 2030”. Ailuna R. Utegenova presents this long-term development programme in her contribution to this year’s special focus section.

Away from the special focus topic, contributions by prominent international academics, diplomats, and senior military personnel in the OSCE Yearbook 2010 provide the usual comprehensive and in-depth coverage of the activities of the world’s largest regional security organization. Following the Foreword by the Organization’s current Chairperson-in-Office, Kazakhstan’s Secretary of State and Foreign Minister Kanat Saudabayev, the section on “The OSCE and European Security” contains analyses of the OSCE Summit in Astana by Wolfgang Zellner and Andrei Zagorski. Vladimir I. Voronkov, Graeme P. Herd and Pál Dunay, Marcel Peško, Przemysław Grudzinski, and Rachel S. Salzman then discuss the Russian draft Treaty on European Security, ongoing developments in the Corfu Process, and the future of Euro-Atlantic security from a range of perspectives.

The focus of Oleh Protsyk’s contribution are the challenges old and new facing Ukraine’s current leadership following the 2010 presidential election; Stanislav Raščan reviews relations between Slovenia and the OSCE.

The Corfu Process is not only a dialogue on security policy at ambassadorial and ministerial level, it also affects numerous areas of the OSCE’s activity. This is elucidated by Alice Ackermann and Herbert Salber from the OSCE Conflict Prevention Centre with respect to “Conflict Prevention and Dispute Settlement”. In the chapter with the same name, Silvia Stöber asks how effective the now closed OSCE Mission to Georgia was and was allowed to be. Frank Evers focuses on the Ukrainian domestic political situation, with particular reference to interethnic and inter-religious relations in Crimea.

A major chapter of the OSCE Yearbook is always dedicated to the Organization’s activities in the three dimensions of security. Jens-Hagen

7 According to the EU Special Representative for Central Asia, Pierre Morel, in an interview with Beate Eschment in: *zentralasien-analysen* 31-32/10, 30 July 2010, pp. 29-35, here: p. 30, at: <http://www.laender-analysen.de/zentralasien/pdf/ZentralasienAnalysen31-32.pdf>.

Eschenbächer and Bernhard Knoll from ODIHR in Warsaw consider the proposition that election monitoring in Western democracies is both reasonable and necessary. Sarah Riese, Nora Roehner, and Christoph Zuercher present the results of a research project to examine the effectiveness of external democratization strategies in post-war societies, with special reference to Bosnia and Herzegovina, Kosovo, and the former Yugoslav Republic of Macedonia. Roland Bless's contribution is dedicated to the question of how combating terrorism impacts the protection of media freedom, while Natalie Sabanadze introduces the most recent recommendations of the High Commissioner on National Minorities as applied to the South Caucasus. Finally, Patrice Dreiski discusses the place of "energy security" on the OSCE's agenda.

In the chapter on the structures and institutions of the OSCE, Kurt P. Tudyka evaluates the activities of the Organization's Greek Chairmanship in 2009; Murat Laumulín from the Kazakh Institute for Strategic Studies outlines the challenges that faced Kazakhstan's 2010 Chairmanship.

Three contributions on the external relations complete this year's anthology: Nikolai Bordyuzha, Secretary General of the Collective Security Treaty Organization (CSTO), the military alliance of CIS states, furnishes an insight into his organization's structure and functioning; Alice Ackermann, John Crosby, Joop de Haan, and Erik Falkehed from the OSCE Conflict Prevention Centre discuss the OSCE's contribution to mediation. And last but not least, Monika Wohlfeld provides an overview of relations between the OSCE and its Mediterranean Partners for Co-operation.

The editors and editorial board are greatly obliged to the authors that have contributed to the current volume, without whose dedication, expertise, and wealth of experience the OSCE Yearbook would not be possible.

There were high expectations of the Summit in Astana, and the failure of the Heads of State or Government to reach agreement on the wording of the "Astana Framework for Action" and thus to adopt the Summit's main document is deeply disappointing. Certain ideological rifts clearly go deeper than was thought. However, it is not the OSCE that has failed (and the blame certainly does not lie with the Kazakh Chairmanship). Summits are only one – if politically the highest – level of the Organization. The OSCE today is no longer merely a conference, a forum for dialogue, even if this remains its most important function. The conference has long been transformed into an organization with permanent structures and institutions charged with performing a broad variety of concrete tasks. Yet an organization is only as strong as its members allow it to be. There is frequently a lack of correlation between the tasks it is charged with performing and the instruments it is provided with to perform them. The OSCE still lacks legal personality, the ability to apply more than minimal sanctions, not to mention the option to deploy troops – if only for peacekeeping purposes – yet among the things it does possess is the mandate to resolve the "frozen conflicts"; its failure to do so is

leveled at it in accusation. Furthermore, a lasting and reliable peace can only be achieved if the conflict parties (and their allies) demonstrate the political will for a peaceful resolution. This too is lacking in the case of the “frozen conflicts”. The irreconcilable positions of Russia and the USA and Russia and Georgia with regard to Abkhazia and South Ossetia are well known and more or less rule out any consensus on a concrete mandate with regard to the frozen conflicts for the time being. Yet this is precisely why the conflicts require continuous attention – in terms of both practical measures on the ground and diplomatic dialogue. The day after the Summit ended, the German news magazine *Spiegel* wrote that OSCE is “de facto unemployed” – but that is precisely what it is not. The OSCE is an organization that performs a wide range of tasks at operational level – via its institutions, the departments of its Secretariat, and its missions and presences on the ground. Nothing about its responsibilities in these areas has changed. Of course, the Organization also remains a forum for discussion – where else can contradictory positions be discussed among equals? How else can they be overcome except in dialogue? However, this does not only take place at the level of the Heads of State or Government, but rather among the permanent representatives of the 56 participating States, who meet in Vienna, week in week out, to discuss contradictions, rifts, and conflicts and to search for solutions. However difficult and time consuming they are, these discussions continue to be necessary, because they represent the only peaceful means there is to overcome the rifts and contradictions, bring peace where there is conflict, and establish trust. For that reason, a functioning OSCE is also in the interest of the Heads of State or Government.

I.

States of Affairs – Affairs of State

The OSCE and European Security

The 2010 OSCE Astana Summit: An Initial Assessment

OSCE Summits are no routine matter. Although the 1992 Helsinki Document provides for a Summit every two years, eleven years passed between Istanbul 1999 and the OSCE Summit Meeting that was held in the Kazakhstani capital of Astana on 1-2 December 2010. Expectations were all the higher as this was the first OSCE Summit to be held in a Central Asian state, the first in a CIS country, and the first in a country with a predominantly Muslim population. These high hopes were largely disappointed. While the Summit adopted the “Astana Commemorative Declaration”,¹ it failed to reach consensus on the “Astana Framework for Action” because of disagreement over the unresolved conflicts. This proved the truth of the observation made by the Polish Foreign Minister, Radosław Sikorski, on the second day of the Summit Meeting that “holding the Summit now is not a risk-free venture”.²

This article starts with some deliberations on the nature of political success and failure within the CSCE/OSCE framework. This is followed by an account of the Astana Declaration. An analysis of why agreement on the Framework for Action could not be achieved is followed by a brief description of the Framework’s major elements. Finally, it addresses the concern of what steps the Organization can take after Astana.

Political Success and Failure in the CSCE/OSCE Context

Political success stories in the CSCE/OSCE context have occurred for quite different reasons. The success of the 1975 Helsinki Summit was based on a grand compromise between the Soviet interest in legitimizing the territorial and political status quo in Europe, and the Western objective of changing precisely that state of affairs. Thus, motivations for signing the Helsinki Final Act were quite contradictory. At the other end of the spectrum, the 1990 Paris Summit expressed great joy over a new era of democracy, peace, and unity shared by all states. In this respect, Astana 2010 was less epoch-making, driven neither by great elation nor by fundamental decisions about the European security order. The Astana Summit agenda – arms control in Europe,

1 Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Towards a Security Community*, SUM.DOC/1/10, 3 December 2010, at: <http://www.osce.org/mc/73962>.

2 *Address by H.E. Radosław Sikorski, Minister for Foreign Affairs of the Republic of Poland, VII OSCE Summit, Astana, 2nd December 2010*, SUM.DEL/59/10, 2 December 2010, at: www.osce.org/cio/73956.

transnational threats in Central Asia and Afghanistan, human dimension issues – was rather of a kind that does not concern heads of state or government on a daily basis.

Recognizing political success or failure is also a matter of chronological distance. Thus, the historical importance of the Helsinki Final Act only became clear much later, while in 1975 even some participants did not attribute major relevance to this Summit Meeting. By contrast, the 1999 Istanbul Summit was immediately assessed as a great success. In hindsight, however, it has become clear that it marked more the starting point of a decade of disputes and disagreement among states that led to a decline of the political relevance of the OSCE. In addition, the line separating success and failure is sometimes very thin. The 1999 Istanbul Summit, for instance, nearly failed because of disputes over Chechnya. For all these reasons, it might be too early to form valid conclusions on the Astana Summit. Any assessment can only be preliminary, if only because the final success and/or failure of Astana depends largely on the conclusions the participating States draw from it. This is particularly true for a Summit Meeting like this, which is characterized by a complex mix of success and failure.

The Astana Commemorative Declaration

In spite of its brevity – it is three-and-a-half pages in length – the Astana Declaration is a fully fledged political document, only the third at the level of Ministerial Council Meetings and Summits since the 1999 Istanbul Summit. Although the main purpose of the Astana Declaration is to reconfirm existing CSCE/OSCE commitments, its character is not solely commemorative. The Declaration does contain new elements, the most striking being the “vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals” (para. 1). The idea of a “security community” was introduced within the OSCE’s Corfu Process in the first half of 2010. According to Karl Deutsch, who devised this concept, “the existence of a pluralistic security community would be tested operationally by the absence of systematic advance preparations for warfare in terms of significant amounts of manpower and resources”.³ From this, it is clear that the term “security community” cannot be used as a description of the current state of affairs, but rather represents a bold vision of a completely new quality of international relations within the OSCE area. This is reflected in the phrasing of the Astana Commemorative Declaration, which is subtitled “*Towards a Security Community*” (emphasis added).

3 Karl W. Deutsch, *Political Community at the International Level. Problems of Definition and Measurement*, 1970, p. 41.

One can ask whether such an objective is not overly ambitious, particularly since the participating States could not even agree on a working programme in Astana. Apparently, the desire among states was to transcend, at least at the normative declaratory level, the previous *acquis* of the Organization, which was summarized in the Astana Declaration as “comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations” (para. 2). To go beyond this normative level, which had already been achieved with the 1990 Charter of Paris, it was obviously necessary to resort to the vision of a security community, a community that has moved so far from the idea of violent conflict among its members that they no longer prepare for war. On the other hand, the proclamation of a security community focuses even more sharply on the distance between this lofty political objective and the dire political realities that are recognized in the Declaration via the statement that “mistrust and divergent security perceptions must be overcome” (para. 7). Time will show whether this ambitious political vision will inspire states to change political realities for the better, or whether unchanged or even worsening political circumstances will undermine the goal of a security community.

The security community to which the Declaration aspires is qualified as Euro-Atlantic and Eurasian. The term “Eurasian”, in particular, might be considered an expression of recognition that the Central Asian States have finally arrived in the OSCE; it might also reflect their increased political relevance and self-confidence. And it is certainly tied to the 2010 Kazakhstani Chairmanship, without which there would have been no Summit in 2010, nor such a prominent place for Central Asia on the OSCE’s agenda.

Another important feature of the Astana Declaration is that it reconfirms the famous formula of the 1991 Moscow Document: “We reaffirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned” (para. 6). That the language of 1991 could be reconfirmed now, and for the second time in a Summit Document (after the 1992 Helsinki Summit Declaration), is by no means politically trivial, but rather points to the durability of the OSCE’s normative *acquis*, even if this *acquis* is not yet (completely) implemented in all participating States.

Why the Astana Framework for Action Failed

According to negotiators, 95 per cent of the Astana Framework for Action had already been agreed upon – everything apart from the sections concerning the unresolved conflicts, particularly Georgia and Moldova – before this

eight-page plan of action failed precisely because of disputes over these conflicts. While the EU and Russia would have been able to find common language on these conflicts, this was not seen as sufficient by the USA, Georgia, and Moldova. One speculation was that the USA was seeking to achieve very strict language on these conflicts in order not to provide the US Senate with any pretext for blocking the ratification of the New START Treaty.⁴ Again, as in the final years of the Clinton administration, the Republican Party has started to co-govern in Washington.

The failure to adopt the Astana Framework for Action has shown again how powerful and destructive the disputes over the protracted conflicts, which, for a certain period, were erroneously called frozen, still are. Before Astana, the dominant perception was that the Summit would trigger difficult discussions, but would most probably lead to at least a modest success, including some kind of working plan. After Astana, it is once again clear that, as in 2008, the explosiveness of the unresolved conflicts, particularly in Georgia, has been underestimated, and the amount of confidence newly created by the discussion processes of the last year and a half has been overestimated. The failure of Astana to adopt a plan of action is all the more relevant as it was, in a sense, preceded by a lengthy preparation phase, namely the Corfu Process. During this process, it was frequently said that the discussions were substantive, and that the atmosphere and mutual understanding had improved. Apparently, all this was not enough to achieve an agreement on concrete action. This is a sobering discovery, but probably also a healthy one.

The inability of OSCE meetings to agree on political documents because of disagreement on sub-regional conflicts is admittedly nothing new. Since the 2000 Ministerial Council Meeting in Vienna, we have become used to the fact that OSCE Ministerials, with rare exceptions, have not been able to agree on final declarations. However, these meetings were able to agree on other decisions. If Astana had been a Ministerial, it would have achieved more than other Ministerials because it adopted a final declaration. But Astana was a Summit, which had raised much higher expectations, particularly regarding the overcoming of past tensions and disputes, and the re-establishment of a meaningful OSCE agenda through a concrete and detailed working programme. Thus, the level of disappointment this time is much higher.

At Astana, once again, an important document failed because of specific unresolved conflicts. While Georgia and the other protracted conflicts do possess inherent importance, they have more significance as symbols of deep mistrust and suspicion. The fact that the Astana Framework for Action failed because of these conflicts is particularly worrisome because it was the shock

4 On the role of the so-called Istanbul commitments – the obligation of Russia to withdraw its armed forces from Georgia and Moldova – for the non-ratification of the Adapted CFE Treaty by the NATO member states, and their pre-history in the US Senate, see Ulrich Kühn, *From Capitol Hill to Istanbul: The Origins of the Current CFE Deadlock*, CORE Working Paper 19, Hamburg 2009.

of the 2008 Georgia war – the shock that a war between two participating States could actually happen – that was one of the main drivers of the Corfu Process. Now, the dynamics of the process have changed again, but in the wrong direction.

Is this partial failure of Astana primarily the consequence of regrettable accidents, such as the excessive negotiation tactics of this or that delegation, or is it more structural in nature? Although the former would be convenient, as it would allow us to lay the blame on one side or another, unfortunately the second option seems to be more convincing. Because the syndrome of unresolved conflicts points to far deeper layers of existing confrontational elements, it would be superficial to look for a “guilty” party.

This notion that structural causes are to blame is supported by the fact that the expectations various parties had of the Summit were significantly different or even contradictory: While the Western states – the USA and the EU states alike – wanted to achieve concrete results, Russia’s aim was to avoid adopting a too detailed working programme. The results achieved in Astana correspond more with Russia’s expectations, while the Western countries have not secured their stated objectives.

All in all, the failure to adopt the Astana Framework for Action means that the Summit was unable to break the unfortunate tradition that OSCE Ministerial Council Meetings have established over the last decade of failing to achieve consensus on key documents because of disagreement over sub-regional conflicts. In this respect, Astana rather represents the political status quo, albeit this time at Summit level. Significantly, however, the most important objective tied to the Summit – making a decisive and visible step forward – has not been achieved.

Major Points of the Non-Adopted Astana Framework for Action

The failure of the Astana Framework for Action is all the more deplorable given that this working plan, which covers all the major items on the OSCE agenda, is a document of considerable substance. Its section on early warning and crisis management aims at, among other things, enhancing the analytical and operational capacity of the OSCE executive structures, developing the capacity of the Secretariat to support mediation efforts by the Chairmanship, reinforcing the OSCE mechanisms and procedures, and improving the effectiveness and efficiency of the OSCE decision-making bodies in preventing and dealing with emerging and existing conflicts.

In the economic and environmental dimensions, the Framework for Action calls for the dialogue on energy security, transport security, and migration management to be strengthened, and tasks the OSCE bodies with reviewing the 2003 OSCE Strategy Document for the Economic and Environmental Dimension.

The Framework's section on the human dimension is particularly well written. Among other things, it tasks the OSCE bodies with taking concrete measures to ensure the protection of journalists, considering updating media freedom commitments, countering manifestations of racism, xenophobia, anti-Semitism, discrimination, and intolerance, and strengthening the implementation of OSCE commitments with respect to Roma and Sinti.

The section on transnational threats and challenges seeks to make the 2003 Maastricht Strategy to Address Threats to Security and Stability in the Twenty-First Century more operational by means of actions including consolidating the existing counterterrorism mandates, establishing a strategic framework for police-related activities, adopting an OSCE concept to combat trafficking in illicit drugs and chemical precursors, and implementing the 2005 OSCE Border Security and Management Concept. In addition, the Framework for Action plans to upgrade assistance to OSCE Partner State Afghanistan by providing training to Afghan police, border guard, and customs officials; continuing election support by ODIHR; developing and co-operation in areas such as good governance, economic development, rule of law, tolerance and non-discrimination, and human rights and fundamental freedoms; and other measures.

Finally, the Framework for Action contains a paragraph on strengthening the effectiveness and efficiency of the OSCE in several ways, among them strengthening the role and responsibilities of the Secretary General, considering possible improvements in the structure of the Secretariat, strengthening the effectiveness of OSCE field operations, and tasking the incoming Chairmanship with examining ways in which the legal framework of the OSCE could be strengthened.

The adoption of all these tasks, which in their entirety would have provided a fairly solid working programme for the OSCE – or at least a better one than the Organization has had over the last decade – has been subordinated to the dispute on the unresolved sub-regional conflicts in Georgia and Moldova.

What Next?

The OSCE has tried to achieve results through a comprehensive security dialogue, the Corfu Process, which was intended to create more common ground and thus enable states to agree on relevant action. This process was necessary, but, as the results of the Astana Summit show, not sufficient. Now, after the experience of Astana, there is no choice but to start activities in those areas where consensus is possible. In other words: Building confidence by co-operating on relevant concrete tasks is the order of the day. To this end, the Organization needs what it failed to adopt in Astana – a working programme.

Paragraph 12 of the Astana Declaration tasks the incoming Chairmanships with “developing a concrete action plan” that would take into account ideas and proposals made during the Corfu Process and the preparations for Astana. In a way, the Chairmanships have been burdened with a task that the Astana Summit failed to perform. The successful construction of an action plan presupposes that states stick to the “95 per cent” agreement on the Astana Framework for Action they have already achieved. However, if the current situation is (mis-)used to redo the already-achieved consensus on the working plan and to make this consensus again conditional on national priorities, then it will be nearly impossible to achieve an action plan or even elements of such a plan.

Some issues deserve special attention. Enhanced efforts to resolve the conflict over Nagorno-Karabakh through peaceful means are particularly pressing. It is alarming that, despite the Minsk Group’s declaration “that the time has come for more decisive efforts to resolve the Nagorno-Karabakh conflict”,⁵ the presidents of Armenia and Azerbaijan chose to speak in fairly irreconcilable terms. Each questioned the political will of the other side to resolve the conflict by peaceful means. The Armenian President, Serzh Sargsyan, said that “it once again became clear to me that at this stage Azerbaijan has no interest in settling the Karabakh issue: Its sole purpose is to inflict as much damage on Armenia as possible.”⁶ And the Azerbaijani President, Ilham Aliyev, came to the same conclusion in reverse: “The way how Armenia behaves during the negotiation process leads us to the conclusion that Armenia does not want peace, doesn’t want to liberate occupied territories, but wants to keep the status quo as long as they can and make the negotiation process endless.”⁷ Apparently, the presence of the three Minsk Group co-chairs at a very high level was not sufficient to prevent the two presidents from engaging in this kind of rhetoric. One can only hope that after the 2008 Georgia War, no further war will be needed to understand how quickly those unresolved conflicts – which can in no way be considered “frozen” – can re-explode into hot conflicts and outright war.

Another area where urgent action is required is addressing transnational threats and challenges, including those from outside the OSCE area, not only but particularly in relation to Central Asia and Afghanistan. As this is widely undisputed among the participating States, there should be no obstacles to starting action on these issues.

5 OSCE, *Joint Statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair Countries and the Presidents of Azerbaijan and Armenia at the OSCE Summit in Astana, Kazakhstan*, CIO.GAL/200/10, 1 December 2010.

6 *Statement by the President of the Republic of Armenia H.E. Serzh Sargsyan at the OSCE Summit, 2 December 2010, Astana*, SUM.DEL/67/10, 3 December 2010, at: www.osce.org/cio/73967.

7 *Statement by H.E. Ilham Aliyev, The President of the Republic of Azerbaijan, OSCE Summit 2010, 1-2 December, Astana*, SUM.DEL/30/10, 1 December 2010, at: <http://www.osce.org/cio/73919>.

The same is true regarding a number of human dimension issues. The text in the Astana Framework for Action over which agreement has already been reached includes a number of tasks mentioned above. There should be no major obstacles to addressing them.

The real litmus test, however, is conventional arms control: CFE. The Astana Declaration states that “[...] we [the participating States] express our support for the ongoing consultations aiming at opening the way for negotiations in 2011” (para. 8). The most difficult issue in these consultations is the principle of host nation consent related to Georgia and Moldova. In a wider context, this is precisely the issue on which the Astana Framework for Action failed. If the resumption of new CFE negotiations in 2011 fails again because of disputes over Georgia and Moldova, then we will (again) be faced with the structural problem that major elements of the European security order cannot be addressed and worked on because of disputes over sub-regional conflicts.

For all these reasons, it is imperative that States now draw the right conclusions from Astana – that there is no alternative to joint action. If this happens, the Astana Summit can ultimately still lead to success.

The Astana Summit Has Left the OSCE in a State of Limbo

There have been many assessments, and there will be more, offering different views on whether the OSCE Summit Meeting in Astana on 1 and 2 December was a failure, and if so, why. Let us proceed from the simple fact that even modest expectations concerning the outcome of a quickly prepared meeting of Heads of State or Government – a framework for action, or an action plan focusing the OSCEs work and negotiations on several issues, thus charting its way into the immediate future – were disappointed by the inability of the participating States to overcome a small number of disagreements over the language of the framework document. Thus the Summit Meeting, closing almost half a day later than initially anticipated, ended by approving a political declaration that merely reconfirmed previous CSCE/OSCE commitments and expressed hope for progress in a few areas on which agreement was available. It thus ended without any substantial decisions.

Of course, it was not the fault of the Meeting's host, Kazakhstan, which chaired the Organization in 2010. Although controversial, particularly with respect to its position on the human dimension, the Kazakhstani Chairmanship was a success overall. This probably surprised many who were initially sceptical. However, the success or failure of any international organization, and particularly of one such as the consensus-based OSCE, depends on all its participating States, on whether or not they are mature enough to be able to articulate their common purpose despite disagreeing on particular issues.

Instead of reviewing the proceedings of the OSCE Summit in Astana, this short article concentrates on the potential consequences of the Summit for the future of the OSCE and, more generally, for the wider European security dialogue, and on a few lessons that can be learned from the outcome of the Summit.

1. The first and most immediate consequence of the failure of the Heads of State or Government of the OSCE participating States at their meeting in Astana to agree on what the focus of the Organization's work should be, or to adopt any substantive decision, is that *holding another OSCE Summit Meeting in the near future has become highly unlikely*. The existing divisions need to be overcome before the way will be clear for another Summit.

I believe I am not entirely wrong in assuming that this conclusion is valid not only for the OSCE, but also for any other Europe-wide configuration. In other words, *the failure of the Astana Summit to come to substantive decisions has not only made another OSCE Summit Meeting, but any other pan-European summit meeting, highly unlikely*.

2. The discord among the participating States that manifested itself in Astana was not created at the Summit itself or even during Kazakhstan's Chairmanship. Rather, it has accumulated over a longer period of time. For over a decade now, OSCE Ministerial Meetings have regularly failed to agree on the language of a political declaration. The stumbling block was frequently the same set of issues over which the Heads of State or Government failed in Astana.

This should lead to the conclusion that there are important structural problems within the Organization that have prevented it from achieving consensus on many issues.

It is my understanding that the main problem boils down to the fact that the participating States have long been deeply divided on the issue of *what is, or what should be, the rationale and the common purpose of the OSCE*. The attempt by a Panel of Eminent Persons in 2005 to restore the consensus on the Organization's common purpose was a valuable contribution, but it fell short of achieving its goal, as did many further attempts thereafter.

The deep division of the participating States over this issue was clearly manifested in 2010 during the Corfu Process, which was actually designed to narrow the gap, rather than make it explicit.

Going through non-papers and food-for-thought papers circulated by participating States during the first six months of 2010, one can identify a very regrettable pattern: Virtually none of the proposals submitted by one or more CSTO states – and they have produced a total of 22 – were co-sponsored by any other participating State. The single notable exception is a proposal co-sponsored by Serbia.

Numerous proposals tabled during the Corfu Process by EU member states, North American states, and others were co-sponsored by a variety of participating States, including Ukraine, Moldova, and Georgia. Indeed, many proposals were supported by an impressive majority of participating States. However, not one of them was co-sponsored by any of the CSTO countries.

This reveals a sobering fact that we need to address properly: *A deep dividing line runs through the OSCE*. When we talk about old or new dividing lines that may occur because of this or that decision, we need to keep in mind that *this dividing line already exists*, and it clearly manifested itself during the Corfu Process and at the Summit Meeting in Astana.

By comparing proposals made by states on one side of the dividing line with those made on the other in terms of content we can get a better grasp of the depth and breadth of this division and understand why there is so little cross-group support for proposals put forward by any group. At root, the two distinct sets of proposals reflect fundamentally diverging views of the OSCE at present, and of the way it should move forward. These divergences very much reveal the core of the problem, namely the *lack of a common understanding of the OSCE's common purpose*.

3. If I were to compare the current situation with any moment in the long history of the CSCE/OSCE, I would say that, at the time of the Astana Summit, the OSCE found itself in a situation somewhat similar to that of the CSCE in 1977 and 1978 at its first Follow-up Meeting in Belgrade.

This is not meant as a comparison of the environment, the substantial issues, or the agenda the Belgrade Follow-up Meeting and the Astana Summit dealt with, although it is notable that the Belgrade Meeting largely failed due to differences in official positions on the importance of the human dimension of the CSCE, which apparently again played a significant role in the talks during preparation for the Astana Summit. Of course, both the environment and the current agenda have changed dramatically since the late 1970s.

The similarity between the Belgrade Follow-up Meeting and the Astana Summit however, goes far beyond the simple facts that both failed to adopt a substantive document and reduced themselves to reconfirming previous commitments. After Astana, and like the CSCE after Belgrade, the OSCE finds itself in a state of limbo from which its level of activity may go up or down. It is up to the participating States to define the direction it moves in. After Belgrade, they decided not only to continue the Helsinki Process, but also to take it a step further, which they did in Madrid in 1983. Where the participating States want the OSCE to go from now is an open question at present, and it is equally unclear whether they are all ready to work hard in order to prevent it from simply sinking out of sight.

4. Of course, nothing should prevent the OSCE from moving ahead in tackling the many issues on which consensus was available in Astana and is available in Vienna, or which were subject to substantive yet inconclusive debates during the Corfu Process.

Indeed, the Astana Commemorative Declaration calls upon the participating States to advance in a number of areas, particularly on conventional arms control in Europe and updating the 1999 Vienna Document on Confidence- and Security-Building Measures, with conflict prevention and crisis management also remaining high on the OSCE agenda. The Framework for Action that was almost ready before the Summit Meeting did not formally die, but was handed over to the incoming Chairmanship of Lithuania.

Still, one needs to be prepared for the fact that the same underlying disagreement that prevented the Summit in Astana from agreeing on the Framework for Action will continuously flare up in the time to come, and will likely prevent the OSCE – as well as other negotiations conducted outside the OSCE – from reaching substantive decisions. This is being revealed in the unfolding debate in Vienna over whether the OSCE should unravel the Framework for Action and push forward on the issues upon which agreement is available, or whether it should keep working on the Framework as a whole in order to guarantee that every country that was not particularly happy with

the draft framework has its interest appropriately reflected on the agenda of the Organization.

The issues preventing progress exist independently of the Organization, and are thus likely to impact negotiations between participating States in different settings, and not only within the OSCE itself. This brings me to the conclusion that the failure of the Summit in Astana is likely to have much broader consequences, reaching well beyond the OSCE, unless we start to sincerely address the divisions between the OSCE participating States and come to a consensus on what the common purpose of the OSCE is or should be.

5. One aspect of the job to be done is to address one very specific issue: The OSCE has repeatedly failed as a result of divergent positions on how to deal with protracted conflicts. The question is whether the OSCE should continue to struggle to solve these most intransigent conflicts that it has repeatedly failed to solve, or should now leave them for others to deal with.

For centuries, great powers have tended to talk to each other and, in doing so, have made mutual arrangements over the heads of small nations. This has often been done at the expense of the latter, or at the price of ignoring or neglecting their interests. It applies no less to a large part of the CSCE's early history.

But is it still possible for great powers to behave like this? And can they afford it?

It is, of course, not right for the entire Organization to be held hostage by protracted conflicts that many participating States consider to be peripheral issues.

At the same time, it would be totally wrong to ignore or neglect the problems of the small nations, let alone for great powers to seek to make arrangements over the heads of them or at their expense, either within or outside the OSCE framework.

Any participating State, large or small, is not simply a part of the OSCE family. A strong feeling of ownership is an important prerequisite for any success on the part of the OSCE, while a lack thereof makes failure more likely. Further erosion of the feeling of ownership among the participating States, and particularly among the small ones – as has significantly happened over the past decade – would be a recipe for increasing impotence and an ultimate collapse of the OSCE, as it would deprive the Organization of its legitimacy as an honest broker. Should small nations no longer see the OSCE as an institution in which their concerns are heard and acted upon, as promised by the 1994 Budapest Summit Meeting, then the Organization would degenerate much faster than because of any disputes among great powers.

Finding a balance of interests among *all* participating states, large and small, is an indispensable task, without which a consensus of *all* OSCE participating states over their *common purpose* can hardly be found or restored.

The OSCE Summit and the European Security Treaty

Following the informal meeting of OSCE foreign ministers in Almaty on 16-17 July 2010, a decision was adopted on 3 August to hold the Organization's forthcoming Summit on 1-2 December in Astana. Eleven years after the last such meeting was held in Istanbul in 1999, the leaders of 56 countries will gather to discuss the most important and pressing security problems in the Euro-Atlantic and Eurasian space. The perception paper distributed by the Kazakh OSCE Chairmanship on 17 July envisages the possible results of the Summit as, in the first place, the "development of a single and indivisible area of security, free of dividing lines and zones with different security levels – a Euro-Atlantic and Eurasian Security Community".¹ This position dovetails neatly with the Russian view, formulated as the idea underpinning the proposal for a new European Security Treaty, that no state should ensure its own security at the expense of the security of others. Russian President Dmitry Medvedev's proposal regarding the need to hold detailed talks on the subject at the level of heads of state or government representing the space from Vancouver to Vladivostok has thus found support; such a discussion at the highest level is indeed overdue.

The Russian President first voiced the idea of a new European Security Treaty on 5 June 2008 in Berlin. The text of the Russian draft was published on 29 November 2009. At the same time, the Russian head of state sent a letter to the leaders of the other 55 OSCE participating States asking for their opinions of his initiative. By August 2010, replies had been received from the leaders of 21 countries.² The foreign ministers of the member states of the Collective Security Treaty Organization (CSTO) and the Commonwealth of Independent States (CIS) expressed a positive opinion.³ President Medvedev's proposal has been repeatedly discussed within the Russia-NATO Council and in the framework of the political dialogue between Russia and the European Union. Political scientists have also made their contribution to analysing the idea and moving it forward.

The European Security Treaty initiative has undoubtedly also stimulated the appearance of other projects for improving Europe's security architecture

Note: The views contained in this contribution are the author's own.

- 1 *Kazakhstan OSCE Chairmanship's perception paper, Outcome of the Almaty Informal Ministerial Meeting*, 16-17 July 2010, CIO.GAL/310/10, 17 July 2010, p. 2.
- 2 Slovenia, Switzerland, Belarus, Liechtenstein, Turkey, Portugal, France, Luxembourg, Spain, Greece, the United States, Kazakhstan, the United Kingdom, Denmark, Slovakia, Cyprus, Austria, Tajikistan, Kyrgyzstan, Norway, and Sweden.
- 3 Cf. *Statement by the Ministers for Foreign Affairs of the Member States of the Collective Security Treaty Organization on Collaboration in the Work on a European Security Treaty*, Moscow, 25 March 2010.

by launching a new philosophy of renewal in the field of security. There is interest in an intensification of work within the trilateral Russia-US-EU context, while negotiating configurations such as the “Russia-Germany-Poland triangle” and the “Weimar Square” (France, Germany, Poland, and Russia) are developing. French President Nicolas Sarkozy has suggested a new format for interaction between the EU and its neighbours, including Russia, Turkey, and the Balkans. Within the OSCE, a new Kazakh-French initiative has sought to create a Euro-Atlantic and Eurasian “security community”, and to develop an action plan to achieve this goal. Italy has suggested a “road map” with its vision of a path towards the fairer organization of European security. The Russia-EU dialogue is moving towards the creation of a new joint body, the Russia-EU Foreign Policy and Security Committee.

The Russian proposal accompanying the European Security Treaty to establish dialogue between representatives of the security organizations active in the Euro-Atlantic space – the UN, NATO, the EU, the CSTO, the CIS, and the Council of Europe – has also been implemented; such a meeting was held on the sidelines of the informal meeting of OSCE foreign ministers in Almaty. During the meeting, talks began on security problems on which these organizations could co-operate and co-ordinate their efforts.

Our Western partners have acknowledged that, without the European Security Treaty initiative, there would have been no revival of the OSCE, whose “Corfu Process” was launched as a result. As part of this process, active discussions have begun regarding ways to strengthen security in the Euro-Atlantic region, to find answers to common threats and challenges, and to bring the Organization’s activities in line with contemporary demands.

Russia was one of the first countries to support the Greek initiative to launch the Corfu Process, which has been successfully continued by the Kazakh Chairmanship of the OSCE in 2010. This informal forum for dialogue is valuable as an opportunity for honest and open-minded debate on the most pressing security issues. The considerable range of proposals contained in the Interim Report issued by the Kazakh Chairmanship in June 2010 testifies to the success of the Corfu Process as a kind of “laboratory” for producing and taking forward new initiatives. The report draws upon 56 deeply informed contributions from OSCE States and a range of international organizations made as part of the Corfu Process in 2010. Russia’s activity on this front is witnessed by the 13 initiatives that Russia has advanced either individually or in collaboration with other countries. The continuation of free discussions in this informal format will work to strengthen confidence among states and dispel obsolete dogmas and stereotypes they may hold about each other, while promoting the development of ways to improve the effectiveness and capabilities of the OSCE to eliminate serious defects in the application of its comprehensive approach.

The practical progress made on moving the idea of a European Security Treaty forward may appear impressive, underlining the timeliness of the

Russian initiative. However, substantial differences and occasionally opposing viewpoints remain regarding the content of a treaty of this kind and its prospects for implementation. When we put forward the initiative, we were guided first and foremost by the desire to bury once and for all the legacy of the Cold War, primarily in the politico-military sphere. A bloc-based approach persists in this area, and has hampered the creation of conditions for equal and indivisible security for all OSCE States. The underlying principle of the indivisibility of security, which implies that all states have an equal right to security, has legal force only in relations between NATO members. NATO members have the same obligations towards other OSCE States, but these obligations are only political in nature, as enshrined in a number of OSCE documents.⁴ That these are not the same thing was illustrated by the events of 1999 in Yugoslavia and 2008 in Georgia. In the first case, the allies carried out a military attack on an OSCE participating State not only without the sanction of the UN but even without the political approval of the OSCE. The result was that, within the OSCE, one group of countries proclaimed its own infallibility vis-à-vis other countries. In August 2008, the NATO countries denied Russia the right to explain the reasons and international legal basis for its military operations to protect the population of South Ossetia following the barbaric attack by the Saakashvili regime. The alliance's logic was one of pure bloc allegiance. At the Budapest NATO summit in April 2008, Saakashvili had been publicly promised accession to NATO. And since he was now "one of us", he could not initiate the use of military force (as he had "given his solemn oath"). The stereotype worked: The Russians, as always, are guilty no matter what, and some countries in the alliance even seriously debated whether to provide military assistance to the adventurist of Tbilisi. One can only imagine the consequences for Europe had NATO intervened in the conflict. As is well known, the fact of the Georgian attack on Tskhinvali that prompted Russia to act in defence of South Ossetia has since been confirmed and documented by an international independent commission headed by Heidi Tagliavini.

The signing of a European Security Treaty based on international legal norms and mechanisms would ease this bloc mentality by legally enshrining the many political declarations rejecting the use of force in the Euro-Atlantic area. It would also provide supplementary insurance preventing the use of force in so-called frozen conflicts. Moreover, it would reduce the possibility of being guided by the logic of "political expediency", as opposed to international law. A line would also be drawn under the legacy of the Cold War and the post-Cold War period of uncertainty. However, I want to stress that such a solution would not infringe on NATO; no-one in their right mind in Russia would call into question the alliance's weight and role as an international military and political actor. Moreover, NATO and every other inter-

4 Cf., for example, Charter of Paris for a New Europe (1990), Helsinki Document (1992), Budapest Document (1994), Charter for European Security (1999).

national organization working in the field of “hard security” could become parties to the European Security Treaty. In short, we are convinced that the signing of the European Security Treaty would be beneficial to all the countries in the Euro-Atlantic area, and in practice would contribute to strengthening stability.

It is significant that the current binary arrangement of commitments (legal for some, political for others) fuels the prevailing belief among our Western partners that only membership of NATO and the EU can guarantee real security. They consider themselves a privileged group of countries. This, in turn, gives rise to selfishness and arrogance, and an unwillingness to understand a partner’s arguments and to seek a satisfactory solution for the whole of the Euro-Atlantic region. Elements of megalomania are visible in, for example, the following statement by one of the most respected interpreters of Atlanticism, the Polish politician, academic, and former foreign minister, Professor Adam Rotfeld: “Two great European institutions (NATO and the EU) have become a new centre of gravity for all the continent’s states. Besides ensuring security, they are a practical and appealing example of how national animosities and quarrels can be overcome. They also create external conditions that promote optimal internal development and accelerated modernization. It is not without consequence either that the transatlantic security institutions have been capable of successfully promoting universal values and preventing internal conflicts potentially capable of evolving into wars between neighbouring states.”⁵ This quotation is taken from an article on the European Security Treaty in which Adam Rotfeld closely scrutinizes both Dmitry Medvedev’s idea and the text of the draft European Security Treaty. His answer is clear: There is no need to reinvent the wheel in the field of security; it already exists in the form of NATO and the EU.

Western leaders’ answers to the Russian President’s letter have been more diplomatic and politically correct, but are in the same vein. While recognizing the validity and timeliness of the debate about the state of the security architecture in the Euro-Atlantic region, they call into question the need to sign a new legally binding instrument on European security. They argue that there are already more than enough documents to this effect, that existing security institutions guarantee the necessary level of security, and that the systemic failures that Russia talks about happen precisely because the spirit and letter of international commitments under the OSCE (which NATO and EU countries strictly follow) are not observed. It is therefore impossible to speak only about modernizing the politico-military component of security, which is what Russia is calling for. All security issues should be resolved within the OSCE, with its comprehensive approach encompassing the politico-military, economic and environmental, and human-rights “baskets”. Unlike the CSTO

5 Adam Daniel Rotfeld, Does Europe Need a New Security Architecture? In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden 2010, pp. 23-42, here: p. 41.

and CIS countries, Russia's Western partners have shown no desire to work on the text of the Russian project for a European Security Treaty.

Our Western partners' unwillingness to look for other solutions to the provision of security than accession to NATO and the EU calls into question the prospects for achieving a breakthrough in the creation of a genuine single space of equal and indivisible security in the Euro-Atlantic region. But not all countries in the region – including Russia – see their future in these organizations.

Nonetheless, an analysis of the proposals put forward as part of the Corfu Process regarding the content of the agenda for the upcoming Summit indicates a certain harmonization of approach among OSCE countries to addressing the most burning problems of strengthening European security. This is without doubt largely thanks to the Kazakh OSCE Chairmanship, as well as the general international debate on the European Security Treaty. Participating States have demonstrated a high level of involvement in preparing intelligent contributions for future decisions of the Summit. Forty-seven of the OSCE's 56 participating States have submitted proposals, either independently or as part of a group, for the start of discussions on the Summit agenda. This is an unprecedented figure, comparable with activity during the transformation of the OSCE from a Conference to an Organization in 1994-1995, and during the preparation of the Charter for European Security in 1999. Another undoubtedly positive aspect is that a number of proposals were authored not only by countries from a particular bloc but also with the collaboration of non-aligned states. This is most evident in the OSCE's politico-military dimension, where NATO countries have come out in favour of modernizing the Vienna Document on Confidence-Building Measures alongside Russia, which launched the initiative. Other international structures, such as the International Committee of the Red Cross, the UN High Commissioner for Refugees, the OSCE Parliamentary Assembly, and a number of other OSCE institutions, as well as several OSCE Partners for Co-operation (such as Morocco and Egypt), have taken up the right to introduce their own ideas. Such an array of proposals constitutes a solid foundation for putting well-prepared substantive draft decisions before the Summit.

In quantitative terms, the largest groups of proposals deal with conflict resolution in the OSCE area (15) and human rights, fundamental freedoms, democracy, and the rule of law (15). These are followed by the economic and environmental "basket" (8); improving the effectiveness of the OSCE (7); transnational challenges and threats (4); and arms control and confidence- and security-building measures (3). Another four proposals deal with organizational and technical questions regarding the holding of the Summit and co-operation with other international organizations.

Outwardly, the picture is one of harmony: Proposals cover the OSCE's most important tasks as laid out under its mandate. Closer inspection, however, reveals that NATO and EU countries are seeking to activate the OSCE

exclusively in those spheres in which neither the EU nor NATO is willing or able to act within their own organizational frameworks, such as regional conflicts in the former Soviet Union, human-rights issues, and energy security. Moreover, our partners view improving the effectiveness of the OSCE overwhelmingly in terms of increasing the intrusiveness of the Organization's mechanisms, including by squeezing the sovereign rights of participating States or the legal rights of parties to conflicts.

A number of US proposals are the most clearly egregious on this front. For example, the paper entitled "Food-for-thought on conflict prevention and crisis management in the OSCE area"⁶ proposes to grant the OSCE Chairman-in-Office the power to send "small teams" to carry out assessments or monitoring and report back to participating States in the event of a rise in tensions or outbreak of conflict. Such teams could be deployed even without the consent of the receiving state. The conclusions are obvious. First, the state that holds the Chairmanship of the Organization will be given greater rights than all other states, which breaches the principle of the sovereign equality of OSCE participating States. Secondly, the principle of consensus-based decision-making is also called into question, since the Chairman-in-Office will be able to act based on his own interpretation of the situation. All of this smacks of an attempt to legalize the practice of introducing outside control with respect to sovereign states. For the OSCE, adopting this US proposal could mark the start of the Organization's degeneration or its collapse. The US's "Food for Thought Paper on an OSCE Crisis Response Mechanism in the Area of Media Freedom"⁷ suffers from similar intrusiveness.

In fairness, these proposals, like all the others, are invitations for discussion rather than final positions. Nonetheless, such approaches give cause for alarm.

In seeking to oppose the dilution of states' sovereign rights and the OSCE's principal of equality, the Russian Federation, both by itself and in collaboration with other states, has put forward a number of proposals aimed at strengthening and modernizing the OSCE. In essence, these proposals seek to return to the sources and foundations set down in the Helsinki Final Act and the Charter of Paris for a New Europe, which were adopted 35 and 20 years ago, respectively, and are now in need of adaptation to modern-day demands. We believe it is essential to complete the process of turning Europe into a continent without dividing lines.

We expect that the problems of the OSCE's politico-military "basket" will be appropriately reflected at the Organization's Summit. Discussions have shown that we can enter the Summit with the prospect of an agreement on the need to modernize the Vienna Document on Confidence- and Security-Building Measures, while also advancing the process of conventional arms control, and adopting a programme for the OSCE's subsequent actions in the

6 PC.DEL/93/10, 19 February 2010.

7 PC.DEL/380/10, 12 May 2010.

field of “hard” security. Achieving agreement on this track, given the particular sensitivity of arms control and confidence-building in this sphere, could play a highly important – if not decisive – role in forming a qualitatively new atmosphere of co-operation based on trust and mutual understanding in the Euro-Atlantic space.

We have also proposed to the OSCE participating States the drafting of a unified set of principles for conflict prevention and conflict resolution. The participating States and parties to a conflict are more likely to make use of the Organization’s full anti-crisis potential if it is based on their negotiated positions and expressed will. The role of the OSCE is not to impose artificial resolution plans, but to create the right conditions and to assist in the search for solutions by the conflict parties themselves.

In our opinion, the efficiency and work of the OSCE’s field missions are also in need of improvement. The way to achieve this is to take host states’ desire for assistance fully into account. We believe that the head of each mission should be appointed with the clearly expressed agreement of the host state. Only in this way can we expect not only maximum returns from the work of the head of mission, but also the appropriate level of prestige for the mission in the host country.

Together with the CSTO countries, Russia has proposed adding freedom of movement to the Organization’s agenda. Without implementation of this important principle of the Helsinki Final Act and a transition to a visa-free regime for all citizens, the creation of a single democratic space in the Euro-Atlantic region is unlikely to be achievable.

We believe there is a need to regulate the involvement of NGOs in OSCE activities in order to prevent the appearance of representatives of extremist and terrorist organizations at OSCE events. Appropriate proposals based on UN experience have also been submitted. We advocate the unification of ODIHR election-monitoring procedures in all OSCE States, and the balancing of activities within the OSCE’s three main “baskets”.

In conjunction with other countries, we have presented considerations that, if realized, would ultimately lead to the establishment of the OSCE as a fully fledged international Organization. These are proposals to accord the OSCE legal status and to improve planning of its programme and budget.

At the same time, we recognize that by no means all the OSCE States are today prepared to support our proposals, implementation of which could lead to fairer, more equal relations founded on a realism acknowledging that “the Euro-Atlantic and Eurasian area, stretching from North American continent to the Russian Pacific Coast, between Vancouver and Vladivostok, comprises countries with very different history, culture and political orientation”.⁸

8 *General aspects of Euro-Atlantic and Eurasian security. From an area to a security community*, Kazakh Chairmanship’s food-for-thought paper, CiO.GAL/76/10, 20 May 2010.

We therefore believe that the list of topics submitted for discussion at the highest level by Kazakhstan in its capacity as OSCE Chairmanship country meets Russia's expectations in full. These topics are the formation of a Euro-Atlantic and Eurasian security community; the reaffirmation of norms, principles, and commitments entered into within the OSCE framework; strengthening the institutional basis of the OSCE and transforming it into a fully fledged organization; the strengthening of arms-control regimes and confidence-building measures in this sphere; increasing the OSCE's role in conflict resolution; combating transnational threats and post-crisis economic challenges; and paying greater attention to the implementation by participating States of their OSCE commitments. Moreover, Russia has long and insistently raised a number of these questions of principle within the Organization, in conjunction with the idea of a European Security Treaty and the modernization of the OSCE.

At the same time, given today's critical stage in the history of the Euro-Atlantic and Eurasian space, we believe that the OSCE's Astana Summit cannot be exclusively obsessed with narrow, "parochial" problems of the OSCE itself. The scale of the tasks facing us demands an appropriate response. The global economic and financial crisis, the redistribution of centres of power as a result of the phenomenal growth of China and the whole Asia-Pacific region, international terrorism, organized crime and drug-trafficking, the proliferation of weapons of mass destruction, and the continuing unsettled situation in Afghanistan are just some of the problems that demand that states in the Euro-Atlantic space define their role and place in the new multipolar world order. The Astana Summit, to which the heads of key international organizations have been invited in addition to the Heads of State or Government of the OSCE's 56 participating states, offers a wonderful opportunity to formulate a collective, "regional" answer to these global challenges. Of course, this will require political will and a readiness to leave behind old phobias and take a fresh look at our opportunities to act as a single "security community".

The OSCE Summit will thus be yet another test of the direction in which approaches to the provision of security will evolve in the Euro-Atlantic and Eurasian space. Will our Western partners continue the policy they have pursued to date of trying to preserve the "privileges" of bloc-based approaches? This choice would mean the preservation for the foreseeable future of current dividing lines and the risk of cyclical returns to a state of semi-confrontation between the West and Russia. In that case, we should be prepared for more serious failures in the functioning of the security system in the Euro-Atlantic region and the conservation of mutual mistrust.

But there is another way, which Russia has consistently advocated. First, implementation of the European Security Treaty's idea of indivisible security and thus the removal of the final vestiges of the Cold War. For Russia – bearing in mind, among other things, the tragedy of the last world war

and the numerous armed conflicts of the post-war years – an agreement on a single area of security in the politico-military sphere is an absolute priority. Second, the establishment of genuinely partner-like relations between all key organizations active in the field of security, above all in the fight against real rather than invented threats and challenges. Third, the serious transformation of the OSCE into the real common property of its participating States, harmoniously turning the approaches of different countries and international organizations into a pan-European common denominator.

In our opinion, sufficient prerequisites are in place to bring about the implementation of this second, auspicious scenario. There is a general atmosphere around the world that is dominated by non-confrontational, consensus models of interaction. There are serious positive changes for the better in the Euro-Atlantic space: the “reset” in Russian-American relations; the deepening of co-operation between Russia and the EU; the strengthening of ties of partnership between Russia, the US, and the EU; and awareness of the need to activate joint efforts to combat new threats and challenges (non-proliferation, organized crime, terrorism, drugs, etc.). The rapid development and largely constructive course of the Corfu Process and the sufficient transparency of the process by which NATO is currently drafting its new strategic concept both indicate that the will is there for consolidation and processes of convergence in the Euro-Atlantic region.

Recently, we have also seen a positive example of co-operation among OSCE States to provide assistance in crisis management in the case of Kyrgyzstan. The tried-and-trusted principle to “cause no harm” – based on the position of the Kyrgyz side itself – prevailed, while specific assistance was provided in response to a request from Kyrgyzstan and in accordance with Kyrgyz wishes.

In a word, we all face a large task that will require considerable creativity if the forthcoming OSCE Summit is to take the OSCE participating States to a new understanding of indivisible security in the Euro-Atlantic region appropriate to the post-Cold War era. As Russian Foreign Minister Sergei Lavrov has stressed: “Without a break with the past, the urgent, vital interests of the countries in the OSCE region will long remain a hostage to previous instincts and prejudices, the intellectual and political inertia of the Cold War era. Therefore, the success of the OSCE summit at the end of this year will depend on the availability of the political will among all states to make such a collective breakthrough into the future, bringing an end to the uncertainty of the last twenty years.”⁹ Russia is ready for this work.

9 *Transcript of Remarks by Russian Foreign Minister Sergey Lavrov at the MGIMO University of the Ministry of Foreign Affairs of Russia, 1 September 2010.*

The European Security Treaty (EST): Collective Security or Collective Inaction?

Introduction: The EST – an Attempt at Collective Security

The Russian idea of a European Security Treaty is an explicit attempt to establish a new collective security regime. Collective self-regulation occurs when “a group of states attempts to reduce security threats by agreeing to collectively punish any member state that violates the system’s norms”.¹ Historical experience – as exemplified by the Concert of Europe between the Vienna Congress and the Crimean War, the inter-war Covenant of the League of Nations, and then the post-World War II UN Charter – and current practice suggest that for collective security systems to function effectively, the following three conditions must be met:

1. All states, especially the most powerful, must sign a legally binding arrangement – there must be universality of membership.
2. All states must agree which state is the aggressor in any given conflict.
3. All states must be able and willing to actively oppose the aggression and the aggressor, resorting to the threat of collective action against an aggressor as the last resort. There must be a high degree of commitment and automaticity within the system if there is to be a reliable promise of redress to potential victims of aggression.

There must be universality of membership, and, just as important, universality of commitment to upholding the principle of collective security. If the assumption of solidarity and shared responsibility underpinning a collective security system is questioned, states might rather act according to their own immediate interests and priorities, privileging this above the longer term interests of the preservation of peace in the system. If a collective security system is not universal, the states that form it always have to take into account the interests and challenges they potentially face from states outside the system. This may be particularly relevant for a regional collective security system in Europe, as intra-European inter-state security concerns have certainly declined significantly since the end of the Cold War. Thus, an imbalance could emerge between extra- and intra-European threats. Furthermore, for the last 65 years, the existence of nuclear weapons has modified the pic-

1 George W. Downs/Keisuke Iida, Assessing the Theoretical Case against Collective Security, in: George W. Downs (ed.), *Collective Security beyond the Cold War*, Ann Arbor, Michigan, 1994, pp. 17-39, here: p. 18.

ture, as there are severe doubts concerning enforcement against nuclear weapons states. This is certainly a factor behind the remark made by Adam Roberts, according to whom collective action is most likely against “especially glaring aggressive actions by military powers of the second rank”.²

For a collective security regime to be applied, it requires definitional clarity. The meaning of “preparation for an armed attack” is contested; it is a matter of opinion, and hence subjective and context-specific in most cases. Moreover, the state preparing for such an attack will itself contest the impression, if not outright conviction, of other actors that it has prepared for an attack, and thus the universal system will not work. Although the UN General Assembly passed a resolution in 1974 on the definition of aggression, and as of 2017 there will be a legally binding document in force to the same effect, subsequent experience demonstrates that there is no more clarity regarding the application of the definition of an armed attack in practice than before. Open questions abound: 1. Can a state claim to mobilize for self-defence when in fact it is preparing for an armed attack? 2. Can a cyber-attack be counted as an armed attack? Or does it depend on the object of the attack? Should we conclude that a cyber-attack on another country’s critical infrastructure or air defence systems qualifies as an armed attack, and that attacks that stop short of this do not? 3. Does the prohibition on preparing for an armed attack invalidate the possession of an offensive capability?

It is difficult to imagine a system that is sufficiently effective and has enough “teeth” to enforce peace. It would require a serious disincentive to deter and eventually punish transgressors. If a collective security system is based on consensus, and hence gives de facto veto rights to every participating state, it is difficult to imagine such a sanction system working. Conversely, in the case of a system based on the privileged position of some participants, similar to the UN Security Council, one could easily imagine those members abusing their privileged position. In either case, the absence of consensus could paralyse the system. Legally binding regimes, whether universal as in the case of the UN or regional like the Council of Europe and the CFE Treaty, have not demonstrated their superiority to politically negotiated trade-offs. A fundamental problem can thus be highlighted: “The theory of Collective Security proposes a legal response to issues that remain fundamentally political.”³

Moreover, under current conditions, particularly in the Euro-Atlantic area, the primary threat is not inter-state aggression – an armed attack by one party to the treaty on another. A more urgent threat is posed by the dangers of state fragility and security challenges presented by non-state actors. The events in Kyrgyzstan since April 2010 have given a fresh demonstration of

2 Adam Roberts, The United Nations and International Security, in: *Survival* 2/1993, pp. 3-30, here: p. 24.

3 Lynn H. Miller, The Idea and Reality of Collective Security, in: *Global Governance* 3/1999, pp. 303-332, here: p. 323.

this challenge, while the instability evident in Tajikistan in September 2010 adds further weight to this contention. Proliferation, terrorism, organized crime, cyber-attacks on critical infrastructure, and large-scale illegal migration all suggest that hybrid threats – “intermestic” and transnational – as well as both long-established and recently emerged global structural sources of insecurity are higher on the risk and vulnerability indexes of most European countries than classical interstate aggression. This agenda shapes the perceptions of populations and therefore determines political priorities and contingency planning in democracies.

Collectively, these reservations pose the general question: Is collective security fit for purpose in the 21st century? If not, can it be made so? If not, should we not rather look to reinforce the framework of existing tried-and-tested institutions, structures, and mechanisms, seeking to make them more efficient and effective, and addressing the fundamental problem of implementation, which is a function of political will? In short, an extremely persuasive case must be presented in favour of collective security before those regimes that currently shape the European security system can be revised.

The Presentation and Reception of the EST

Russia’s European Security Treaty (EST) proposal has been described as “Moscow’s first attempt in 20 years to formulate a coherent foreign-policy vision”.⁴ It was advanced at the height of an official state narrative that portrayed Russia as a “sovereign democracy”, excluded and marginalized from strategic decision-making. Global affairs were being determined by a US-dominated “unipolar decision-making process”, and a “bloc”, or, more specifically, a “NATO-centric approach” predominated within Europe, creating imbalances and tensions, and has “shown its weakness”.⁵ Through 2009 and 2010 Russia’s narrative, as elaborated by a very active foreign minister in Sergei Lavrov, has evolved to focus more on restoration and the necessity of “conservative modernization” and “technological modernization” as means of consolidating Russia’s re-emergence as a centre of global power in a multipolar, polycentric, and therefore stable world order.

In this period, Russia has shepherded its EST proposal through various conferences and meetings. While declaratory rhetoric and aspiration typified the first 18 months of the EST’s roll-out, the barebones concept was given

4 Fyodor Lukyanov, Rethinking Security in “Greater Europe”: Why Russia Is Seeking a New Architecture, in: *Russia in Global Affairs* 3/2009, pp. 94-102, here: p. 94, at: http://eng.globalaffairs.ru/number/n_13589.

5 President of Russia Dmitry Medvedev, *Speech at World Policy Conference*, Evian, France, 8 October 2008, at: http://archive.kremlin.ru/eng/text/speeches/2008/10/08/2159_type82912type82914_207457.shtml.

flesh in a draft text elaborated in November 2009.⁶ Though this text appeared to be designed to downgrade or replace the Organization for Security and Cooperation in Europe (OSCE), we now face the prospect of the EST being discussed at the OSCE Summit in Astana in December 2010. As Ukrainian President Viktor Yanukovich stated: “We support the Kazakh chairmanship’s idea regarding the convention of an OSCE summit and are prepared to work in line with its agenda. We are willing to take active part in discussing Kazakhstan’s initiative on a new European security treaty and believe that the OSCE is the most convenient forum for such discussions.”⁷

In July 2010, President Medvedev offered an assessment of the EST and its reception and progress: “I am pleased to note that although this initiative received quite a chilly, not to say hostile, response at the outset, it has now become subject of lively discussions, and not only with our traditional partners such as Germany, France and Italy but with the majority of participants of the Euro-Atlantic security system. Therefore, we must take this issue further”.⁸ Russian deputy foreign minister Alexander Grushko was even more upbeat in his assessment: “As for the European security treaty, a draft has been sent to all the heads of state of the Euro-Atlantic region. They include not only European states, but also Central Asian countries, the USA and Canada. We continue to receive replies. Approximately 20 countries have replied at the top level, their reaction is unequivocally positive”.⁹

It is understandable that Russian politicians did not present a complex picture of varied opinions. In January 2010, US Secretary of State Hillary Clinton gave the first signal concerning the position of the US following the publication of the draft EST: “The Russian Government under President Medvedev has put forth proposals for new security treaties in Europe. Indivisibility of security is a key feature of those proposals. And that is a goal we share, along with other ideas in the Russian proposals which reaffirm principles of the Helsinki Final Act and the NATO-Russia Founding Act. However, we believe that these common goals are best pursued in the context of existing institutions, such as the OSCE and the NATO-Russia Council, rather than by negotiating new treaties, as Russia has suggested – a very long and cumbersome process.”¹⁰ Since then, countries have either remained silent on the EST, leaving the debates to scholars and analysts, or have taken predict-

6 Cf. President of Russia, *The draft of the European Security Treaty*, 29 November 2009, at: <http://eng.kremlin.ru/news/275>.

7 Viktor Yanukovich, Ukraine willing to discuss new European security treaty, Kiev, 31 March 2010, *Russia & CIS Military Information Weekly*, 2 April 2010.

8 President of Russia Dmitry Medvedev, *Speech at meeting with Russian ambassadors and permanent representatives in international organizations*, 12 July 2010, at: <http://eng.kremlin.ru/transcripts/610>.

9 Cited in: Interfax news agency, *Russia’s partners agree on need to revamp European security structure*, 28 May 2010 (author’s translation); cf. also RIA Novosti news agency, *Russia sees improved atmosphere in Euro-Atlantic diplomacy*, Moscow, 19 May 2010.

10 Hillary Rodham Clinton, *Remarks on the Future of European Security*, Paris, France, Ecole Militaire, 29 January 2010, at: <http://www.state.gov/secretary/rm/2010/01/136273.htm>.

able positions. For instance, in July 2010, Armenia declared itself supportive of the EST, while Romania opposed it,¹¹ and this fundamental divergence on the perceived utility of the EST in the Euro-Atlantic space suggests an eventual stalemate in the process of discussing the EST to Russia's declared conclusion.

The German and Russian foreign ministers issued a joint statement that aimed to reinforce the picture of progress: "We intend to build on the European continent a space of stability and security without dividing lines and demarcations. A significant contribution to launching the dialogue on this topic has been made by the Russian initiative for a European Security Treaty. Our common position is that the security of one state cannot be achieved at another's expense. On the contrary, it is determined by the highest possible degree of security for your neighbor. Therefore, we intend to jointly conduct a broad dialogue on European security, to delve deeper into the different points of view on this matter and to overcome contradictions. This is especially true of confidence-building measures, disarmament and arms control initiatives and conflict resolution."¹²

The EST should have been dead on arrival: Its launch in June 2008 was eclipsed by the August conflict between Russia and Georgia. Rather than delegitimizing the treaty proposal, Russia argued that this conflict merely reinforced its central logic and hence its necessity. The fact that the conflict took place, Russia argued, demonstrated that existing institutional structures and mechanisms – all of which had their genesis in the Cold War period – were ill-suited to address the root causes of crisis in the 21st century. During and in the immediate aftermath of the conflict, talk of a "new Cold War" underscored the notion that the Cold War remains unfinished business.¹³ NATO's continued geopolitical expansion into the grey zone – the countries

11 Cf. *Russia's European Security Treaty in harmony with Armenia's security efforts: Secretary of Armenian National Security Council*, ARMIInfo independent news agency, 25 June 2010; *Romania rejects Russia's EU security proposal*, Agence France Presse, 2 June 2010.

12 Permanent Mission of the Russian Federation to the European Union, Joint Article "Euro Repair" by Russian Foreign Minister Sergey Lavrov and German Vice Chancellor and Foreign Minister Guido Westerwelle, published in the newspaper *Rossiiskaya Gazeta*, 31 May 2010, at: <http://www.russianmission.eu/en/news/joint-article-euro-repair-russian-foreign-minister-sergey-lavrov-and-german-vice-chancellor-and>.

13 "European security has become wobbly in all its aspects over the previous twenty years. This includes the erosion of the arms control regime, atrophy of the OSCE, emergence of serious conflicts and the danger of their uncontrolled escalation, and the attempts to turn frozen conflicts into active ones. Statements like 'everything is all right, let's do business as usual' fail to convince. In my view, key issues to analyze in the current situation are the theory and practice of the comprehensive approach to security, including the future of the OSCE and an integrated and pragmatic solution in the form of a treaty on European security advocated by Russia." Sergey Lavrov, Euro-Atlantic: Equal Security for All, in: Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, *Article by Russian Foreign Minister Sergey V. Lavrov to be Published in Revue Defense Nationale, May 2010 Issue* (unofficial translation), 24 May 2010, at: http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcb3/ef1f3c48ad0e5959c325772d0041fa53?OpenDocument.

in between (Georgia, Ukraine, Moldova, and Belarus) – is cited by Russia as further evidence of this – a view shared by some other Collective Security Treaty Organization (CSTO) members, but this is not the position of the rest of Europe or the US.

The way NATO is perceived within NATO itself is at radical odds with Russia's declared view of the Alliance. NATO's self-perception is increasingly one of weakness. Instead of investing its energies in considering how it might better exercise balance-of-power politics in the Black Sea region or project power through Eurasian space, NATO is absorbed by the debate over how to avoid the very real possibility of strategic withdrawal from Afghanistan appearing to be a strategic failure. NATO also contests the Russian argument that existing institutional structures and mechanisms do not work (as evidenced by the Kosovo conflict of 1999 and the Russian-Georgia conflict of 2008) but would if only there was a legally binding basis to co-operation.

Many EU and NATO states argue that these two conflicts point to the need to make better use of and build on existing tried-and-tested institutions, structures, and mechanisms – including the OSCE, the NATO-Russia Council, and the Euro-Atlantic Partnership Council – by working to modify, reform, and strengthen them, rather than replacing them with an all-encompassing, legally binding treaty. For NATO, the situation presents a dilemma as to whether its co-operation with certain institutions would add to its legitimacy or would actually reduce it. As Robert Blake, US assistant secretary of state for South and Central Asian affairs, noted: “We don't see that there's any need for any kind of new treaties in Europe to augment the existing security architecture. We think that we already have a very good system and very good series of mechanisms in place.”¹⁴

The Attribution of Multiple Motives: “Heads I Win; Tails You Lose?”

The outcome that Russia wishes to see is a legally binding treaty signed by all states. According to one proponent, “the very idea of reviving the inter-governmental dialogue on security in Europe reflects the *legal universalism* of Russian politics that has been characteristic of this country throughout almost all of its history since Peter the Great and that is typical of Medvedev's political style”.¹⁵ A legally binding treaty removes ambiguity, builds trust and confidence, and reduces threat perception and misperception, the argument being that a treaty would make explicit expectations and so increase predictability in international relations. This would allow Russia, Europe, and the

14 Interview by Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, Jr., with *Itar-Tass*, Washington, DC, 2 February 2010, available at: <http://kazakhstan.usembassy.gov/st-02-02-10.html>.

15 Boris Mezhuyev, Towards Legal Universalism: The Origins and Development of the Medvedev Initiative, in: *Russia in Global Affairs* 3/2009, pp. 103-109, here: p. 103 (emphasis in original), at: http://eng.globalaffairs.ru/number/n_13590.

US to finally leave behind Cold War mindsets¹⁶ and collectively address the real and shared threats to global stability. This latter point, the focus of a cooperative US-EU-Russian condominium or triangular relationship as the objective basis for political co-operation in the Euro-Atlantic region, serves a larger purpose: It could, in the words of Sergei Lavrov, “become a major element of the new coordinate system on the world’s geopolitical map and work to strengthen the position of the whole European civilization in an increasingly competitive world”.¹⁷

However, since 2008, in a period that has been marked by the evolution of narratives on Russia’s role in the world and regime continuity in Russia itself (in the shape of the Medvedev-Putin tandem), virtually all analyses and assessments of the proposed EST have highlighted the issue of hidden agendas and purposes. Theories about undeclared objectives have been raised, if only to be dismissed as a non-issue by some.¹⁸ This contention could mask a number of factors, including: a residual distrust of Russia’s resurgence, on occasion spilling over into outright Russophobia; a predilection for conspiracy theory-based explanations that is an enduring characteristic of the post-Soviet world; a response to the gap between the rhetoric of June 2008 and the reality of August 2008; and an attempt to account for a draft treaty document published in November 2009, which lacks substance, and is vague, inconsistent, and contradictory.¹⁹

“Heads I Win”

If the Treaty is signed, so the hidden-agenda argument runs, its legally binding nature will result in a freezing of the status quo – an outcome that is

16 “Only in this way is it possible to ‘turn over the page’ and finally resolve the question of ‘hard security’, which has been haunting Europe throughout its history.” Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, *Russian Foreign Minister Sergey Lavrov’s Article “One for All”, Itogi Magazine*, 17 May 2010, at: http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/0776574c05e9cacc32577270023594a?OpenDocument; see also Sergey Lavrov, *Russian Diplomacy in a Changing World, Federal Year Book*, Moscow, 30 April 2010 at: http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/4e37152b4a140c1ec325771c004c7dbb; cf. also Dmitry Trenin, *The Kyrgyz Bell*, Carnegie Endowment for International Peace, OpEds/Articles, Moscow, 29 June 2010, at: <http://www.carnegie.ru/publications/?fa=41126>.

17 Lavrov, *One for All*, cited above (Note 16).

18 See Yuri Fedorov, *Medvedev’s Initiative: A Trap for Europe*, Prague, Association for International Affairs, Research Paper 2/2009, at: <http://www.amo.cz/publications/medvedevs-initiative-a-trap-for-europe.html?lang=en>; Bobo Lo, Medvedev and the new European security architecture, *OpenDemocracy*, 3 August 2009, at: <http://www.opendemocracy.net/article/email/medvedev-and-the-new-european-security-architecture>; Sergey Karaganov, The Magic Numbers of 2009, in: *Russia in Global Affairs 2/2009*, at: <http://eng.globalaffairs.ru/printver/1279.html>; Andrew Monaghan, *Russia’s “Big Idea”: “Helsinki 2” and the reform of Euro-Atlantic Security*, NATO Research Report, NATO Research Division – NATO Defense College, Rome, 3 December 2008, at: <http://www.ndc.nato.int/research/series.php?icode=3>.

19 Cf. Ulrich Kühn, Medvedev’s Proposals for a New European Security Order: A Starting Point or the End of the Story? In: *Connections: The Quarterly Journal* 2/2010, pp. 1-16.

to Russia's advantage given the reality of current power differentials. Article 1 of the draft treaty promotes the principle of "indivisible, equal and undiminished security". To that end, "any security measures taken by a Party to the Treaty individually or together with other Parties, including in the framework of any international organization, military alliance or coalition, shall be implemented with due regard to security interests of all other Parties". The 1975 Helsinki Final Act, the 1990 Charter of Paris for a New Europe, and the 1999 European Security Charter all stipulate that states are free to choose which alliances they join – a stipulation "ominously omitted"²⁰ in the EST, though in its preamble, it suggests it is "guided by the principles" embodied in those accords. Dmitry Trenin notes that the EST, "if enacted, would de facto abolish other treaties, including the Washington one"²¹ Charles Kupchan has suggested that Russia should pursue integration with NATO: "There are, of course, many other options for pursuing a pan-European order, such as fashioning a treaty between NATO and the Russia-led Collective Security Treaty Organization; elevating the authority of the Organization for Security and Co-operation in Europe (OSCE), of which Russia is a member; or picking up on Russia's proposal for a new European security treaty."²² Rather than such a radical step, which would be extremely difficult to implement for a variety of reasons in the shorter term, the process of discussions, exchanges of views, and consultations engendered by the EST initiative is more likely to help build mutual trust and confidence, as this deficit is the underlying fundamental source of tension between Russia and many other states in the Euro-Atlantic space.

Article 2 stipulates that the use of state territory "with the purpose of preparing or carrying out an armed attack against any other Party or Parties to the Treaty or any other actions affecting significantly security of any other Party or Parties to the Treaty" should not take place. To that end, Article 3 allows any signatory to request of another "information on any significant legislative, administrative or organizational measures taken by that other Party, which, in the opinion of the Requesting Party, might affect its security". What constitutes preparations for an armed attack? Who decides whether a certain activity significantly threatens or affects the security of other parties? The state that plans to carry out the activity or the state that feels threatened? If Ukraine, for example, had refused to renegotiate the status of Russia's Black Sea Fleet, which has enabled it to remain *in situ* after

20 Janusz Onyszkiewicz, Europe should be wary of the Russian bear's embrace, in: *Europe's World*, Summer 2010, at: http://www.europesworld.org/NewEnglish/Home_old/Article/tabid/191/ArticleType/articleview/ArticleID/21668/Default.aspx.

21 Dmitry Trenin, *From a "Treaty to Replace All Treaties" to Addressing Europe's Core Security Issues*, Carnegie Endowment for International Peace, Web Commentary, 30 November 2009, at: <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=40470>.

22 Charles A. Kupchan, NATO's Final Frontier: Why Russia Should Join the Atlantic Alliance, in: *Foreign Affairs* 3/2010, at: <http://www.foreignaffairs.com/articles/66217/charles-a-kupchan/natos-final-frontier>.

2017, could Russia not have claimed that this would have significantly threatened its security?

Article 4 stipulates that consultations and conferences between the parties can take place “to settle differences or disputes that might arise between the Parties in connection with its interpretation or application” (reiterated in Article 8). Article 5 (para. 3) notes that “any Party not invited to take part in the consultations shall be entitled to participate on its own initiative”. Article 6 (para. 3) stipulates that “the Conference of the Parties shall be effective if it is attended by at least two-thirds of the Parties to the Treaty. Decisions of the Conference shall be taken by consensus and shall be binding.” Thus, on any issue, any single participating state would have a veto right over the decision of all the others.

Article 7 notes that every Party has the right of self-defence under Article 51 of the UN Charter, but what are states, coalitions, or alliances allowed to do if the actors in the “common security space” cannot agree on collective measures?

Article 8 outlines a decision-making mechanism and adjudication procedures for such cases. For a conference to be held, two-thirds of signatories to the Treaty need to be present, four-fifths for an extraordinary conference, where binding decisions are “taken by unanimous vote”. In other words, a single veto determines whether enforcement takes place. The draft does not outline how defectors from the collective security system could be punished. If sanctions are to be enforced, could they be applied without violating the norm of non-intervention in a state’s domestic affairs?

Given these operational ambiguities, how would parties that sign such a treaty avoid collective inactivity? If states are determined to instrumentalize the Treaty, it is not clear how they would be prevented from doing so. Would the outcome not be strategic paralysis in and between Moscow, Brussels, and Washington? If so, might then the primary aim of the consensus principle be to freeze the political and territorial status quo in Europe, as changes that reinforce current trends only serve to further diminish Russia’s power relative to the West? Evidence to support this contention is found in the implicit logic of the EST, namely that Russia will have the power of veto over all security-related decisions of NATO and the EU, just as it currently already does in the OSCE.²³ Given that “security” can be widened to include political, economic, environmental, and social as well as military matters, this would grant Russia *carte blanche* veto power over all strategic decision-making in the Euro-Atlantic space. According to this reading, the EST proposal is primarily a tactical initiative whose main purpose is to demonstrate that there is no chance of reorganizing Europe as a collective security area. As well as freezing political and territorial space, the EST has been interpreted as attempting

23 Cf. Leon Aron, Dmitri Medvedev’s Glasnost: The Pudding and the Proof, *Russian Outlook*, American Enterprise Institute for Public Policy Research, Winter 2010, p. 2; Onyszkiewicz, cited above (Note 20).

to return Europe to the normative-legal world of 1945. The legally binding nature of the Treaty is seen as an attempt to re-establish the primacy of a state-centric system of international law as enshrined by the principles in Article 2 of the 1945 UN Charter, which protect sovereign states. This would eliminate the advances made in international law during the last sixty years by disregarding the principles enshrined in the Helsinki Final Act of 1975 (the rights of peoples to self-determination and of individuals to human rights) and United Nations General Assembly Resolution 2625 (Declaration on Principles),²⁴ which qualify and balance sovereignty and accept that European state borders should not be absolute, fixed, and unchangeable under any and all circumstances. On balance, would any benefits generated by the EST be outweighed by the costs?

“Tails You Lose”

If the EST fails to garner support, Russia will gain the freedom and additional legitimacy to build its own “sphere of privileged interest” even more overtly, and thereby to consolidate and institutionalize its control over post-Soviet space. This contention rests upon a paradox: Failure by key Western Euro-Atlantic states to ratify a legally binding treaty represents a successful outcome for Russia and its friends and allies. Russia is able to argue that it advanced an alternative to the status quo in an open and transparent manner in multiple international forums, repeatedly and at the highest levels. Its proposal was rejected primarily by EU and NATO member states. These states rejected it because the status quo upholds best their state interests. To avoid a double standard, Russia will now look to see how it can best preserve and secure its own interests. In this sense, apparent failure to achieve the stated primary intended outcome cloaks strategic success – the achievement of the undeclared real purpose of the proposal, namely the consolidation and institutionalization of Russian influence in post-Soviet space: “All these models have had a common aim: The European order which Russia desires should, on the one hand, not be antagonistic or discriminatory and, on the other hand, potentially replace NATO or make it superfluous.”²⁵

This outcome would result in the redivision of Europe and the long-term coexistence of two groups of states operating on the basis of partly different principles: In the politico-military sphere, this can be understood as a market-authoritarian or neutral non-NATO and a market-democratic NATO. In the

24 Cf. Pál Dunay/Graeme P. Herd, Redesigning Europe? The Pitfalls and the Promises of the European Security Treaty Initiative, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 2009*, Baden-Baden 2010, pp. 77-98, here especially: pp. 81-82.

25 Rolf Mützenich, Security with or against Russia? On the Russian Proposal for a “European Security Treaty”, in: *Internationale Politik und Gesellschaft/International Politics and Society* 2/2010, pp. 65-78, here: p. 67, at: http://www.rolfmuetzenich.de/lecturesand_publications/index_2010.php?oid=1977.

process, the solidarity of Western space – particularly of the NATO alliance – will have been undermined, and the EST “divide and conquer” process proved effective.²⁶ This would be of concern especially if a minority of NATO states had demonstrated a willingness to sign the treaty proposal, while a majority had opposed it.

Kyrgyzstan: the Challenge of Fragile States and Regional Crises

A general, if superficial, impression might suggest that Central Asia (usually identified with the five Soviet successor states of the region) is tranquil. Except for Tajikistan, where a civil war was fought between 1992-97, there was no lasting or extensive violence. Exceptions, less visible to the Western public than the conflicts in the South Caucasus, have been reported, ranging from terrorist activity in Uzbekistan, to violence associated with regime change in Kyrgyzstan (2005, 2010), to civil violence in Uzbekistan (2005), and Turkmenistan (2009). Nevertheless, the image of Central Asia generated by the five successor states is a fairly peaceful one in relative terms, particularly if the former Yugoslavia or the South Caucasus is taken as a reference point.

Given that the Kyrgyz crisis of April and June 2010 is the latest “catastrophic event” to disrupt Euro-Atlantic space, it is worth examining the crisis in light of the logic, principles, and rationale of the EST. The Kyrgyz crisis shared and exemplified many of the challenges, obstacles, and dilemmas generated by complex emergencies. It embodies the nature of wars amongst peoples rather than between states, conflict generated by state failure rather than inter-state rivalry, catastrophes whose second- and third-order cascading, transborder, and international effects can be worse than the first-order effects, and in which few strategic blueprints exist to provide post-conflict management roadmaps, let alone “security solutions”. In short, it captures one type of strategic threat identified by the EU Security Strategy of 2003, US National Security Strategies of 2002, 2006, and 2010, and Russia’s 2010 National Security Strategy – regional crisis and fragile states – and so offers a profound contemporary prism through which to ask: If the EST was in force, what would have been the result?

On 10 June, violence erupted in the southern Kyrgyz city of Osh, spreading to Jalal-Abad two days later, with reports of armed gangs, inter-ethnic violence, rape, and stampedes at border crossings into Uzbekistan. The OSCE and the Office of the United Nations High Commissioner for Refugees

26 “The treaty obliges the signatories to support one another militarily in the event of armed attack and can therefore be interpreted as in direct competition with the promise of mutual assistance (Article 5) contained in the North Atlantic Treaty.” Ibid., p. 66; “many western countries responded with the suspicion that the proposal served merely to ‘divide and conquer’. [...] In particular points 3 and 4 aim unmistakably at the weakening of NATO’s role in Europe [...]”. Cortnie Shupe, Cooperation with the Kremlin, in: *spotlight europe* 1/2010, p. 3, at: <http://aei.pitt.edu/12876>.

(UNHCR), as well as Roza Otunbayeva, the acting interim prime minister and president, stated that over 200 people had been killed, over 2,000 wounded, with 400,000 (eight per cent of the Kyrgyz population) displaced – 300,000 internally, 100,000 as asylum seekers into Uzbekistan’s neighbouring Andizhan province. China, India, Turkey, South Korea, Germany, and Russia, amongst others, airlifted their nationals out of the area of conflict to Bishkek and beyond.

What were the causes of such violence and what are the likely implications? The UNHCR has stated that “we have strong indications that this event was not a spontaneous interethnic clash, we have some indications that it was to some degree orchestrated, targeted and well planned.”²⁷ A report by the OSCE High Commissioner on National Minorities (HCNM) noted “attempts at ethnic cleansing”.²⁸ Latent inter-ethnic animosity can be understood as the trigger for the civil conflict in the south and as the means through which violence was instrumentalized by former president Kurmanbek Bakiyev’s clan leaders, behind-the-scenes power brokers, former advisors and security service loyalists, and organized crime figures to serve other ends.

What light does the Kyrgyzstan case study and the issue of intervention shed on the EST? Had a legally-binding EST been in place, would this complex emergency have been resolved sooner? If the CSTO was never planning to intervene, why did it, on Russia’s initiative, initially oppose the intervention of the OSCE, which has just agreed to send a 52-person police mission? One logical path, which assumes that Russian policy choices are shaped by promotion of the EST, might run as follows: The CSTO, although legally binding, is a collective defence organization and therefore unable to intervene to ameliorate intra-state conflict, as this type of threat is not covered by its mandate; the OSCE, although a collective security organization, was prevented from intervention because it could not achieve consensus on the matter. The OSCE, due to its foundational principle of consensus-based decision-making, was ineffective. Russia would like to suggest that only a legally binding consensus-based EST can effectively, efficiently, and legitimately address sources of insecurity. In reality, an OSCE that is politically binding, consensus-based, and able to respond efficiently and effectively undercuts the argument that a legally binding EST is needed – hence the Russian reluctance to agree to an OSCE mission. Reluctance can also be explained by Russia’s unwillingness to set precedents for the involvement of pan-European collective security organizations in intra-state conflicts, particularly those within Russia’s “sphere of privileged interest”. The EST, as currently drafted, “would enshrine the principle of avoiding external force to settle national disputes and so would mean no interference in the problems in the northern

27 Agence France-Presse, *UN agencies fear escalation in Kyrgyz “ethnic tinderbox”*, Geneva, 15 June 2010.

28 Deutsche Presse-Agentur, *OSCE says attempted ethnic cleansing underway in Kyrgyzstan*, Vienna, 15 June 2010.

Caucasus”.²⁹ This necessity is implicitly acknowledged by President Medvedev’s announcement that the charter documents of the CSTO will be amended in order to create a more effective and efficient organization with broader powers and “anti-crisis mechanisms” – a lesson identified during the Kyrgyz experience.³⁰

The Kyrgyz crisis highlights serious flaws in the EST. The draft treaty text calls for collective self-regulation only in the context of violations of state sovereignty and territorial integrity by other states in the state-centric international system. Nowadays, however, most conflicts are not classical inter-state affairs. Instead, they may be intra-state conflicts caused by internal state weakness or the repression of socio-political transformation efforts. Sometimes they have limited transboundary relevance. In other cases, their sources are not internal but transnational: non-state actors – whether terrorist groups, organized criminals, political extremists, purveyors of ethnic violence, or a combination thereof – involved in intra-state conflict with the potential to spillover to other states and societies. These threats are not addressed by the draft treaty text and hence would not form part of the potential collective security regime. This is all the more surprising as containment of the potential consequences of such intra-state conflict cannot be guaranteed even within the collective security regime – that is, from Vancouver to Vladivostok. The example of Kyrgyzstan suggests that Afghanistan in South Asia and China in East Asia could have had their sovereignty and territorial integrity violated had this complex emergency spiralled out of control. In a sense, the EST is touchingly nostalgic for a lost era of inter-state warfare, absolute/unlimited sovereignty, and centralized elite-decision-making structures. It unconsciously betrays an almost Brezhnevian sympathy for strategic stagnation and status quo in an era in which recognition is growing that structural and systemic root causes of instability tend to be increasingly non-state based and solutions lie in human security and development agendas that are targeted at individuals, societies, and regions.

Decision-making based on consensus gains democratic procedural legitimacy but at the potential price of lowering its effectiveness or performance outcome. Any intergovernmental institution that applied the consensus principle would inevitably face this classic trade-off, irrespective of whether its founding document was politically or legally binding. Replacing the OSCE by a consensus-based EST only displaces rather than eliminating this challenge. Fragile states and the threats of proliferation, terrorism, cyberwarfare, financial crisis, critical infrastructure breakdown, food shortages, and migration are illustrative of strategic insecurity today. Geographical proximity as well as shared network membership and connectivity render all states, but especially global powers, vulnerable to crisis, contingency, and

29 Onyszkiewicz, cited above (Note 20).

30 Cf. Interfax news agency, *CIS security bloc should learn from NATO, EU, bolster institutions – Medvedev*, Moscow, 20 August 2010.

catastrophe, including totally unprecedented “Black Swan”-type events. Such systemic shocks, which are occurring ever more frequently, have unintended consequences, and lead to spillovers, and cascading second- and third-order effects, can be more devastating and the resultant disorder much harder to manage than the initial source of insecurity. The growing interconnectedness of complex systems generates unpredictable, non-linear behaviour and effects. It creates a power vacuum, raising questions of authority and control: Who “owns” the crisis? Who must manage it? The management of such threats suggests the need for procedures and mechanisms that can constantly calibrate a negotiated equilibrium point between effectiveness (joint approach in terms of what is appropriate), efficiency (timeliness and cost in terms of what is affordable), and legitimacy (moral and political in terms of what is acceptable) of responses.

Conclusions

Russia’s EST proposal, which argues that a legally binding collective security regime be front and centre in the Euro-Atlantic region and the new cornerstone of regional security architecture, has placed the spotlight on the strengths and weaknesses of collective security in general, and those of Russia’s proposal in particular. However, if one refocuses attention and analyses the initiative as an intellectual challenge posed by Russia to its partners and not as a master plan or strategic blueprint designed to enact a legally binding treaty document, the proposal can be viewed in a different light: as a provocation to kick-start a discussion with the aim of rethinking and reconsidering security provisions and structures in Euro-Atlantic space, with a special emphasis on greater efficiency, effectiveness, and legitimacy. This has been recognized by Russian diplomacy. A deputy foreign minister of Russia juxtaposed the situation in Europe with that of Asia and concluded with regard to the latter: “For a variety of reasons the region lacks a coherent system of collective security arrangements. While *the question in the Euro-Atlantic area is one of improving the existing structures so as to create a common security space from Vancouver to Vladivostok* the focus of our initiative for a European Security Treaty in particular we observe in the Asia-Pacific region, from Vladivostok to Vancouver, a clear shortage of such mechanisms, along with their insufficient effectiveness.”³¹ Russia has certainly been right to call attention repeatedly to the fact that one should not regard the European secur-

31 Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, *Speech by Russian Deputy Minister of Foreign Affairs Aleksei Borodavkin at the Theoretical and Practical Conference Organized by the Federation Council of the Federal Assembly of the Russian Federation on the Theme of “The Asia-Pacific Region and Russian National Security”*, Moscow, 19 March 2010 (emphasis added), at: http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcb3/e2d6cdc4691c2e5ac32576eb00488a39?OpenDocument.

ity architecture as a completed “blueprint” but rather as an organic development that may very well require further adjustment.

Where does the EST go from here? How should Russian-Western relations be framed, both in general and with regard to the post-Soviet space in particular? There is no agreement within the West on this matter, partly a result of the West’s ability to act strategically, partly because of intra-European and transatlantic splits (“the West” is an increasingly incoherent concept). Nor is there agreement in Russia on how to engage with the West, partly because of the complete estrangement of the political elite from the West over the last 20 years, partly due to a series of Western actions, from Kosovo to Iraq, that Russia, for entirely understandable reasons, finds difficult to digest, and partly due to a lack of willingness to address the domestic “elephant in the room” – the opposition of internal vested interests to the modernization of Russia’s economy and society, as the latter implies a different political order – i.e., one that is indeed democratic.

Discussions carried out in relation to the EST proposal that seek to reassess European security structures and propose reforms to existing institutions and practice are valuable, as they address the real agenda: lack of trust. Some rebalancing of the various dimensions of the OSCE, with an increased importance attributed to its politico-military dimension, may be the outcome, as well as the launching of arms-control negotiations and the granting of greater Euro-Atlantic recognition to the CSTO. This will immediately raise the question of how the EST will relate to the Corfu Process launched by the Greek OSCE Chairmanship in 2009, as both have the same declared objective – the rejuvenation of European security with an emphasis on the OSCE’s role.

In sum, the EST has shown signs of exhaustion as far as it can be considered an attempt to agree upon a new legally binding foundation for European security. Yet to the extent that it can be considered an intellectual challenge, it may contribute to shaping the agenda for a long time to come.

The Corfu Process – Opportunity to Establish a New Security Order in Europe or Recipe for Yet Another Failure?

Why Do We Need to Go Back to Basics?

The current discussion on a new security arrangement for the Euro-Atlantic and Eurasian space is generally dated to the speech given in Berlin by Russia's President Dmitry Medvedev in June 2008.¹ The then new Russian leader proposed that a European summit should take place to approve a mandate for talks on a legally binding European Security Treaty (EST). According to Medvedev, the main objective of such a document would be to guarantee the real reunification of Europe without dividing lines. However, Medvedev's initiative needs to be seen in a larger context, as it is yet another form of the same security concept that Russia has been pushing for years. Moscow's ambition is evidently to achieve more equality in the interaction of Russia, the EU, and the US in the new security environment. Its strategic objective is to minimize NATO's influence while legitimizing Russia's leading position in the post-Soviet area. An essential part of this strategy is to weaken the OSCE by circumventing its ability to act (by undertaking actions often referred to as "interference in internal affairs") in the context of protracted conflicts, to address human rights violations, and to deal with other shortcomings partly stemming from Russian behaviour both at home and in Russia's "near abroad".

In the early 1990s, Russia sincerely believed that the collapse of the Warsaw Pact would be followed by the break-up of NATO. According to Russia's vision, the OSCE was to become a fully fledged regional arrangement of collective security in the sense of Chapter VIII of the UN Charter. Although many Western capitals flirted with this idea too, a substantive difference in perception of the future direction of the political discourse on security arrangements was obvious even then. Moscow was never able to abandon foreign-policy thinking based on concepts of military balance, mutual deterrence, collective security guarantees, buffer zones, spheres of interest, and non-interference in internal affairs, while, of course, always stressing the determining significance of "hard" security issues. Western politicians and

Note: The views contained in this contribution are the author's own and not the official position of the Ministry of Foreign Affairs of the Slovak Republic. The contribution reflects the state of affairs at the time of writing in July 2010.

1 Cf. President of Russia Dmitry Medvedev, *Speech at Meeting with German Political, Parliamentary and Civic Leaders*, Berlin, 5 June, 2008, at: http://archive.kremlin.ru/eng/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml.

experts, however, have always insisted upon the need to build up a genuine system of common, comprehensive, co-operative, and indivisible security based on compliance with agreed commitments and respect for fundamental values. Since Moscow allowed the comprehensive concept of security to be anchored in the OSCE's founding documents, it seemed at the start of the OSCE era that Russia, like many other states, really did wish to replace the Cold War attitude with a new outlook. But it soon turned out that things had been much more complicated. Twenty years later, the Russian political elites – and not only them – still have trouble reconciling themselves with the basic OSCE security concept and paying the necessary respect to OSCE commitments, particularly the human rights *acquis*. As a result of this attitude, a strategic mistrust has gradually taken hold at the heart of the OSCE. This is a consequence of the fact that the comprehensive and cross-dimensional fabric of the OSCE approach towards security – the concept of the responsibility of governments towards their citizens by means of respecting their fundamental rights and freedoms – has not found its stable place in the policies of Russia and its allies. Irrespective of their positive rhetoric, and regardless of the declarations they make, some European leaders still remain hostages to Cold War thinking, which is, of course, directly reflected in the lack of recognition for the OSCE's role as the primary tool for conflict prevention, conflict management, and conflict resolution through political dialogue and early action.

The OSCE should have become a symbol of modern security arrangements for the 21st century. Today, we have to admit that this dream has never come true. The Organization's main weakness was also its strength: Its efficacy as a forum for political consultations and united action was entirely dependent on the readiness of the participating States to comply with the agreed commitments and on their mutual trust, strengthened by the consensus principle. And it was precisely Russia and some of its allies from the post-Soviet space that gradually lost the political will to pursue the OSCE's unique security concept and to continue transforming their societies in line with OSCE values and commitments.

Due to contradictory perceptions of the security environment and its future on the part of Russia and its allies, on the one hand, and the West, on the other, mutual trust and common sense have gradually evaporated. This tendency was sped up by the arrival of the new national leadership in Russia, and by the dynamic growth of its economy. Developments that followed the 1999 Istanbul Summit clearly demonstrated that the level of Moscow's identification with the OSCE security concept is proportional to approval of democracy in Russia itself. The country has apparently chosen a civilizational model of its own. Even today, Russia's geopolitical perception of security is still limited to the politico-military dimension and characterized by a *zero-sum-game* policy, while the post-Soviet region is seen as natural sphere of influence, and Central Europe as a kind of no man's land where there is no room for potential threats to Russia's security. While NATO openly strives to

build up a strategic partnership with Russia, Russian security strategy still considers the Alliance to be a security threat. Hopefully this will soon change for the better.

The OSCE has become a mouthful that Moscow can no longer digest, but for different reasons. Although the CSCE/OSCE has always been primarily about the regulation of relations between the West and the (former) Soviet Union, it needs to be stressed that Russia's status within the Organization is the same as that of all the other 55 participating States. Therefore, Russia, like every other state, has been exposed to criticism regarding democratic shortcomings, such as non-transparent and biased elections and restrictions of human rights, including, in particular, the suppression of freedom of speech. Besides that, it must deal with OSCE activities in countries within its sphere of influence, and naturally not everything the OSCE does is in line with Moscow's interests. As Russia has failed to turn the OSCE into a kind of hub of European and transatlantic security organizations, it has begun to turn its back on the Organization. At the same time, it has started to call more loudly for a new security arrangement in Europe that would, in its opinion, finally rectify the fragmented security environment, in which the security of one group of countries, i.e. NATO members, has been strengthened at the expense of the security of others. In its criticism of the OSCE, Russia never forgets to mention that it was unable to prevent the bombing of the former Yugoslavia, the unilateral recognition of Kosovan independence, and the war in Georgia. Following the colour revolutions in Ukraine and Georgia, Russia's criticism turned into deliberate destruction, as typified by the address given by President Vladimir Putin before the February 2007 Munich conference. The then Russian president accused the West of efforts to destroy the balance between the three dimensions in favour of the human dimension of the OSCE and "to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries".² This is, however, what Moscow will by all means try to prevent. The war in Georgia, which demonstrated a flagrant disregard of the Helsinki principles and of international law, only reconfirmed Moscow in its strategic decision to secure its interests in its near neighbourhood at any cost, regardless of the possible loss of international credit and the deterioration of relations with the West.

What Is Moscow Actually After?

In this context, Medvedev's initiative seems more like a reflection of continued Russian political thinking than a sincere effort to find responses to the

2 *Speech of the Russian President Vladimir Putin at the 43rd Munich Conference on Security Policy*, 9-11 February 2007, Munich, 10 February 2007, at: http://archive.kremlin.ru/eng/text/speeches/2007/02/10/0138_type82912type82914type82917type84779_118123.shtml.

changes in the European security set up. A speech that President Medvedev held at the annual meeting of Russian ambassadors in July 2008, just a few days before the war in Georgia, disclosed where this thinking came from. The proposed European Security Treaty (EST) was an invitation to formalize and legitimize the new understanding of the Russian concept of security, which is based upon balance of forces and recognition of zones of privileged interest in the post-Soviet area.³

In November 2009, President Medvedev sent the text of the EST to his OSCE partners as well as to heads of other security organizations in the Euro-Atlantic and Eurasian region. He once again proposed that a summit should be held to start negotiations on the new treaty. At that time, the response of the EU and NATO was not very enthusiastic. Although the Western partners generally welcomed the initiative as a manifestation of a desire to launch a dialogue on security in the OSCE area based on new foundations, they openly questioned whether a European security treaty was actually needed, and expressed their support for the continuation of dialogue on this issue within the OSCE Corfu Process.

In early December 2009, in parallel with this letter, the Russian foreign minister, Sergey Lavrov, sent a draft agreement on basic principles to modify relations between members of the NATO-Russia Council in the field of security⁴ to the NATO Secretary-General. The Alliance has not adopted any position on the proposal, but has informally let Moscow know that at this stage NATO was not prepared to hold discussions on it and considered the OSCE to be the central platform for the debate on the future of European security.

Although Russia claimed that its proposals were not designed to build an alternative system to the existing international security organizations, but rather to help stabilize relations in Europe, reading the texts more closely discloses that the former was precisely what Moscow was after. At the same time, Russia refused to discuss the EST in the context of the settlement of protracted conflicts, which it considers a completely separate issue. A demand voiced by the West that discussion of the EST should be held on the basis of the existing security architecture in Europe has also been rejected. Moscow's unclear and often antagonistic approach and the lack of will to tackle the frozen conflicts inevitably provoked questions about the sincerity of Russia's intentions. However, the West concluded that it should not be discouraged by this attitude, and that any opportunity to involve Russia, Belarus, and Central Asia in substantive dialogue should be utilized. At the same time, Western countries were not ready to compromise on the deterior-

3 Cf. *Speech by President Dmitry Medvedev at the Meeting with Russian Ambassadors and Permanent Representatives to International Organisations*, 15 July 2008, Russian Foreign Ministry, Moscow, at: http://archive.kremlin.ru/eng/text/speeches/2008/07/15/1121_type82912type84779_204155.shtml.

4 Cf. *Paper received from Russian Minister of Foreign Affairs Lavrov*, NATO Unclassified SG(2009)0995, 4 December 2009.

ating situation in the field of human rights and democracy in those countries. All in all, the West has become more pragmatic in its attitude towards Russia and its partners while maintaining certain red lines. Nonetheless, the level of sensitivity regarding human rights violations has dropped over time. Thanks to this approach, the West has come up with the practical answer to the Russian initiatives: the launch of the Corfu Process within the OSCE as the catalyst for possible rapprochement.

The Corfu Process

Initially, the Russian proposals were met with open mistrust, as they were perceived as yet another diplomatic manoeuvre to prevent enlargement of NATO and the EU and to distract attention from Russia's military adventure in Georgia. However, the positions of most nations gradually began to soften. The war in Georgia and the gas crisis in Ukraine paradoxically sped up general acceptance of the assertion that security relations had gone in the wrong direction and that a new phase of dialogue had to be launched in order to restore trust, confidence, and common sense. After some hesitation, the West reached the conclusion that despite substantive reservations regarding Moscow's domestic and foreign policy, there was a need to keep Russia and its allies on board, to limit their tendency to self-isolation, and to objectively assess whether some of their proposals were not essentially rational. The initiative was taken by France, which held the EU Presidency in the second half of 2008. During the meeting of the OSCE Permanent Council in Vienna on 17 July 2008, the French foreign minister, Bernard Kouchner, welcomed the proposal by the Russian president and recommended that the OSCE become a platform for its further elaboration.⁵ Two months after the war in Georgia, the French President, Nicolas Sarkozy, emphasized that everything connected to security in Europe needed to be reassessed from every possible angle and that prejudices and stereotypes dating back to the Cold War era should be removed through dialogue and better comprehension of the thinking and needs of the other party. He also underscored that the discussion should take place within the OSCE, which is the only forum that includes all European security players on an equal basis. At the same time, the French president proposed that a special OSCE Summit take place to discuss the suggestions made by Russia and the EU regarding concepts for the development of European security.⁶ In early December 2008, NATO foreign ministers also expressed their support for commencing a dialogue on European security. The

5 Cf. *Statement by Mr. Bernard Kouchner, Minister for Foreign Affairs of France, to the OSCE Permanent Council*, PC.DEL.628/08 17 July 2008, p. 1, at: <http://www.osce.org/pc/32838>.

6 Cf. *World Policy Conference, Speech by Mr. Nicolas Sarkozy, President of France, Evian*, 8 October 2008, at: <http://www.ambafrance-uk.org/President-Sarkozy-s-World-policy.html>.

initiative was taken by the then OSCE Chairman-in Office, the Finnish minister of foreign affairs, Alexander Stubb, who hosted an informal lunch where the issue was discussed during the Helsinki Ministerial Council on 4 December 2008. The ministers welcomed the idea of a renewal of talks on European security. At the same time, they emphasized that, in view of the comprehensive nature of security, the discussion must be held within the OSCE, as only it can guarantee a balanced approach to all security dimensions. The prevailing view, strongly advocated by the EU and the US, has been that there was no sense in considering organizing an OSCE Summit before its substance was clearly defined and agreed upon. In 2009, the baton passed to the Greek Chairmanship, which threw itself into steering an informal discussion in the OSCE Permanent Council and the Forum for Security Co-operation in Vienna. The breakthrough was the informal meeting of ministers of foreign affairs held on 27-28 June 2009 on the Greek island of Corfu. This meeting brought about the transformation of the ad hoc discussion into a targeted and institutionalized dialogue. If some ministers had doubts about the practical benefits of such dialogue before Corfu, a consensus on its necessity and its gradual transformation into a more specific and permanent format gained overwhelming support there. The OSCE Chairperson-in-Office, the then Greek minister of foreign affairs, Dora Bakoyannis, officially announced the start of the Corfu Process, which was framed by the following principles:

- Dialogue will be anchored within the OSCE, though the contributions of other security institutions will also be taken into consideration.
- Dialogue will focus on the issues of crisis management, arms control and disarmament, and particularly on the CFE Treaty.
- There will also be discussion of new threats, including threats to environmental security and the reliability of energy supplies.
- Last but not least, there will also be discussion of how to strengthen compliance with human rights, democracy, and the rule of law.

The declared objective of the Corfu Process was to renew trust among participating States, to establish mechanisms for better and more efficient implementation of existing commitments, and to create a platform to enable progress in solving new security challenges. In the autumn of 2009, the Greek Chairmanship organized ten rounds of discussions in Vienna at the level of Permanent Representatives to the OSCE, which were characterized by sincere and – in all but a few cases – non-confrontational dialogue. Despite the relaxed atmosphere and a high degree of creativity, however, the debate revealed a lack of trust and differing views on fundamental security challenges and the future security arrangements of the OSCE area.

The Corfu Process and the EU

Among other things, the Corfu Process has been a test for the EU and its new approach to the implementation of common foreign and security policy in the spirit of the Treaty of Lisbon. The Union was able gradually to elaborate a system of internal co-ordination on whose basis the Presidency, as a rule, delivered EU framework positions. These were followed by individual contributions from the member states, including their national proposals. The EU did not and does not wish to hold a dialogue based on a bloc-to-bloc approach. It regards the Corfu Process as a useful opportunity to overcome bloc thinking by means of creating ad hoc coalitions that include post-Soviet countries. So far, the EU has successfully dealt with this challenge. It has developed a clear strategy for conducting the debate (dialogue must focus on real, not virtual, threats and challenges; content, not form, is important; the present security architecture has served us well, but it needs to be reinforced and rendered more efficient; European security dialogue must be anchored within the OSCE; the dialogue must not take place in a vacuum; tangible progress is needed to solve the security issues our region faces, including renewal of the arms-control regime, disarmament, and positive developments regarding the so-called frozen conflicts; the dialogue must be open in character and should not prejudice any of the possible outcomes; the fundamental objective is *Helsinki plus*, not *Helsinki à la carte*), while simultaneously working out numerous concrete proposals and thus taking the lead in shaping the agenda and furthering the debate. Vienna could be taken as glittering proof that Lisbon can work, provided the member states remain reasonable and united by common interest.

What Is at Stake for Participating States?

Frankly, it is not that difficult to identify what should be done, both in the OSCE and in the wider security context. War in Georgia and the recent tragic developments in Kyrgyzstan have once again bluntly disclosed all the weak points of the OSCE, and the lack of honest and strategic partnership on key security matters among its participating States. There is a need for far stronger and faster capacities for early warning and early action to prevent potential conflicts in good time. At the same time, the OSCE should have far more effective and robust tools for effectively managing conflicts and ensuring that action is taken in a co-ordinated manner during the post-conflict rehabilitation process to ensure that conflict does not re-emerge. In this respect, there is a clear need to ensure that OSCE institutions (Chairman-in-Office, Secretariat, HCNM, ODIHR, field operations, etc.) are trusted sufficiently by the participating States, so they can act more autonomously without being hindered by counterproductive political debates or the strictly individual

interests of participating States. The Corfu Process, therefore, is not only about building trust among participating States but also about strengthening their confidence vis-à-vis OSCE institutions. There is also a need to develop better mechanisms for following up the implementation of (or rather acting in response to violation of) OSCE norms, principles, and commitments, including in the field of human rights, which is and should remain the cornerstone of the OSCE's comprehensive approach to security. The OSCE's political bodies should finally be turned into real platforms for open, frank, and straightforward day-to-day debates on how the participating States implement or disregard OSCE commitments and the recommendations of relevant OSCE institutions and how the situation can be improved in a co-operative manner.

The EU's priorities for the Corfu Process and beyond have gradually gained clear shape along the above-mentioned lines. Baroness Catherine Ashton presented them in condensed form at the OSCE informal ministerial meeting in Almaty in mid-July. She stressed that we should strive towards the same strategic vision: a Euro-Atlantic and Eurasian region that is whole, free, and at peace with itself, where disputes are solved peacefully and respect for common commitments is universal. In achieving this, the OSCE should become better at preventing, managing, and resolving conflicts; we have to stop and reverse the decay of the Treaty on Conventional Armed Forces in Europe (CFE) and reinforce confidence- and security-building measures (CSBMs), we need to strengthen the human dimension, and we need to reinforce the OSCE's ability to jointly tackle transnational and emerging threats and challenges that affect us all.

In Athens, ministers adopted an important political declaration on the follow up to the Corfu Process. Among other things, it contains a reference to a possible OSCE Summit in 2010, provided there is adequate preparation in terms of substance and modalities. Kazakhstan as the holder of the OSCE Chairmanship, the first country from Central Asia to do so, was entrusted with the elaboration by the end of June 2010 of an Interim Report for a joint session of the OSCE Permanent Council and the OSCE Forum for Security Co-operation. It was understood that the report would determine the future direction of the process. Today, it can be argued that the Athens decisions on Corfu and a possible Summit have been almost fully implemented. Although Russia's interest in separating the EST from the Corfu dialogue meant that neither of the two decisions entirely cleared up the ambivalence and confusion, they did provide a means for continuing the structured debate on specific proposals and initiatives, and thus endeavouring gradually to reduce accumulated mistrust and suspicion and to diminish differences in conceptual approaches. And this is precisely what has happened in the first half of 2010.

On the basis of the Athens decisions, the Permanent Representatives in Vienna conducted a thorough overview of the following topics:

- the implementation of all standards, principles, and commitments of the OSCE;
- the role of the OSCE in early warning, prevention and settlement of conflicts, crisis management, and post-conflict rehabilitation;
- the role of arms control and disarmament regimes and those aimed at strengthening trust and security in developing the security environment;
- transnational and multidimensional threats and challenges;
- economic and environmental challenges;
- human rights and fundamental freedoms as well as democracy and the rule of law;
- enhancing the OSCE's efficiency;
- co-operation with other organizations and institutions on the basis of the 1999 Platform for Co-operative Security.

The informal meetings allowed for varied perspectives to be presented in the form of concrete initiatives and proposals that could be taken forward. Today, the participating States have at their disposal an excellent analysis of the security environment and a good number of innovative proposals on how to address the modern challenges they and the OSCE are facing. They have been able to identify clearly areas of common interest, as well as topics in which it is possible to elaborate and adopt an ambitious but realistic action plan for future work. The Interim Report can also be seen as the set of common expectations on which the participating States are obliged to deliver. At the same time, the intense debate clearly disclosed the fundamental divergence of views on how security should be guaranteed in the Euro-Atlantic and Eurasian area, which meant that the discussion often took place at an abstract level. However, the EU and the US were well aware that there was no other alternative than to make use of the window of opportunity made available by the Corfu Process in order to engage Russia and its allies in real dialogue. The alternative scenario would of course have been the continuing degradation of relations, confrontational rhetoric, stagnation in the settlement of frozen conflicts, militarization, the final breakdown of disarmament regimes, and the further deterioration of democracy and human rights in Russia and other post-Soviet countries.

The report encapsulates key points of the discussion and proposals. It is considered to be sufficiently balanced and inclusive to serve as a good platform for further debate. However, there is a general feeling that the brainstorming type of discussion has exhausted itself and that the participating States should now turn ideas into reality. Demand has been growing to move the process on to another, more real, phase.

Russia's approach to the Corfu Process has remained ambivalent. Moscow has so far considered the Corfu Process to be separate from the elaboration of the EST. Sometimes it has even looked as if Moscow lacks strategic clarity on how to approach Corfu. To illustrate this, it is enough to recall that, during the Athens Ministerial Council, the Russian foreign minister, Sergei Lavrov originally intended to block the adoption of the decision on the continuation of the Corfu Process, but changed his mind at the very last moment.

The question naturally arises as to whether the Corfu Process is sufficient to satisfy Moscow's ambitions regarding the EST and its vision of Euro-Atlantic and Eurasian security. Most participating States have rejected the Treaty or are refusing to engage in discussion of the Treaty as such, but have nothing against debating some of its elements within the framework of the Corfu dialogue. Russia persistently claims that the draft EST does not fall within the remit of the OSCE and that another, for the time being unspecified, forum should discuss it. Meanwhile, thanks also to the unity of the NATO and EU countries, the OSCE has become the main forum for renewed European dialogue. The Corfu Process therefore has to be seen as a concrete response to Medvedev's initiative, and there is nothing else on offer. This, of course, represents a complicated dilemma for Russia. Medvedev's proposal never concerned the OSCE as such. It was originally driven by the ambition to replace the OSCE with a new system of balance of power, focusing on the politico-military dimension. Despite that, Russian diplomacy let itself be drawn into the activities of the Finnish, Greek, and now Kazakh Chairmanships, and decided to participate actively in the Corfu Process. Moscow probably concluded that Corfu provided a suitable platform for it to advocate its views and initiatives, and that at this stage, it needed to be explored. Russia, for example, strongly and repeatedly argued in favour of its proposals regarding the elaboration of an OSCE Charter and a new mechanism for the settlement of disputes. At the same time, Moscow did not miss any opportunity to draw attention to the need to start discussions on the EST. Apparently, Russia has not yet defined its final position on the Corfu Process, and this uncertainty might last for an indefinite period of time.

Against this background, it is extremely important that the EU member states continue, along with the US, to act proactively and do not stop to produce new initiatives or explain existing ones in greater detail. At the same time, they should do their best to avoid bloc confrontation. In this regard, the Corfu Process is a litmus test of the EU's ability to co-ordinate its activities more effectively and act jointly whenever possible and necessary. So far the EU delegations in Vienna have passed this test with dignity, but the most difficult phase still lies ahead.

What Should We Expect Now?

The Almaty informal ministerial meeting has brought some clarity to the future of the process, although darkness still prevails as regards Russia's tactics. For the time being, no signs of a change in Moscow's strategy are visible. The participating States showed their readiness to strengthen joint efforts in tackling existing security issues in the OSCE area. Against the background of the agreement on dispatching OSCE police advisors to support the restoration of rule of law, public order, and diplomacy in Kyrgyzstan as soon as possible, a consensus was also reached on holding an OSCE Summit by the end of 2010 in Astana. Although the agenda of the Summit has yet to be finalized, the prevailing view is that the high-level meeting, which will take place eleven years after the Istanbul Summit, should take the Corfu debate to another, qualitatively higher level. It is expected that the Heads of State or Government will approve a strong political declaration at Astana, which is being referred to as a "launching summit". By this means, the participating States will demonstrate their will to agree upon a strategic vision of the security community in the OSCE area and reaffirm their full adherence to all OSCE norms, principles, and commitments in all security dimensions, as well as to their implementation. In practical terms, the Summit should adopt an integrated action plan, i.e. an outline of future negotiations, which should focus on the following topics:

- strengthening the institutional basis of the OSCE and transforming it into a fully fledged international organization;
- strengthening the conventional arms control regime and CSBMs, ensuring progress on restoring the viability of the CFE Treaty regime;
- strengthening the OSCE's capabilities and toolbox in all three dimensions with regard to early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation and undertaking joint work on ways to set the protracted conflicts in the OSCE area on the path towards peaceful settlement;
- ensuring increased attention to transnational threats in all three dimensions and enhancing OSCE involvement, within its mandate, in international efforts for the stabilization and reconstruction of Afghanistan;
- countering post-crisis economic challenges, including adapting the OSCE Maastricht Strategy to current conditions; and
- strengthening the overall capacity of OSCE participating States to tackle existing challenges in the human dimension and enhancing the ability of the OSCE institutions to follow up on the implementation of recommendations made under their mandates.

Following the summer recess, the Permanent Representatives in Vienna will start working on the Summit's final documents. The Corfu Process is multi-

layered and multidimensional. It is an aggregate of several equations with many unknowns that may, but need not, be clarified in the process and dialogue itself. It is, however, important that the process is inclusive and that all players and proposals take part in it as it advances. In that regard, the understanding reached in Almaty was a real breakthrough.

Although the future of the Corfu Process is for the moment uncertain, its contribution is already visible, as it has generated a better atmosphere, and more openness and solidarity among the participating States, which allows the OSCE to slowly return to its original role. It is no secret that the OSCE was close to breaking down in 2007. At present, the Organization is perceived in a more optimistic light, although the Corfu Process remains more an opportunity than a real negotiation process for the time being. One of the by-products of Corfu was that the participating States have had a chance to refresh their understanding of the OSCE, its irreplaceable role for generating common purpose, and a sense of mutual dependence and a shared future. Once again, a belief in the added value of the OSCE has emerged. There is no doubt that the Organization might once again play the role of a forum for inclusive dialogue on European security, subject to the political will of all the participating States. Many have forgotten this unique role of the OSCE, and the Corfu Process helped them to rediscover it. There is also an opportunity for the OSCE to again become a platform for discussions on the fundamental principles of the coexistence of states and for building new trust among them despite differences in values. The OSCE might become a forum for generating the will to take common action against new, and increasingly complex security challenges and threats. So far, this is the main value that has been added by the Corfu Process. Although one should entertain no illusions, it should be welcomed that the process has been given a chance to develop further, so that the participating States can continue patiently to mediate differences of opinion in a co-operative manner.

The participating States should be well aware, however, that in the near future they will most probably not succeed in building such a stable and clearly defined security architecture as was in place during the period of bipolar division between East and West. Indeed, given the uncertain and diverse character of the new security threats, it will perhaps be entirely impossible to count on a stable and institutionalized security system. Although President Medvedev, in a speech made to Russian ambassadors in July this year, stressed that “we believe in the viability of our democratic institutions and will insistently develop them to make Russia a thriving society, based on the principles of liberty and justice”,⁷ it would be unrealistic to expect a major turn towards strengthening democratic institutions and the rule of law

7 *Speech by Dmitry Medvedev, President of the Russian Federation, at the Meeting with Russian Ambassadors and Permanent Representatives to International Organizations, Moscow, 12 July 2010, at: http://www.mid.ru/brp_4.nsf/0/FB6F773B31E6DF0EC32577600033F759.*

in Russia in the near future. The same applies to other CSTO members. Therefore, the best scenario would be to achieve a common understanding on the cohabitation of different value systems in the OSCE region and their gradual convergence through more effective co-operation and co-ordination in the fight against our common enemy, i.e. the new security threats.

The Corfu Process and the upcoming Summit represent a historic opportunity to improve East-West relations and gradually build up a new security order based on trust, co-operation, respect for legitimate security interests, and compliance with universally accepted values. In order to alleviate traditional prejudices and harmonize the interests of individual states, it is vital to grasp the opportunity to agree on a common understanding and definition of security threats as well as on measures to eliminate them and thus to gradually overcome the deep misperceptions of values. From the point of view of the EU, Russian worries sometimes appear absurd, but they are in all likelihood still real for Russia, although it is questionable how much of this is just tactics and political marketing. The Corfu Process, if it is turned into real negotiations, may become an important instrument for influencing Russian thinking in the Euro-Atlantic direction.

Finally, even if both sides come to better comprehend the thinking and needs of the other party, Russia and its allies nonetheless have to understand that no strategic partnership is possible if the values of democracy and respect for human rights and the rule of law are not fully shared and respected. Being aware that all the other alternatives are worse, it is our duty to overcome the contradictions and get on with real negotiations, even if they may take many years to conclude.

Contract 2015: A Conceptual Framework for Regional Security

The military order crafted from 1989-1992 at the close of the Cold War era through a series of gradual political compromises between East and West has run its course. Nevertheless, a modernized version of this architecture, with its concomitant security guarantees, should continue to serve Europe for many years, and it is in our interest to preserve its effectiveness and legitimacy. In order for these security guarantees to continue to achieve their primary objectives, it is necessary to craft a new field for common integration and interaction in the European security arena and create a regional security community that would guarantee a sense of mutual belonging amongst the nation states of a given region, thereby eliminating the danger of new conflicts.

Over the past few months, the questions of the emerging post Cold-War order and pan-European security system have returned to the fore in the United States, Russia, and Europe. The dominant theme of the past 20 years within the Euro-Atlantic sphere was the issue of European integration in accordance with the Western model and the attempt to consolidate Western alliances. We were well aware of what we wanted to achieve. However, this model has lost its dynamism and no longer offers any immediate new possibilities. The situation is analogous to the way in which gas loses its characteristic smell when it is evenly dispersed within a large volume. Over the past few years and over a large area, the security situation has been worsening. New challenges have arisen, the use of violent force has become a possibility once again, and the powers of provincialism, populism, and nationalism are again on the rise. A new, wide-ranging contract is necessary to make possible the type of co-operation adequate to the challenges of a global era.

The return to the question of pan-European security was hastened by the initiative of Russian President Dmitry Medvedev. The global strategy of US President Barack Obama should be a powerful wakeup call to Europe (if it has not already been one). This, however, is merely the tentative beginning of a wider debate and of broader changes, because Europeans are not yet ready to create a European security and defence strategy. Meanwhile, the Russians would happily sit out certain processes and separate the realization of their own aspirations from the issue of solving numerous difficult regional problems – problems that are priorities for their Western partners.

Note: This text represents the personal views of the author and not the opinions of the Polish government.

In the Corfu Process, the OSCE has already begun an interesting debate on the future of European security, but this Organization is at once the broadest and the least visible international body in the region. NATO and some member states of the European Union have indeed taken up the issue of a new conceptual strategic framework, but only as seen from the point of view of the particular interests of these two organizations. The natural forum for a regional debate is the OSCE, if such were the collective will of its 56 participating States. The result of such a debate could be a conceptual strategic framework for regional security.

A conceptual strategic framework for regional security would be the solution to the problem of the shifting paradigm of world order 20 years after the end of the Cold War. This shift is borne witness to by an accumulation of events and a multiplication of symptoms. There is talk of a deficit of trust and the need to rebuild trust in Europe. A continent focused on organizing itself into a postmodern society was, until recently, supposed to be the model for the future of the world; similarly, the institutionalized thicket of European security was a unique example of how to properly heed the lessons of a tragic past, disfigured by the scars of total warfare.

But this phase has come to an end. Our task is now to re-order the huge region from Vancouver to Vladivostok in such a way as to be able to meet both regional and global challenges. It is imperative that Russia be a part of the European security system; otherwise it is easy to foresee a future of regional crises as well as the weakening of Europe's effectiveness on the global stage. The region requires new solutions that enhance and improve the original "contract" entered into in 1989-1992. It is in Europe's interest to be the main author of the "Contract 2015". There is no fundamental reason why European security should be merely a function of US-Russian relations.

In considering the debates amongst experts on the crisis of the international order that was crafted in 1990, it is impossible not to take up the most insightful of all analyses, that of John Ikenberry and Daniel Deudney.¹ This is a call for the West to get back to basics – to the letter and spirit of the peace accords that brought about the end of the Cold War. In their view: "The Cold War settlement was a hybrid, a mixture of Vienna-like great-power accommodation and Versailles-like liberal institutional building."² All this, while being respectful of the interests of the Soviet Union.

In my view, the settlement that ended the Cold War was a far cry from the model of the great international agreements of 1814/1815 and 1919, which managed to craft a wholly new international order. The settlement of 1990 closed the era of the Cold War as a *modus vivendi*, but had no ambition to create an architectural framework for new international institutions. The security architecture was not the result of a prior accord between the West

1 Daniel Deudney/G. John Ikenberry, *The Unravelling of the Cold War Settlement*, in: *Survival*, No. 6, December 2009/January 2010, pp. 39-62.

2 *Ibid.* pp 44-45.

and the Soviet Union, but came about without any architect per se as the result of a spontaneous post-Cold War process of political change.

The West, convinced of the historical supremacy of the liberal democratic model, conducted a policy focused on the integration of Central, South-eastern, and Eastern Europe via NATO and the European Union. Deudney and Ikenberry do not question the spirit of liberalism that was the motivating force of integration, but they do treat the expansion of NATO as a mistake which went against the logic of the peace settlement. In their view, integration was not a bad thing, but its fundamental flaw was its short reach. It should, above all, have encompassed Russia itself.³

In this context, it is well worth recalling Boris Yeltsin's letter of August 1993, in which the Russian president demanded that Russian-NATO relations be placed, via political fiat, on a higher tier than relations between NATO and the Eastern European nations that aspired to NATO membership. Uninterested in joining NATO, Russia, by requesting a higher security status for itself and consequently a lower status for the nation-states "between" itself and the West, forced the hand of the Western Alliance and guaranteed that the West would be forced to pursue a pragmatic, liberal policy of step-by-step expansion. Integration with Russia was set aside, although not completely ruled out, and – contrary to what some may think – the process is more advanced now than it was in 1990.⁴

Twenty years after the end of the Cold War, the central challenge for regional security is the integration of Russia into the regional security system. It is the challenge of our time. Europe's strategic goal is to construct a more secure region in which the use of force and a hard-headed approach to international affairs decline and the modus operandi predominant in the North Atlantic sphere spreads throughout the entire region.

Poland and Central Europe (broadly defined) are the beneficiaries of the changes that took place in 1990. Poland has exploited the vagueness of the "Contract 1990" to its own strategic ends, but in order to strengthen its security, it must act intelligently with the aim of transforming the current status quo into a status quo with additional benefits. "Contract 2015" is my shorthand name for the terms of a new settlement on the adaptation of international institutions and the establishment of a co-operative security system throughout the entire Euro-Atlantic and Eurasian region. The construction of this type of contract, as complex and multifaceted as it would need to be, requires a shift in European and Euro-Atlantic thought.

The role of Central Europe in 2010 is and ought to be different from how it was in 1990. In the 1990s, the Central Europeans effectively redefined the previous contract, which had not guaranteed their place in the European

3 Cf. *ibid.*, pp. 49-51.

4 The point here is not the current return to the subject of integration in discussions between experts and politicians in the West and in Russia, but rather to focus on the terms of debate, which are different now from what they were twenty years ago. Russia needs the West, and the West can ill afford to cultivate a view of Russia as an eternal foe.

security system. The role we currently play in this system enables us to cooperate in crafting the European security landscape.

The construction of regional security (a new open regionalism) requires us to consider the whole forest and not just a few of the trees; to find ways to break through institutional barriers (interlocking rather than interblocking); and to adopt pragmatic, non-hierarchical institutional forms of co-operation. Progress in this direction needs to be made within the framework of the three primary institutions responsible for European security: NATO, the EU, and the OSCE.

There are three main factors that favour the “Contract 2015”:

- 1) changes in the usability of force (military, political, and economic);
- 2) the regional and global security situation;
- 3) the need to redefine the politics of security.

Changes in the Usability of Military Force

Europe and, to some extent, Russia, both entered the post-heroic epoch long before the current crisis. Afghanistan is the best proof of this. European - countries have smaller armies and are less eager to use them. More recently, NATO countries, including the United Kingdom, have also been reducing their military strengths. Europe and the United States are slowly ceasing to march in step. Europe’s power is almost entirely civilian, while the United States is still very much a military power. Moreover, at this stage, Europe is not capable of real defence integration.

In the global context, the use of force is becoming a far less effective tool than it has ever been. This is particularly true in the clashes between the West and a variety of different cultures and national identities (Iran, North Korea, Afghanistan, Palestine). However, the use of force still determines the fate of societies within the regional context (e.g. in the Southern Caucasus). Moreover any local conflagration could initiate a chain reaction of various dangerous developments.

It is extremely difficult to achieve any lasting change through the use of force. Rather, change results from an alteration in the identity of societies and states. Post-colonial states or weakened states are therefore particularly difficult to deal with. Consequently, the South’s resentment of the North is a key component of global tension.

The roots of the most pressing conflicts reach deep into the realm of national and ethnic identity, which makes it difficult to find any common interest in bringing them to an end. There is no alternative to bracing ourselves for long-term, patient initiatives in the spirit of co-operation and reconciliation, but this does require a change in our mentality. A dilemma exists here: Wherever force is not properly directed, chaos results – a breakdown of state

control over violence, for instance, may lead to a jump in organized crime such as trafficking in drugs or weapons – but the use of force often leads to a situation of perpetual anarchy and chronically weak states.⁵ Force must be used extremely carefully as part of an integrated political solution rather than seen as a solution in itself.

The diminishing viability of the use of force is part of a wider issue – namely the constantly evolving definition of security. None of the three institutions mentioned above (NATO, the EU, the OSCE) covers the entire spectrum of security issues. NATO focuses mainly upon military and political aspects. The EU deals with the political sphere as well as small-scale military operations, civilian, police, humanitarian, and regional development, and modernization programmes. The changing balance of power in the realm of security policy has created an opening for the multidimensional soft-power that is the OSCE. The OSCE combines three dimensions: the politico-military dimension, the human dimension, and, the OSCE's weakest field of activity, the economic-environmental dimension. It is not clear, however, whether the nation-states composing the OSCE will invest politically and financially in this organization (one notes a distinct lack of desire on the part of participating States to increase the organization's budget in this time of economic crisis).

These days it is difficult to imagine conflict prevention or post-conflict reconstruction without the participation of financial and aid institutions. Under the current conditions of economic scarcity, it is vital to attempt to make better use of available resources and mechanisms. However, in spite of often good co-operation in the field, things have not always been encouraging in practice. No institution in the region is truly comprehensive in terms of being able to address the real needs for effective action across the entire cycle of a given conflict.

The Security Situation – A Complex Picture

The picture is complex because the security situation is still relatively positive, but more and more dangers seem to be appearing on the horizon. These are not dangers that threaten any one particular European state, but rather all of Europe at once. Twenty years on, conflict prevention and conflict resolution have been effectively replaced by conflict management. This is true both on a global scale and regionally. Our region has seen inter-state conflict as well as internal conflicts, there are also new conflicts brewing in Central Asia, the armed conflict between Azerbaijan and Armenia is in danger of reigniting, and the possibility of new problems emerging elsewhere in Europe cannot be ruled out.

5 Cf. Robert Cooper, *The Breaking of Nations. Order and Chaos in the Twenty-First Century*, New York 2003, pp. 86-88.

The war in Afghanistan continues and is unlikely to end in victory for the intervening forces. Potentially major conflicts and wars threaten to erupt between India and Pakistan, Iran and Israel, in the Middle East, and around North Korea.

These conflicts cannot be resolved by any one state – not even a superpower. At the same time, it is fair to say that just about all of the international institutions and alliances that aggregate and give a focus to the actions of superpowers and other states do not function effectively and are not adequate to the scale of the threats they deal with. There are simply too many challenges and too little political will.

The impulse of 1990 has burned out, and the conflict between North and South is draining the energy of the West (this is obvious when looking at, for instance, the International Atomic Energy Agency (IAEA) – good examples are the contention surrounding the proposed nuclear fuel bank or Iran’s nuclear capabilities). Cultural differences make us incapable of coming to a mutual understanding, and it is this cultural and identity conflict that jeopardizes the mutual rational interests of North and South. The military and political effectiveness of the West is diminishing.

Europe does not have much time to lose. It should quickly organize its security on the basis of its own potential, guided by its own interests, yet without forfeiting its close ties to the United States. It should take steps to create a pan-European net of common institutions and regulations encompassing Europe, America, and a part of Asia.

Goals of Security Policy – The OSCE and the Corfu Process

A question worth asking as US President Barack Obama promotes a new world order in which Europe’s role is essential, but not central, is whether it is possible for Europe, the United States, and Russia to work together to execute a regional security project that meets the challenges of the 21st century.

My answer is a careful one, because currently no one is ready to undertake the execution of a regional project of this kind. The United States has a global vision, Russia’s actions are de facto a reaction to the evolution of the security system, and Europe’s post-Lisbon Treaty “brain” is not yet in high gear. What is possible, however, is a prologue, the initiation of preparations for the first stage, paving the way for the next ten to 15 years, when the situation will mature towards the next stage. As things stand, the problem that must be taken up is, above all, the role of Russia in the realm of regional security.

In the postmodern age, one does not declare war, nor does one sign a lasting peace treaty. The construction of international order is an exercise with no beginning and no end. The Helsinki settlement was reached in the

darkest night of the Cold War and is now a fundamental part of the *acquis* on which the region rests. The flexible nature of the OSCE means that the Organization could be a modern harbinger of change that meets the challenges of the accelerated flow of contemporary history.

Hierarchical international systems, such as the one from the Cold War era, have their positive aspects, particularly from the viewpoint of the superpowers, which nurture their stability and ensure predictability. They are effective, albeit undemocratic. Free-flowing systems based on norms and principles are less effective and have a lower predictability factor, but are in accordance with the process of democratization taking place in international affairs.

The free-flowing nature and lack of precision in international affairs is something that our partners from the East cannot abide. They wish for precision and the crystallization of the reality of the moment; they wish to, in effect, freeze an insect in a stone casing. Russia wishes to negotiate its role in a hierarchical system, although Russia itself benefits greatly from the current free-flowing system. The West is generally satisfied with the existing security institutions. At this stage, a compromise is both necessary and possible between two extremes – total elasticity and utter rigidity – a middle-of-the-road deal that will improve communication, trust, and co-operation. This compromise could be based on a model of a regional security community rooted in the notion of variable geometry, in which dynamism would be brought under the control of institutional discipline.

The channel for dialogue on this subject (following the impulse given by Russian President Dmitry Medvedev and President Nicolas Sarkozy of France) arose within the OSCE, under whose auspices a dialogue on the subject of the future of European Security has been held under the working name of the “Corfu Process”. A similar channel for dialogue has also arisen within NATO. It is only a question of time (given the initiatives taken by German Chancellor Angela Merkel) until the EU also initiates a platform for a similar dialogue on the subject of security with Russia. It should be noted that the OSCE is the perfect forum for a post-Lisbon EU to hone its role and act.

An interim deal in response to President Medvedev’s initiative cannot be limited to the OSCE and its future as an instrument for security management. The question does not directly concern the future of the OSCE, but rather the crafting of regional security in the 21st century. The attempt to modernize the CFE Treaty and CSBMs will be crucial in this respect. Specifying the role of Russia in the entire European security system – consisting of NATO, the EU, the OSCE, and nation states which, whether through their own will or through coercion, are not members of these Western organizations – will be decisive.

At this moment in time, Russia’s main goal somewhat resembles the goal that it had during the Congress of Vienna of 1815 and, a few years later,

during the Congress of Aix-la-Chapelle in 1818: the construction of a system of European states among which Russia will be a key member – preferably one of the two or three dominant participants. However, the forms and methods of Russia's activity have changed over time. The return to a Cold War footing, which many in the West and in Russia predicted, never came about. It could not do so. However, the dream of the return to an antagonistic system (two scorpions in a bottle) is still alive and kicking among some elite groups both in the East and in the West.

The problem lies in the fact that Russia wishes to be one of the regulators of security on a regional scale, while simultaneously retaining its current level of influence over security within the sphere of the former Soviet Union. The West, on the other hand, wishes to regulate the security situation in Eastern Europe, but has no intention of inviting Russia to take part in the decision-making process on events west of the Bug.

Russia is seeking ways to accelerate its modernization, and antagonism with the West in the area of security is disturbing this process. Russia's attempts to reach out to the West often lack credibility. The incoherence of Moscow's foreign policy is demonstrated by the fact that it has recently proposed two mutually exclusive treaties. One is a major treaty, proposed to the heads of the OSCE participating States, the other is a non-aggression treaty proposed to NATO. Each has its own very specific and distinctly separate logic. The major treaty builds upon the heritage of collective security pacts and creates a superstructure over the existing military blocs. The smaller treaty proposes something akin to an idea from the Great Power accommodation dossier, whereby existing military blocs would be fully respected and preserved. Both treaties have the same leitmotif – they express Russia's dissatisfaction at being left out of the European (or "Western") security system.

The direction in which the region should be evolving is a reasonable cohabitation between divergent interests and values, subject to a gradual process of structuralizing and amalgamation. None of the existing structures can guarantee this process independently. It cannot be guaranteed by a game played between the great powers or by a single actor: whether the United States, the Russian coalition, or the EU coalition. The goal that remains unattainable under present conditions is the establishment of a macro-region that can be categorized as Eurasian-Atlantic. The internal coherence of such a region would make possible interaction and engagement with other regions, as well as the effective control of potential dangers. The mission of the OSCE is to act in a way that brings order to the region, as well as to determine broad new regional goals. One fundamental goal of this kind is the creation of an internal order of regional security and the establishment of a more just and democratic order in the area to the south of the OSCE space.

A year of intensive debate in the OSCE has framed the parameters of the discussion and identified the areas where differences persist. There is currently no certainty that we will be able to move forward towards the vision of

a Euro-Atlantic and Eurasian security community in the near future – taking up the challenge of creating a project for regional security on the basis of Helsinki, Paris, and Moscow, a project that will meet the aspirations of the current generation while at the same time being a sensible answer to the multiplying challenges of the 21st century. The treaty proposed by President Medvedev does not fulfil the criteria of a realistic project for improving European security. It is an interesting hybrid, which attempts to combine defence practices that, up to now, have been incompatible, namely common security and common defence. Thus President Medvedev's proposal does not bring adequate closure to the discussion but should rather be seen as a starting point.

The long-term strategic goal is to create a regional security community.⁶ The framework of the Euro-Atlantic and Eurasian security community is fundamentally a result of the work of the ambassadors of the EU member states within the OSCE in Vienna. The preliminary conception of this undertaking was presented as an OSCE project for the region during an informal meeting of the OSCE foreign ministers in July 2010. The project also gained the acceptance of the United States. Russia had many questions about the idea, but was also clearly interested in it. However, a significant group of nation states from the region as a whole is not engaged in work on this project. They believe that efforts to create this future community is not tied to real progress in solving the existing security threats in the region.

A concept of regional security as developed by the OSCE would, of course, be different from NATO's strategic concept or the future security doctrine of the EU. It would take a broad view of regional security. "Contract 2015" would represent the first concrete steps towards realizing this concept. The concept would make sense only if it turned out to be possible to agree upon a framework for co-operation between the various European security institutions. Having the OSCE work in isolation would be pointless.

The future security community would be a system of defence with a large number of component parts: a code of principles, a treaty regulating conventional arms in Europe, measures for building trust (i.e. a modernized Vienna 99 Document), and an up-to-date human-security element. The security community would not be a new architecture or organization, nor would it be a permanent conference, but rather a platform upon which the region could be integrated along the lines of its new and renewed body of legal and political norms. It would not replace the existing guarantees (i.e. article V of NATO or article IV of the CSTO), but rather strengthen the trend towards co-operative security between European nation states. The political will of the

6 Karl Deutsch defines a security community as "one in which there is a real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other way". Karl W. Deutsch et al., *Political Community and the North Atlantic Area*, Princeton 1957, p. 5.

nation states composing NATO, the EU, and the OSCE would be indispensable during the process of its creation.

The imperative of reconstructing the regional order is not the result of some unrealistic fear of a re-emerging Russian empire, but is rather rooted in two essential rationales. The first can be found in the positive consequences of including Russia in the European system. This would enable us to work together to resolve conflicts from Georgia to Moldova (and Kosovo), not to mention the equally important fact of anchoring large Eastern European countries into this system. The second rationale is that the costs of keeping Russia outside the system are simply too high, both for us (due to the possibility that Russia could cause some sort of crisis), and for Russia (it would prevent Russia from accessing the means of accelerated modernization).

The best thing that the OSCE could do for Europe is to create the regional conditions for the further evolution of NATO and the EU towards cooperative security on the basis of the *acquis* of the OSCE. Ultimately, their evolution and the continuing changes taking place in Russian politics (rather than a transformation of the OSCE into a meta-OSCE) would enable the creation of a security space stretching from Vancouver to Vladivostok – a region of indivisible security. A “Contract 2015” crafted by the participating States of the OSCE would be a significant step in this direction.

The process of bringing a new sense of order to security policy in the region ought not to take place in a manner that exploits mutual dangers and constructs new external enemies in the form of China or the South. If this were to happen, the process would transform itself from an endeavour aimed at diminishing the threat of internal confrontation in the region into a kind of global confrontation between North and South.

A secure Europe is not something that can be taken as a constant given, and security itself is a psychological construct. Fear and historical complexes are not good advisors to heed. We need to work on our ability to nurture cooperation amongst ourselves, and on maintaining reasonable confidence in ourselves; for only on that basis can security be increased. Let us remember the words of Franklin D. Roosevelt: “The only thing we have to fear is fear itself.”

The Euro-Atlantic Security Initiative

The Carnegie Endowment for International Peace launched the Euro-Atlantic Security Initiative (EASI) in Brussels, Moscow, and Washington, DC, in December 2009. Chaired by Wolfgang Ischinger, Igor Ivanov, and Sam Nunn, with prominent members drawn from across North America, Europe, and Russia, EASI is an independent, high-level Commission, whose task is to lay the “intellectual framework” for a strengthened European security order.¹ Over the life of the Commission, EASI will examine the weaknesses in existing security arrangements and weigh the challenges posed to them by both unresolved problems from the past and an array of new threats. At the conclusion of its work, the Commission will release a comprehensive report with recommendations for institutional adjustments and new approaches intended to transform the Euro-Atlantic region into a genuine common security space. As the Commission Co-Chairs wrote in a jointly-authored op-ed, “The aim must be a community of nations where all generally agree on the security threats that they confront, believe cooperation is crucial in coping with them and work seriously to overcome the obstacles to it.”²

The Euro-Atlantic Security Initiative rests on the assumption that Europe cannot be secure if Russia remains alienated from key aspects of Europe’s security architecture. In the twenty years since the end of Communism, the West and Russia have not succeeded in building a “mutually beneficial and durable security relationship”.³ Instead of a “community of nations” committed to indivisible security, Europe is in danger of seeing new lines divide the continent with the prospect of less security and increased tension for all. Worse, a new security “grey zone” has emerged, with countries like Ukraine, Belarus, and Georgia a part of no durable security treaty and instead caught between duelling systems. Past and present approaches to rebuilding European security have not succeeded in resolving these key issues or the attendant tensions over the role of the West in general, and the United States in particular, in the former Soviet space. These unanswered questions continue to generate friction and threaten long-term stability.

Further, the existing organizations charged with maintaining Euro-Atlantic security are struggling to meet the new threats posed by a changed

1 A video webcast of the *Euro-Atlantic Security Initiative Launch* is available at: <http://www.carnegieendowment.org/events/?fa=eventDetail&id=1505>.

2 Wolfgang Ischinger/Igor Ivanov/Sam Nunn, *Toward a Stronger European Security*, in: *The Moscow Times*, 8 December 2009, at: <http://www.carnegieendowment.org/publications/?fa=view&id=24277>.

3 Sam Nunn in *Euro-Atlantic Security Initiative Launch*, cited above (Note 1).

security context.⁴ NATO and the OSCE, the two most prominent regional security structures, were both created to manage the confrontation between the Soviet Union and a US-led Western alliance. They were not designed to deal with cyber-attacks, human trafficking, and the potentially catastrophic security implications of global warming, to say nothing of extensive “out of area” military exercises at a time when much of Europe is increasingly “averse to military force and the risks that go with it” and dramatically reducing military budgets as part of austerity measures instituted in response to the global financial crisis.⁵

Confronting these problems will require bold, creative thinking that transcends current preoccupations, addresses in a coherent and comprehensive fashion the security agenda facing the Euro-Atlantic region, and offers institutional answers better able to meet the challenge. EASI’s talented membership should make that possible. The Commission is comprised of business, academic, and former government leaders drawn from across the Euro-Atlantic region. Its members have demonstrated innovative and inventive thinking in many areas of concern to this undertaking in the course of distinguished public service careers.⁶ At the same time, it is crucial to the spirit of the Commission that its members set aside the national narratives of the countries from which they come and take advantage of this opportunity “to meld diverse perspectives in ways that create greater collective wisdom”.⁷

The Commission will operate under the leadership of its three co-chairs and a director, Professor Robert Legvold. While independent of governments, international institutions, and its sponsor, the Carnegie Endowment for International Peace, it benefits from the Endowment’s considerable resources. As the first genuinely global think tank, the Carnegie Endowment has active indigenous public policy organizations in all three areas – in Moscow, Brussels, and Washington (as well as Beijing and Beirut). Dmitri Trenin, Director of the Carnegie Moscow Center, and Ambassador James Collins, Director of the Russia and Eurasia Program within Carnegie, provide critical support to the project. In keeping with its trilateral character, the project receives funding from all three regions. EASI is made possible by funding from the Robert

4 Cf. David J. Kramer/Daniel P. Fata, *The Wrong Answer: Why the Medvedev Proposal is a Non-Starter*, in: The German Marshall Fund of the United States (ed.), *A New European Order?* Brussels Forum Paper Series, March 2010, pp. 19-32, here: p. 20, at: http://www.carnegieendowment.org/pdf/Brussels_Forum_March_2010_Legvold_Kramer-Fata.pdf.

5 Hillary Rodham Clinton, *Remarks on the Future of European Security*, L’Ecole Militaire, Paris, France, 29 January 2010, at: <http://www.state.gov/secretary/rm/2010/01/136273.htm>; Dan DeLuce, *Gates Not Happy With Europe’s “Demilitarization”*, in: *DefenseNews*, 23 February 2010, at: <http://www.defensenews.com/story.php?i=4511240&c=POL&s=TOP>; cf. also Uffe Ellemann-Jensen, *Lack of defence spending may cripple European ambitions*, in: *The Guardian*, 28 November 2010, at: <http://www.guardian.co.uk/commentisfree/2010/nov/28/defence-spending-cuts-european-ambition>.

6 For a full list of Commission members, see: <http://www.carnegieendowment.org/publications/special/misc/easi>.

7 Robert Legvold in *Euro-Atlantic Security Initiative Launch*, cited above (Note 1).

Bosch Stiftung, the Calouste Gulbenkian Foundation, Carnegie Corporation of New York, the Hurford Foundation, the Robert & Ardis James Foundation, the Starr Foundation, and support from the Institute of World Economy and International Relations of the Russian Academy of Sciences (IMEMO).

At the Commission's initial meeting in Munich in February 2010, members emphasized the need to approach the Euro-Atlantic security agenda comprehensively. The notion that European security should be conceived broadly has, of course, long marked the official consensus. Within the OSCE, the concept begins with the traditional political-military dimension, and then adds economic and environmental security, and the "human dimension" of security. These categories, however, have grown ever more complex as conflicts over energy, cyber-threats, trafficking in illicit materials, and climate change complicate the European (and global) security context.⁸ Further, these new areas represent only the threats that are already known, not those that may emerge in the future. European security architecture needs procedures to respond to known threats and the ability to respond to new threats as they emerge. For this reason, EASI will operate with a broad definition of security.

From the start, however, the Commission has recognized the importance of Europe's existing institutions, and has no intention of approaching the challenge by seeking to reinvent Europe's security architecture. Rather the task is to identify shortcomings in these institutions and the relationships among them and to suggest improvements and additions. That said, EASI members do see significant weaknesses in the status quo. These begin with the frequently noted lack of co-ordination among key institutions – the EU with NATO, the OSCE with NATO, and so on.⁹ In addition, the existing institutions often fall short for the simple reason that they are twentieth-century entities grappling with twenty-first century problems.¹⁰ In examining existing institutions and organizations, therefore, the Commission will keep an open mind about possible remedies, including those that would adapt and expand existing institutions as well as, where needed, create new ones.¹¹

Following its first meeting, the EASI Commission divided into four working groups. Each focused on a critical dimension of the Commission's agenda and was tasked with developing insights and recommendations intended to deepen the deliberations of the full Commission. The first group, Strategic Values and Political Framework, dealt primarily with the underlying conceptual and psychological barriers that have impeded past efforts to erect a durable European security architecture. The second group, Political-Military Security, looked at questions of hard security, including the impact of NATO's new Strategic Concept on Euro-Atlantic security, the prospect of

8 Cf. Clinton, cited above (Note 5).

9 Cf. Robert Legvold, *Include Russia and its Neighbors: How to Move toward a Common Security Space*, in: *A New European Order?* Cited above (Note 4), pp. 3-17.

10 Cf. Clinton, cited above (Note 5).

11 Cf. Ischinger and Nunn in: *Euro-Atlantic Security Initiative Launch*, cited above (Note 1).

pursuing a joint missile defence system (discussed in more detail below), and how to integrate Europe's new "grey zones" into a common European security space. The third group explored economic security, examining issues ranging from the instability of global financial regulatory institutions to energy security, the Arctic, and immigration. Finally, the fourth group considered new and non-traditional challenges, with particular emphasis on cyber-security, illicit trade, and managing the international nuclear fuel cycle. Following their individual meetings, each group drafted a report that was distributed to the wider Commission. The Commission discussed these reports at the second meeting of the full Commission, held at the Rockefeller Foundation Bellagio Center in October 2010. The recommendations of these working groups will help inform EASI's final report.

EASI has also taken a forward stance on the question of a joint missile defence system with the United States, Russia, and Europe. As the three Commission Co-Chairs argued in the *International Herald Tribune*: "No other initiative has more near-term potential to ease the NATO-Russian relationship out of its petulant, impacted state, while giving a positive jolt to the revived but tentative and unfocused interest in an improved and more inclusive European security system, than missile-defense cooperation."¹² To further this effort, EASI will convene a working group on missile defence, chaired by two Commission members and including both Commissioners and outside experts. What distinguishes the EASI project from similar parallel groups is the focus on the political rather than the technical hurdles. While building a joint missile defence system is technically difficult, it is EASI's contention that the project remains moribund primarily because of a terminal lack of political will in all three capitals. The EASI Working Group on Missile Defence, therefore, will focus its efforts on addressing the political and bureaucratic obstacles that will have to be overcome if, for example, the auspicious agreements reached at the 2010 NATO summit in Lisbon are to bear fruit.

EASI's long-term goal is to set the region on the path towards creating a genuine Euro-Atlantic security community. In a statement released in advance of the 2010 NATO summit and the OSCE Summit in Astana, the Commission explained: "By a Euro-Atlantic security community we mean an inclusive, undivided security space free of opposing blocs and gray areas. Within this space disputes would be expected to be resolved exclusively by diplomatic, legal or other non-violent means, without recourse to military force or the threat of its use."¹³ Euro-Atlantic states are a crucial stabilizing influence in "an increasingly fragmented and stressed international order,"

12 Sam Nunn/Igor Ivanov/Wolfgang Ischinger, All Together Now: Missile Defense, in: *International Herald Tribune*, 21 July 2010, at: <http://www.nytimes.com/2010/07/22/opinion/22iht-edischinger.html>.

13 Sam Nunn/Wolfgang Ischinger/Igor Ivanov/Robert Levgold, *Why Euro-Atlantic Unity Matters to World Order*, 9 November 2010, at: <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=41902>.

and have the unique ability to confront global challenges as a region.¹⁴ Before it can fill that role, however, the region must overcome the internal tensions that continue to plague relations. Doing so will require not only political will and attention from all three capitals, but also increased opportunities to operate together towards shared objectives. As a starting point, EASI will focus on building collaborative efforts to support managing the international nuclear fuel cycle, co-operation on the responsible exploitation of Arctic resources, and beginning military-to-military dialogues about decision-making and warning times for tactical nuclear weapons in Europe, in addition to the push for a joint missile defence system.

Throughout its efforts, EASI maintains a continuous dialogue with other organizations also engaged in rethinking European security, as well as with senior NATO, EU, and OSCE officials, parliamentarians, and key governments. EASI, we well realize, is not operating in a vacuum. In the months preceding the December 2009 EASI launch, the OSCE began the Corfu Process. Since EASI began, NATO has debated and adopted a new Strategic Concept for the first time since 1999. In addition to these two prominent official processes, several organizations have undertaken studies and held conferences dealing with aspects of Europe's security future.¹⁵ By remaining in close contact with key organizations and governments, EASI, in addition to producing a final report, will also offer interim recommendations on specific issues. The hope is that this continuous exchange of ideas between official undertakings such as the Corfu Process and independent initiatives like EASI will advance progress in both realms.

Finally, the leadership of EASI is fully cognizant of the obstacles to improving the Euro-Atlantic security order. They begin with the difficulty in achieving a mutually acceptable security agenda. General agreement exists that existing institutions have failed to meet the new and pressing challenges threatening the Euro-Atlantic space.¹⁶ There is less agreement, however, on what precisely these new threats are and their relative priority.¹⁷ Although the vital interests of the great powers – preventing nuclear proliferation, com-

14 Ibid.

15 See, for example, *Euro-Atlantic Security: One Vision, Three Paths*, EastWest Institute, New York, June 2009; *Transatlantic Security in the 21st Century: Do New Threats Require New Approaches? – a hearing before the House Committee on Foreign Affairs*, United States Congress, 17 March 2010; *Towards a New European Security Architecture? – Institute for International Strategic Studies in partnership with the Valdai International Discussion Club and the Council for Foreign and Defence Policy*, London, 8-9 December 2009, at: <http://www.iiss.org/programmes/russia-and-eurasia/conferences/conferences-2009/towards-a-new-european-security-architecture>; and The International Institute of Strategic Studies/Institute for Contemporary Development, *Towards a NATO–Russia Strategic Concept: Ending Cold War Legacies; Facing New Threats Together*, London and Moscow, October 2010, at: <http://www.iiss.org/programmes/russia-and-eurasia/publications/towards-a-nato-russia-strategic-concept>.

16 Cf. *Discussion at meeting of the Euro-Atlantic Security Initiative*, Munich, 7-8 February 2010.

17 Cf. Legvold, cited above (Note 9), p. 7.

bating terrorism and extremism – clearly overlap, their governments “have different threat perceptions, assign them a different order of priority, and favor different approaches”.¹⁸ The reasons for these disparities range from historical distrust to differing geographic advantages and vulnerabilities, and each cause demands a different response. The net effect of these disparities, however, leaves the states of the Euro-Atlantic region a community unable to unite around a single action plan.

More importantly, these problems do not arise only around secondary issues. There is also disagreement over the nature and relative priority of what most in principle agree are the major issues. For example, compared with Western nations, Russia emphasizes hard security over the human dimension, and sees the latter as more an issue of, for example, the flow of narcotics than defending human rights.¹⁹ This mismatch in priorities not only makes forming a common agenda hard, but also highlights the importance of arriving at an understanding of the purpose revised European security architecture is to serve before setting about designing that architecture. As one scholar noted, “the problem here is less the institutionalization than the creation of a common position”.²⁰ The failure so far to achieve a workable agreement on the critical elements constituting European security and the priorities among them thus represents both an obstacle to the Commission’s work and a challenge to be overcome.

These are not small challenges. Ultimately, however, if the Commission succeeds in dealing with many of the underlying issues that have caused the current impasse, and offers a coherent set of recommendations for addressing them, and the new challenges facing the larger Euro-Atlantic region, it will have seized a historic opportunity. Many voices concur that Europe is at a crossroads, that key stakeholders from North America to Russia and the states in between see as again imminent the great unanswered questions governing the region’s future: What is Russia’s place in the European order? What kind of relationship do Europe, the United States, and Russia want to have? What does Euro-Atlantic security mean twenty years after the end of the Cold War? If EASI can help to answer these questions and contribute to creative ways of producing a Euro-Atlantic order in which security is, indeed, “indivisible and equal” it will have more than fulfilled its purpose.

18 Nunn in *Euro-Atlantic Security Initiative Launch*, cited above (Note 1); Cf., also Legvold, cited above (Note 9), p. 7.

19 Cf. Legvold, cited above (Note 9), p. 7.

20 Andrei Zagorski, *The Russian Proposal for a Treaty on European Security: From the Medvedev Initiative to the Corfu Process*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden 2010, pp. 43-59, here: p. 55.

Focus on Central Asia

“Islam” in the Security Discourse of the Post-Soviet Republics of Central Asia

Introduction

The complex of internal and external “security” (Russ. *bezopasnost*) was one of the dominant discourses of Soviet political elites; this manifested itself not only in disproportionate military expenditure, but particularly in the central role played by the KGB. Since 1991, the political elites in Central Asia, most of whom used to be leading members of the Communist Party, have largely continued to follow the elite discourses and views of the Soviet period, despite the formal adoption of democratic systems by the republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. This is particularly true of views and concepts associated with the topic of “security”: “Security” is generally understood not as an *inclusive* concept, in which “human security” (after the UN Commission of the same name) or the model of comprehensive security (such as the OSCE would like to represent) enjoys priority,¹ but as an *exclusive* concept that concerns only the political elite and their immediate networks. Instead of ensuring the involvement of broad societal groupings through the reconciliation of interests or consensus building, or making use of civil society structures in a domestic or regional security architecture, this model of security is primarily based upon the exclusion of popular opposition to the political and, above all, economic interests of the dominant elite.² In the presidential systems of Central Asia, this means above all a one-sided concentration on the presidents, their direct administrations – which in post-Soviet Central Asia generally possess more power than the various ministers – and the presidential family. Fundamental aspects of the security of the population – which the UN defines primarily as “freedom from fear” and “freedom from want” – are simply ignored. In this regard, the convergence of the terms *vlast* (state power) und *bezopasnost* (security) and their equivalent terms in the various official languages is telling.

Nevertheless, it should be noted that political discourses in the post-Soviet area, and in Central Asia in particular, are remarkable for their “virtual” character, i.e. the fact that they are simulated – and the “security dis-

1 Cf. Commission on Human Security (ed.), *Human Security Now*, New York 2003; Organization for Security and Co-operation in Europe, OSCE Secretariat, Conflict Prevention Centre, Operations Service, *The OSCE Concept of Comprehensive and Co-operative Security. An Overview of Major Milestones*, SEC.GAL/100/09, Vienna, June 2009.

2 Cf. Venelin I. Ganey, Post-communism as an episode of state building: A reversed Tillyan perspective, in: *Communist and Post-Communist Studies* 4/2005, pp. 425-445.

course” is no exception. While all five Central Asian regimes claim to be seeking democratic legitimation, in fact, the relevant mechanisms and institutions of democracy (free elections, political parties, parliaments, etc.) are either subject to mass manipulation (elections) or more or less professionally staged (political parties). It is not the existence of a functioning democratic system that legitimizes the political elite of Central Asia, but the pretence of one. In this context, “virtual politics”³ means that dominant elites declare their respect for democratic principles, human rights, and international co-operation, but, as a result of power-political considerations or economic interests, do not comply with the obligations that arise from them. Such virtuality can also be seen in the area of external security, particularly with regard to the regional and multilateral co-operation of the Central Asian countries. None of the five presidential systems and, above all, none of the presidents⁴ is ready to delegate sovereign rights to multilateral institutions. The insufficient administrative and human resources available to the five post-Soviet Central Asian republics are clearly a reason for the failure of their democratic transformation as well as the inadequacy of their regional co-operation efforts since 1991. Nonetheless, it should be noted just how much the elites profit from the lack of democratic reforms and regional co-operation, although this fundamentally contradicts their publicly stated security interests.⁵ The increasingly exclusive nationalist discourses of the dominant elites have further narrowed the range of options available in foreign policy – particularly in regional co-operation – and lent immediate conflicts, e.g. over water resources, a new dimension.⁶ In relation to the high hopes and deep fears held about them, regional organizations – most significantly in this instance, the Shanghai Co-operation Organisation (SCO) and the Collective Security Treaty Organization (CSTO) – have had barely any substantive influence on regional co-operation. Consequently, this is equally true of security co-operation, which theoretically is of principle importance for both the SCO and the CSTO. For instance, the SCO has broadly taken on the fight against “terrorism, separatism, and extremism”, whereby the member states assume implicitly that the relevant threats are terrorism and extremism motivated by Islam.

3 Cf. Andrew Wilson, *Virtual Politics. Faking Democracy in the Post-Soviet World*, New Haven 2005.

4 Kyrgyzstan voted to adopt a parliamentary system in the constitutional referendum of 27 June 2010, but it remains uncertain how the country’s elites will frame the new system.

5 Cf. Roy Allison, Virtual regionalism, regional structures and regime security in Central Asia, in: *Central Asian Survey* 2/2008, pp. 185-202.

6 The planning of the dam at Roghun and the massive campaign run by the government of Tajikistan have led to a dramatic deterioration in the already tense bilateral relations between Tashkent and Dushanbe. For instance, Uzbekistan has blocked rail transit through the country several times since early 2010. The dam at Roghun could regulate the flow into the Amu Darya. There is a further conflict between Uzbekistan and Kyrgyzstan over a dam project at Naryn, one of the chief tributaries of the Syr Darya.

The “Islamic factor” was a constant element in the threat and security discourse both within and concerning the Soviet Union from as early as the 1970s. Both Soviet and Western experts regularly remarked upon the demographic change within the USSR in favour of the Muslim population, the putative immunity “of Islam” to socialist transformation and modernization, and the reactionary conservatism of societies with a strong Muslim influence, particularly in Central Asia and the Caucasus.⁷ In this context, “Islam” or “the Islamic factor” was frequently presented as an essential feature of Muslim societies – one that was not subject to social, cultural, or political change. In the 1970s, especially after the Soviet invasion of Afghanistan in 1979 and the revolution in Iran, Islamic activists and dissidents increasingly challenged the Soviet system. The younger generation of Central Asian Muslims, in particular, turned to the views and concepts of Sayyid Qutb (d. 1966), who propagated a very narrow interpretation of Islam and is considered to be one of the founders of political Islam. With the arrival of glasnost, increasing volumes of public space opened up. In Tajikistan and Uzbekistan, in particular, Islamic activists demanded the introduction of Islamic concepts of political and social order, which they frequently conceived of in exclusively nationalist terms. In this way, Islam became an integral component of the conceptions of the Tajik and Uzbek nations that were being strongly promoted.⁸ This convergence of particularistic nationalism and Islamic conceptions of order was insufficiently recognized by both Soviet and Western observers, although “Wahhabis” were identified as the power behind an “Islamic renaissance” in Central Asia. “Wahhabis” is the name for followers of the Wahhabiyya, a Sunni Islamic order that had its roots on the Arabian peninsula in the 18th century and which follows an extremely narrow and aggressive interpretation of Islamic religious sources.

Wahhabis vehemently reject Islamic mysticism (Sufism), Islamic philosophy, together with all aspects of non-normative everyday Islamic culture, such as pilgrimages to the graves of saints and similar practices, and accuse all other Muslims of apostasy. Because of the specific local forms taken by Islamic religiosity in Central Asia, in particular non-normative but exceedingly popular practices such as the veneration of saints, the Wahhabiyya could only manifest itself in the region among marginalized groups that were excluded from mainstream local communities. The reference to “Wahhabi” influences on Central Asian Islamic activists also made it possible to include Saudi Arabia (and thence indirectly the trauma of Afghanistan) in the threat and security discourse on Islam in Central Asia, and particular attention has

7 See, for example, Alexandre Benningsen/Marie Broxup, *The Islamic Threat to the Soviet State*, London 1983, or Talib S. Saidbaev, *Islam i obshchestvo. Opyt istoriko-sotsiologicheskogo issledovaniya*, Moscow 1978.

8 Cf. Adeeb Khalid, *Islam after Communism*, Berkeley 2007.

been paid to the financing of Islamic groups by Saudi Arabia. However, it should be noted that the financial needs of Muslim activists are generally not that great. In Central Asia, the financing of mosque building and religious schools is carried out less by ominous foreign sources than by local business people, politicians, and representatives of organized crime who consider it a way to earn religious and moral legitimacy in their communities. Accusations of foreign support for Islamic groups have also provided succour to a range of paranoid conspiracy theories. Finally, in this regard, it should be noted that the Islamic Republic of Iran has significantly increased its levels of development aid, particularly in Tajikistan, in which activities the Revolutionary Guards are the main actors – though they have the permission of the host countries.

Islam and Religions Policy in Post-Soviet Central Asia

Since 1991, the five Central Asian republics have all adopted theoretically democratic constitutions guaranteeing extensive religious freedom in line with Article 18 of the UN Declaration of Human Rights. However, it rapidly became clear that the successor states of the USSR were proceeding hesitantly and arbitrarily in implementing their new constitutions. Since the political elites of post-Soviet Central Asia were largely recruited from former Communist Party cadres, who are (or were) still committed to the “scientific atheism” of the USSR, there was a continuity in the way religion, and particularly Islam, was perceived. Article 18 of the UN Declaration is interpreted in terms not of “religious *freedom*” but “freedom *of* religion”. While the post-Soviet elites of Central Asia do accept Islam as part of a selective Central Asian cultural heritage, they reject Islam as part of a legitimate (for Muslims) social order and a concept of a political order (particularly as conceived by Islamic activists). The five Central Asian states can therefore all be said to be pursuing, albeit in different intensities and forms, Soviet strategies concerning how religious freedom may “function” – or, more accurately, “be manipulated”.

“Official” vs. “Parallel” Islam

The USSR pursued a fundamentally atheistic model of society. The anti-religion campaign of the 1920s and the Stalinist persecutions of the 1930s rapidly destroyed traditional structures and institutions of normative Islam in Central Asia: Mosques and religious schools were closed, religious elites arrested, deported, and often liquidated, the practice of Islamic law was suspended, and the substantial land holdings of Islamic religious structures was expropriated. Less dependent on a normative Islamic written culture (as preserved and passed on by Islamic scholars), Muslim communities in Central

Asian developed local variations of Islam that interpreted a range of traditions and cultural practices as “Islamic” – as an expression of dissent from the Soviet system or the preservation of an “autochthonous” identity. Particularly after Stalin’s death in 1953 and the amnesty that followed, the surviving Muslim clerics succeeded in re-establishing local structures and networks in their regions. These have been described by Soviet and Western observers as “parallel” Islam since the 1960s.

A correction was made to Soviet religions policy as early as 1943, as local Islamic practices had continued to be extremely popular despite large-scale persecution. A vital element in the new Soviet strategy was the recourse to “official” Islamic structures and institutions with the intention of training loyal clerics, acquiring authority over the interpretation of Islam, and controlling Islamic communities. A particular goal of these “official” institutions was to infiltrate “parallel” Islamic networks. However, the apparent dichotomy between “official” and “parallel” Islam is problematic and has little analytical value, as representatives of both spheres often pursued the same goals and were recruited from the same religious groups – groups such as the Sufi orders. The ostensibly “official” structures and institutions often functioned as patronage networks, which also integrated religious dissidents and “parallel” clerics and occasionally protected them from state persecution. At the same time, official Soviet religions policy oscillated between repression (the last large-scale atheistic campaign took place in the 1980s during Gorbachev’s glasnost) and hesitant toleration. At no time did the Spiritual Administration of the Muslims of Central Asia and Kazakhstan (SADUM), the official governing body of Islam in the Soviet Union, possess the necessary resources to ensure authority over the interpretation of Islam in Central Islam. As a result of their closeness to state security services, the official institutions and a number of their functionaries had a poor reputation among the Islamic laity. From 1991, the now independent Central Asian states largely took over SADUM structures at Republic level under the name *qaziyyat* or *muftiyyat*.⁹

The five states, however, pursued different strategies in the positioning of their official Islamic administrative structures: The political elites in Kazakhstan and Kyrgyzstan largely dispensed with the close control of official Islamic institutions from 1991 as they faced little opposition from Islamic activists. Nevertheless, in Kyrgyzstan in recent years, there has been a gradual change of direction, as the Bakiev regime has attempted, in the face of the increasingly public role played by Islam in the country, to strengthen official Islamic institutions, in this case the *muftiyyat*. The measures taken were nonetheless largely inconsistent and, following the events of April and June 2010, it is unlikely that the interim government will give the topic of Islam top priority. In Turkmenistan, by way of contrast, the bizarre self-promotion

9 *Qazi* and *mufti* are names for Islamic legal scholars. The establishment of official Islamic structures also occurred outside Central Asia, cf. Noah Feldman, *The Fall and Rise of the Islamic State*, Princeton 2008.

of “Turkmenbashi” Saparmurat Niyazov left no room for religion outside a tightly defined framework. Under Niyazov’s successor, Gurbanguly Berdimuhammedov, no change of policy has yet been forthcoming. Uzbekistan’s elite have faced a major challenge from Islamic activists since 1991, particularly in the Ferghana Valley. Islam has been identified as the country’s central security problem – frequently with reference to the civil war in neighbouring Tajikistan. Uzbekistan acted far more systematically than its neighbours in gradually establishing a dense network of official Islamic state institutions that regulate all public aspects of religious life. As in so many areas of society in Uzbekistan, where the human rights situation is nothing short of catastrophic, the official policies implemented by these institutions seriously violate religious freedom and hence fulfil a repressive control function, which, flanked by measures taken by the internal security services (Interior Ministry, MVD, and National Security Service, NSS), generate additional conflicts between the state and the religiously oriented population. As a consequence of this, the official institutions enjoy no genuine popularity but are rather perceived to be the instruments of a repressive system.

In 1991, Tajikistan was less well prepared for independence than its Central Asian neighbours. Within a few months of the declaration of independence, large-scale regional conflicts over resources and politico-ideological power led to the outbreak of a civil war, which ended only in 1997 with the signing of a peace treaty between the opposition and the government. Although both sides used Islam to mobilize their supporters, the opposition, under the leadership of the Islamic Renaissance Party of Tajikistan (IRPT), was particularly prone to deploying Islamic concepts of order and society. At the same time, the official Islamic religious administration, the *qaziyyat*, under the leadership of Hoji Akbar Turajonzoda, had, as of 1991, started to increasingly present itself as an independent political institution. When Turajonzoda switched sides to the opposition in 1992, this led to the gradual dismantling of the *qaziyyat*, which was abolished in 1996 and has since met as the “High Council of Islamic Scholars”, which enjoys far less support and has no actual powers. The central control function has been taken over in recent years by the department for religious affairs attached to the presidential administration, which also tends to see Islam as largely a security problem and has pursued a policy largely based on repression – in this case, particularly via the implementation of an arbitrary law on religion.

Religious Association Laws

Besides making frequently inconsistent attempt to co-opt Islam by means of official structures, the Central Asian republics have also enacted partially contradictory and repressive religious association laws.¹⁰ While the majority

10 Cf. Tore Lindholm/W. Cole Durham Jr./Bahia G. Tahzib-Lie (eds), *Facilitating Freedom of Religion and Belief: A Deskbook*, Leiden 2004.

of OSCE participating States have done without separate laws on religion and do not interfere in the internal organization of religious communities (at most, the registration of a religious organization can be subject to the law on associations), the parliaments of the five Central Asian republics passed specific laws on religion – and Kazakhstan, Kyrgyzstan, and Tajikistan have strengthened their laws in recent years, despite international criticism.¹¹ In general, the various religious association laws require religious communities to register with the state, which in turn involves the fulfilment of a range of conditions. While the religious association laws are intended to support and regulate the activities of religious communities, the reality looks somewhat different. For instance, the registration of houses of worship (e.g. mosques, synagogues, and churches) generally requires the completion of comprehensive documentation, giving not just a demonstration that building and sanitation regulations have been fulfilled, but also a detailed description of religious beliefs. Furthermore, the wording of the laws is contradictory and allows for arbitrary interpretation – given the absence of the rule of law in Central Asia, religious communities have no legal recourse against arbitrary interpretation of the laws. However, what is more serious is the fact that the religious association laws allow state authorities to pass judgement on the character of a religion, i.e. to evaluate a given dogma as “good” or “bad” and to rule on the ethical and moral views of a faith. The direct intervention in internal affairs and the evaluation of the dogmas of a religious community is in contravention of the Universal Declaration of Human Rights, and, above all, the United Nations International Covenant on Civil and Political Rights (ICCPR, 1966), which was also ratified by the post-Soviet Central Asian states in the 1990s (Kazakhstan in 2006). While civil society groups and various international organizations, including the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), worked hard to advise the various governments and parliaments in the drafting of the laws, pressing to ensure their compliance with international commitments, they were unsuccessful. The religious association laws make it fundamentally more difficult for Muslim communities to achieve registration (and thus to build mosques or open religious schools). However, other religious communities, mostly

11 Cf. Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Comments on the Draft Law of the Republic of Tajikistan, “The Law of the Republic of Tajikistan about Freedom of Conscience and Religious Unions”*, Warsaw, 31 January 2008, REL-TAJ/100/2008; Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Comments on the Law on Amendments and Additions to some Legislative Acts of the Republic of Kazakhstan on Issues of Religious Freedom and Religious Organizations*, Warsaw, January 2009, REL-KAZ/125/2009; Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (ed.), *Comments on the Draft Law of the Kyrgyz Republic “On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic”*, Warsaw, 7 October 2008, REL-KYR/120/2008; Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, *Opinion on the Draft “Law of the Kyrgyz Republic on Religious Education and Religious Schools”*, Warsaw, 21 September 2009, REL-KYR/139/2009.

Christian missionary groups from abroad, are also increasingly being restricted by rigid interpretation of the laws. Here it should be noted that radical Islamic groups such as *Hizb ut-Tahrir* (“Party of [Islamic] Liberation”), *Tablighi Jamaat* (“Society for Spreading Faith”), and *Salafiyya* (networks of Muslims found in Central Asia, see below for details) do not strive for registration for obvious reasons – and groups of this kind have often been banned in Central Asia on the basis not of religious laws but of other legislation (such as anti-terrorism laws). The religious association laws thus affect mostly religious communities that are interested in official registration and pursuing their activities by legal means. In theory, the Central Asian governments should be interested in legally integrating these religious communities, especially since this would also represent an opportunity for moderation. The frequently arbitrary and repressive interpretation of the religious association laws can ultimately lead to the disenchantment of religious groups that operate within the law, which may then decide not to seek registration.

Repression and Persecution: The Role of the Security Forces and Judiciary

Since the elites of Central Asia generally perceive Islam as a security problem, it is above all the security forces (militia, secret services) that have the task of monitoring the activities of religious communities and groups, and often of taking action against them. In this context, the security forces are fulfilling the expectations of the elites and their exclusive understanding of security. As the successor institutions of the KGB, the current security services have adopted the methods of their precursor, including the fabrication of evidence and the forcing of confessions. A further dramatic problem that has emerged is the absence of any democratic controls over the security forces: None of the parliaments of Central Asia has genuine legitimacy based on free and fair elections,¹² and this applies equally to the various parliamentary committees that have the task of monitoring the work of the security forces. This lack of democratic control should encourage restraint in questions of cooperation, yet the OSCE, for instance, is involved in a police project in Kyrgyzstan that failed dramatically (apparently in the naïve hope of announcing its return as an actor in the politico-military dimension in Central Asia), while in their analyses of Islam in Central Asia, experts on the region are proud to boast of their excellent contacts with regional security forces and paraphrase their views. The ethical implications of this are generally not discussed.

The lack of democratic control and transparency we find with regard to the security forces applies equally to the judiciary. The separation of powers between executive and judiciary is inadequate in post-Soviet Central Asia and is regularly suspended completely following interventions by the domin-

12 For details, see ODIHR’s reports on the various parliamentary elections in Central Asia, at: www.osce.org/odihhr.

ant elites. At the same time, the prevailing tendency is for trials of Islamic activists (such as members of *Hizb ut-Tahrir* or the *Salafiyya*) to be held in camera and to result in disproportionately lengthy custodial sentences. Looking at developments of recent years, it is possible to conclude that the largely security-oriented strategy of the five Central Asia states with regard to Islamic communities and activists has generated additional conflict potential. The activities of religious communities outside the narrow official framework are increasingly being constrained. Islamic activists, such as members of *Hizb ut-Tahrir* and the *Salafiyya*, are subject to considerable persecution, which could lead to their increasing radicalization.

Hizb ut-Tahrir (HT) is an Islamist movement that has been active in Central Asia since the mid-1990s. Founded in 1952 as a Palestinian group, it has gained a foothold among European Muslims as a kind of franchise operation since the 1980s. HT holds to a narrow interpretation of Islamic tradition and calls for the re-establishment of the Caliphate. It is banned in Germany, largely as a result of its anti-Semitic views, but is not considered a terrorist organization. While HT makes use of aggressive rhetoric that may be assumed to imply the existence of a climate in which violence is a possibility, it has never been proved to have been directly involved in terrorist activities. In Central Asia, HT is organized in the form of small, independent cells, notable, above all, for their anti-government and anti-Semitic propaganda. In the past, alleged sympathizers and members of HT have been condemned to long prison sentences as members of a terrorist organization.

For around five years now, Muslims in Kyrgyzstan and Tajikistan have been organizing themselves in local groups they have called *Salafiyya*. They also follow a narrow interpretation of Islamic tradition, but the *Salafiyya* does not have any recognizable organizational structure; it is rather a loose network of like-minded Muslims, who do not, however, make any strong political claims and have never been connected with any terrorist activities. Similarly to HT, the Central Asian states have banned the *Salafiyya* and sentenced, under dubious conditions, numerous members to lengthy custodial terms.

Groups and networks like HT and the *Salafiyya* may follow a radical agenda, but have so far never appeared in association with terrorist activities. While Central Asian security services have regularly accused HT of being involved in a range of attacks, the lack of transparency in their investigative practices, the common use of torture in securing “confessions”, and the fact that trials are rarely open to public scrutiny mean that official reconstructions of events and suggestions of HT involvement have to be treated with a high degree of scepticism. Unfortunately, in connection with the “war on terror”, this has been and continues to be treated with silent approval by various OSCE States (even – or particularly – by some to the West of Vienna), or even, in the case of Uzbekistan, as a result of the active co-operation of the security forces, accepted as a price worth paying. This has contributed sig-

nificantly to the discussion by civil society actors in Central Asia of the alleged double standards of Western OSCE participating States. Ultimately, critical observers fear that HT and other organizations are acting as ideological catalysts in the politicization of a younger generation of Islamic activists, who, given the persecution and disproportionate prosecution of alleged Islamists, could have recourse to increasingly radical forms of resistance.

Concluding Remarks

Security concerns with regard to Islamic terrorist movements and insurrections on the part of the five Central Asian republics are basically legitimate. The Islamic Movement of Uzbekistan (*Ozbekiston islomii kharakati*, IMU), for instance, was a genuine danger in the region up to 2001. In 1999/2000, IMU fighters withdrew through Kyrgyzstan and Tajikistan to Afghanistan and joined up with *Al Qaida*. According to coalition reports, the IMU was largely destroyed during operation “Enduring Freedom”, though a number of militants managed to withdraw to Pakistan’s Swat Valley, and the Pakistan Army’s 2009 offensive was directed primarily against so-called “foreign Taliban”.

Despite their geographical proximity, linguistic and cultural affinity, and, above all, (alleged) common security interests, the Central Asian republics have failed to play a genuinely constructive role in a co-operative multilateral framework in the Afghanistan conflict since 2001. Mutual mistrust, contradictory interests, a lack of political will, and limited political and administrative capacities may be responsible for the failure of a regional Afghanistan policy to emerge in Central Asia. However, the US and the various European states involved also failed to consistently include the five Central Asian republics.

In Central Asia, Islam appears in political discourse mostly as a “security problem” or “danger”. The concept of Islam as a component of a legitimate social order is only acknowledged hesitantly by the Central Asian elites, because Islam (like any religion) inevitably represents a challenge because of its claims of universal validity. Yet a civil society that expresses itself in Islamic terms (which may in part pursue interests similar to those of secular civil society actors) may nonetheless also represent a form of social order legitimated in Islamic terms, which, particularly in relation to questions of emancipation and equality, as well as a range of other social issues, is based on regressive notions that do not necessarily coincide with the ideals of a “good” civil society.

In recent years, there has been a rethinking of religions policy in Kazakhstan, Kyrgyzstan, and Tajikistan. While the elites in all three states (as in Uzbekistan and Turkmenistan) tend to take a negative view of “religion”, and of Islam in particular, it is clear today that the increasingly popular public ob-

servance of Islam by broad swathes of the population can no longer exclusively be channelled into unpopular and frequently underfunded official institutions and structures. In Tajikistan, for instance, President Emomalii Rahmon has attempted to co-opt Islam in the official conception of the Tajik nation. While the “conception” of the Tajik nation since 1991 has consistently avoided reference to the region’s Islamic cultural heritage (e.g. Rahmon declared 2006 to be the “Year of Aryan culture”), Rahmon has presented himself more recently as an emphatically Islamic leader. In 2009, for instance, Tajikistan celebrated the year of the Imam A’zam (Abu Hanifa), the founder of the *Hanafi* school of Islamic jurisprudence in Sunni Islam, and, in 2010, Dushanbe was announced to be “The Capital of Islamic Civilization”. At the same time, however, official religions policy pursued – as in the other countries of Central Asia – an increasingly repressive path, particularly by means of criminal prosecution of Islamic activists in a way that is disproportionate and lacks transparency.

Overall, it can be said that conflicts in post-Soviet Central Asia are being caused less by Islamic activists than by the policies of the dominant elites, who have largely subordinated state structures to their aims: Corruption and the socio-economic exclusion of large segments of the population, as well as security forces that have enforced the interests of the elites without democratic checks and balances and have infringed basic human rights have, in recent years, generated a far greater potential for conflict.

The Space for Legal Reform in Central Asia: Between Political Limits and Theoretical Deformations

Introduction

Looking back on the past twenty years of legal reforms in five Central Asian states, assessing the evolution of the region's legal systems is by no means straightforward. On the one hand, the progress that has been made is evident, even taking into account the two-speed development that can be seen in the difference between, for example, Kazakhstan and Turkmenistan. Indeed, the new constitutional framework in all five countries, the new post-Soviet civil codes, the introduction of trial by jury in Kazakhstan and the recently adopted post-Soviet codes of criminal procedure in Tajikistan and Turkmenistan, the local versions of *habeas corpus* (judicial review of arrest) in Kazakhstan, Uzbekistan, Kyrgyzstan, and now in Tajikistan, the ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) by Kazakhstan and Kyrgyzstan – the list is by no means exhaustive – all point to real achievements. On the other hand, many of the Central Asian legal reforms mentioned above seem to have arisen as a response to international pressure rather than as a product of real internal institutional normalization. One therefore has to draw a very clear distinction – in some instances at least – between the purely normative results of reforms and actual legal practice. For instance, for all the prominence given to Central Asia's adoption of *habeas corpus*, it remains entirely formal and inadequate, despite all the efforts of the international community and national human rights defenders.¹ In addition, even in normative terms, the recent legislative attacks on the independent professional bar association in Uzbekistan² and the new law on the state control of the internet in Kazakhstan seem to be regrettable steps towards authoritarianism, and away from the modern state under the rule of law. It is

1 For example, in some hundreds of monitored criminal cases in Kyrgyzstan, the suspect was ordered to be remanded in custody by judges in 59.8 per cent of cases. At the same time, the recently introduced Western-type alternatives to remand of bail and house arrest were ordered in 0.1 and 0.3 percent of cases, respectively (the rest of 39.8 percent corresponds to old "alternatives to pre-trial detention" of Soviet origin). See *Results of Trial Monitoring in the Kyrgyz Republic 2005-2006*, ODIHR/OSCE Centre in Bishkek, p. 21, at: <http://www.osce.org/odihr/29615>.

2 See Expert Working Group, Reform of the Bar in the Republic of Uzbekistan, in: *Compilation of Analytical Papers on Human Rights and Criminal Justice System of the Republic of Uzbekistan*, Legal Policy Research Centre, Almaty 2009, p. 91 (see also other articles contained therein).

thus important not to overemphasize the significance of Central Asian legal progress.

Looking forward to the coming decades, another question remains: What is the place of Central Asian countries in the legislative map of the world? Will these countries be able to join the club of so-called “civilized states”, which requires them to have adequate modern legal systems, or will they remain in “eternal legal transition”? Does legal theory need to conceive of the “family” of transitional law countries *sui generis* and to place it alongside other legal families (common law, civil law, Muslim law, etc.)? These questions are not merely of academic interest. If it is clear that the real scope of all internationally supported Central Asian legal reform is to complete this “transitional period”, one has to ask to what extent the obstacles that need to be overcome are “natural” political limits and to what extent theoretical deformations of Soviet origin also stand in the way. Without understanding the space for the hypothetical evolution of legal systems in Central Asia, it is impossible to trace an appropriate programme for subsequent steps. If this space is not expanded, all expectations concerning the successful end of the transitional legal era in Central Asia are naïve and illusory.

The Political Limits to Central Asian Legal Evolution

The Lack of Political Will to Establish Law-Based Instruments of Governance

There is a fundamental difference between Western law-oriented mechanisms of governance and Central Asia’s more traditional perception of the role of law within the institutional structure of the state. The modern Western-type legal tradition is based on the principle that political and economic elites must of necessity be changeable and that only the law can guarantee that such change is peaceful and does not menace the stability of state and society. Elite changeability is, of course, not restricted to the most prominent example of changeability, that of free elections. It must be seen in the broader context of criminal law (especially in matters regarding economic crime and corruption), civil litigation, property rights, the principle of fair trials, etc. In other words, what needs to be stressed is that in Western-type states, not only are the elites changeable by peaceful means, but they are changeable only by means of legal instruments, and that this idea is simultaneously accepted by the ruling elites themselves and by society generally.

The reality of politico-economic institutional organization in Central Asia is utterly opposed to this, based as it is on the contrary principle of elite *unchangeability*. Many modern legal instruments are therefore considered not only unnecessary, but even dangerous, especially when they are genuinely effective. In this sense, mechanisms for the rule of law and the unchangeabil-

ity of politico-economic elites are mutually exclusive notions, whose contradictory character (absolutely realized by the Central Asian ruling class) has proven to be a major obstacle to the effective implementation of Western-oriented legal reforms in the region. At the same time, however, from a geopolitical perspective, the international community chose to embrace the anti-law-based omnipotent power structures of post-Soviet Central Asia and rely on it as a pillar of regional stability and a starting point for future society. There is a fundamental Central Asian *dilemma*. What should be chosen: the more stable, at least in the short-term, unchangeability of ruling elites, or the law-based, but more unstable under local conditions, changeability of these elites by legal instruments? The response of the international community may be varied, but the reaction of the Central Asian elites themselves is clearer and more homogeneous. Consequently, the lack of local political will to establish law-based instruments of governance places so-called “natural” limits on positive and effective legal reform in Central Asian states.

Unwillingness to Enact Politically Sensitive Legal Reforms

It is vital to observe that the various legal reforms initiated in Central Asia by civil society or the international community are not all of the same kind as far as local elites are concerned. Some of them might be described as “politically sensitive”, in that they potentially threaten the elite’s unchangeability. Conversely, some of them might be described as “politically neutral” or “technical”, in that they do not endanger the political and economical power of Central Asian elites.

The point of making this distinction is that only the politically neutral legal reforms may be accepted by local elites and, hence, successfully realized in Central Asian states. As far as politically sensitive legal reforms are concerned, the local elites are absolutely unwilling to focus on the possibility or means of their real implementation. On the contrary, they consider such reforms to be very dangerous for the reasons outlined above.

One strong example of this kind of politically sensitive legal reform is the creation of independent judicial power. It is clear that this reform must be regarded as a condition *sine qua non* for the realization of the principles of fair trials and the effective judicial review of arrest. It is also clear that in Central Asian political regimes there is and can be no political will for the establishment of an independent judiciary. This point is obvious not only to foreign observers and to civil society in Central Asia, but also to the Central Asian authorities themselves, which, if they have to choose between their power and independent courts, always opt for the inviolability and unchangeability of the former. In other words, under no conditions can a truly independent judiciary exist under current Central Asian political regimes. This amounts to an incompatibility *per se*, and therefore any hopes of establishing a Western-type independent judiciary in Central Asian countries are mere il-

lusions. This unwillingness to establish an independent judiciary is a very important example of the political limitations to legal reform in Central Asia, but it is not the only one.

The Institutional Vacuum at the Constitutional Level

The lack of real law-based institutional instruments is becoming increasingly dramatic in Central Asia. Despite their resistance to meaningful legal reform in politically sensitive domains, none of the Central Asian regimes openly proclaims its authoritarian nature or its reluctance to follow the fundamental principles of modern law, including the enshrinement of political pluralism at constitutional level. Post-Soviet Central Asian states can no longer openly declare themselves to be traditional oriental monarchies or hereditary regimes. They are not, therefore, able to use old institutional theories, particularly those with Western origins, such as the doctrines of sovereign immunity, absolute power, delegated justice, etc., as a basis for the official rejection of political pluralism and independent judicial systems. As things stand, it is impossible for them to establish an adequate theoretical basis for the creation of state institutions that would correspond with the political reality. There is, therefore, an inevitable contradiction between this reality and the current institutional system. This contradiction is also due to the fact that Central Asian states formally imitate (most often when pressured by the international community) the contemporary international and constitutional legal environment. They thus have to juggle between law and reality, or what could be called a “decorative constitutional framework” and a “shadow political regime”.

The twists and turns that accompanied the passage of Kazakhstan’s recent law “On the Leader of the Nation” provide an excellent illustration of the institutional vacuum one finds in Central Asia. This constitutional law, assigning the unusual, if hardly surprising status of “National Leader” to Kazakhstan’s constitutionally powerful president, was first adopted by the parliament, but then rejected by the president himself, though he did not explicitly veto it. Subsequently, however, it was signed by the prime minister, the chairman of the Senate and the chairman of the Mazhilis, and officially published as law. What is the true meaning of this saga of national leadership? If it is the will of Kazakhstan’s political elite to diminish the space between a Western-oriented constitutional framework and local institutional reality, this reform appears to be absolutely inadequate. Under these circumstances, it is natural to ask what may be next.

Furthermore, it is evident that the appropriate institutional framework at the constitutional level should be viewed as the only political alternative to various chaotic expressions of public anger and the only guarantee of the Central Asian states’ step-by-step non-violent development. Recent events in Kyrgyzstan demonstrate how unsatisfactory the “decorative” constitutional framework is, even in the short-term. More generally speaking, chaos and

disorder become inevitable, sooner or later, in countries where elites cannot be changed using legal instruments – old or new – and where the only way to overcome political conflict is via public anger, police repression, or “shadow” mechanisms.

Willingness to Enact Politically Neutral Legal Reforms

As outlined above, the distinction between politically sensitive and politically neutral legal reforms seems fundamental to determining the political limits of positive legal evolution in Central Asia. Since politically neutral legal reforms pose no a priori danger for ruling elites, and are intended only to improve the governance of the societies they rule, they may be implemented in a genuinely effective and non-decorative manner. In fact, since the Central Asian governments inevitably need to find some means of maintaining the efficiency of criminal justice, civil justice, etc., they are ready to allow – or even embrace – some moderate rule-of-law mechanisms where such reforms do not have any important political overtones and where serious economic issues are not involved. In other words, if Central Asian authorities believe that a particular legal reform is merely technical, politically neutral, and beneficial to society, they may often agree to discuss, approve, or even initiate it.

Observation of political practice in Central Asia has shown time and again the admissibility of politically neutral and highly positive legal reforms, some of which have been mentioned above. Two further examples support this view. The first is the Western-supported reform of juvenile justice in Uzbekistan, which is, in general, “consistent with the ideas on the purpose of juvenile justice provided for in the Beijing Rules”.³ The second is Kazakhstan’s draft law on civil and criminal mediation – a national version of modern alternative dispute resolution practice, recently produced as part of Kazakhstan’s official ten-year legal strategy.

In Search of International Prestige

There is an additional key factor that contributes to the promotion of legal reforms and the expansion of the political space for positive legal evolution in Central Asian countries. The governments and political elites of the region absolutely need to enhance their prestige, image, and legitimacy before the international community, especially when one takes into account the recent independence of these states and their lack of institutional traditions. For instance, the desire for international prestige explains, at least in part, most of the positive legal reforms enacted in Kazakhstan during and immediately

3 Sergey Pashin, Expert Conclusion on the Draft Law of the Republic of Uzbekistan “On Juvenile Justice”, in: *Compilation of Analytical Papers on Human Rights and Criminal Justice System of the Republic of Uzbekistan*, cited above (Note 2), p. 109.

prior to the country's OSCE presidency, in particular the laws on domestic violence and gender equality adopted with the support of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in December 2009.

Conversely, many legal notions, concepts, and institutions of Soviet origin are no longer sufficiently prestigious for Central Asian governments in the current international context, even though some of them were in fact imported by Soviet lawmakers from Western legal systems (often via pre-Soviet Russian law). Nevertheless, Central Asian political elites in search of international prestige openly demonstrate a will to decrease the number of Soviet-based legal institutions, which are unnecessary for them to retain political power and easy to remove.

However, despite this political will to abandon, at least in part, the Soviet legal heritage, the space for legal reforms in Central Asia is also limited theoretically because of some fundamental and not easily overcome theoretical deformations of Soviet origin. These deformations have proven to be another major obstacle to the effective implementation of legal reform in Central Asia.

The Theoretical Deformation of the Central Asian Legal Framework

The Typology Of Central Asian Legal Deformations at the Methodological Level

Adequately conceptualizing the object requiring reform has proven one of the more difficult tasks faced by the legal reformers in Central Asian states. In the absence of adequate conceptualization, it is absolutely impossible to determine the reform agenda and strategy appropriately and precisely for either the short or the long term.

If it is clear that reforms are required not just to eliminate some elementary shortcomings, but also to overcome certain deep deformations of the Central Asian legal framework, then it is also clear that such deformations are not homogeneous. In general, one can distinguish two major types of institutional and legal deformation at the theoretical level, which may a priori hamper the establishment of instruments pertaining to the rule of law, even where the political context is favourable. At the empirical level, these two types of deformation are easily recognized in each Central Asian country – from Kazakhstan to Turkmenistan. For the purpose of this analysis, it is possible to call them *simple* deformations and *complex* deformations.

From a methodological point of view, a simple deformation is characterized by the following major features:

- a) it can be eliminated through a one-time normative interference, i.e. it would be enough to either amend a law or adopt a new law to do away with it;
- b) it can be a necessary condition for the overcoming of the post-Soviet “transitional period”, but is never a sufficient condition;
- c) its presence and negative character are more or less obvious to any home-educated Central Asian lawyer or civil society activist, i.e. the criticism of this deformation is compatible with the local legal mentality and does not require any extraordinary intellectual efforts.

A complex deformation is identified by the opposite characteristics:

- a) it cannot be eliminated through a one-time normative interference, including adoption of new legislation;
- b) it is both necessary and sufficient for the normalization of the Central Asian legal framework, i.e. if it is overcome, the goal of transitional post-Soviet reforms will have been achieved;
- c) it is not obvious to the overwhelming majority of Central Asian legal actors (regardless of their political views), who do not consider it as a deformation, but rather a norm, if not an international standard.

It is important to stress that almost every discourse in Central Asia related to legal reform is confined to discussing how to overcome simple deformations. As mentioned above, the fact that there have already been some positive results is beyond doubt. Other reforms might also be realized in the short term. But any changes in Central Asian legislation are likely to have only a modest effect if various complex deformations remain little changed. In this sense, the full-scale elimination of complex deformations has proven to be a far more difficult task – one that remains to be accomplished. It requires not only a long-term plan of legislative measures, but also long-lasting doctrinal and educational efforts. In other words, the emergence of a theoretically appropriate Central Asian legal doctrine seems to be no less important than various internationally supported legislative decisions. Otherwise, without proper theoretical preparation, a one-time normative measure that aims to remove a complex deformation will not be understood or will be distorted at either the law-enforcement or the judicial level. The theoretical basis is also vital to ensure the coherence of subsequent legislative steps. A complex deformation should therefore never be treated in the same way as a simple deformation.

What also needs to be noted is that complex theoretical deformations tend to be Soviet deformations, or can at least be explained by the Soviet past of the Central Asian states. This is why they are difficult to overcome psychologically. On the other hand, however, such deformations stemming from the Soviet past are more or less politically neutral for the Central Asian elites. This significantly simplifies the task of identifying and criticizing such elem-

ents, since the local authorities do not perceive such criticism as posing a danger to their power and legitimacy. On the contrary, the criticism of the Soviet theoretical legal heritage, which lacks international prestige, may even be approved by them precisely because of the current international context.

Analyzing the phenomenon of simple legal deformations in Central Asia in detail is beyond the scope of this article. To give a few examples, nonetheless, they include the very small number of alternatives to remand in custody in the new Criminal Procedure Code of Tajikistan and the absolutely unreasonable formal retention of the death penalty in Kazakhstan's Criminal Code.

Among the complex deformations, three fundamental theoretical issues of Soviet origin seem to pose major obstacles to the practical reform of the Central Asian legal framework in accordance with international norms, i.e. to the end of the post-Soviet transitional period.

The Deformation between Public Law and Private Law

After the collapse of the Soviet Union, all the independent states of Central Asia faced an immense task in leaving behind the centralized communist economy and creating a democratic free-market system built on a modern legal framework. The new Central Asian civil codes that were adopted in the 1990s are considered a decisive step toward a modern, free-market society. But even if this is true, it is also important not to overemphasize the significance of these civil-law oriented legal reforms, because of certain institutional mistakes that resulted from the insufficient integration of Soviet and later post-Soviet legal doctrine from the international intellectual and legal environment. These mistakes led to the problems that remain unsolved today and increasingly deform the Central Asian legal and doctrinal framework.

One vital aspect of developing the Central Asian market economy was recognizing the state (*res publica*) and all its elements, such as ministries, public agencies, cities, municipalities, etc., as subjects of private law. This approach reflects a Soviet doctrine developed by some pre-Soviet-educated professors of law with the aim of retaining certain private-law concepts within the completely public-oriented Soviet economic and legal framework. Hence, according to Soviet "civil-law doctrine", the state participates in legal relations either vertically, when it realizes its power, or horizontally, when it acts on an equal basis with other participants, particularly natural or juridical persons. In the former case, the relations are not considered matters of civil law, in the latter, they become "civil-law-regulated". From a technical perspective, this concept contributed to maintaining civil-law terminology, for example, in relations between Soviet state enterprises or in Soviet state-oriented labour law. More generally, it saved the idea of "Soviet civil law" as such.

Instead of starting anew in the post-Soviet context, the Soviet-educated drafters of the new post-Soviet civil codes, particularly in Central Asia, chose to embrace the *horizontal relations theory* of state participation in civil-law relations and to rely on it as a pillar of the free-market economy. Soviet civil law was merely redesignated “post-Soviet private law”, by which means the state became a normal participant in the domain of private law.

Should one be surprised that the state, officially allowed to enter the market as a “subject of private law”, rapidly forced out other actors and started dominating economic life in all the countries of Central Asia? A further, more technical, but no less important point is that the absolutely necessary distinctions between public property and private property, between public-law and private-law legal persons, and between public-law and private-law contracts do not exist at all in the Central Asian legal framework. In fact, given the institutional mistake, they cannot exist there. Consequently, the boundary between the private and public domains in the Central Asian states is becoming increasingly blurred, if not disappearing completely. If the fundamental deformation between public law and private law is not overcome, therefore, it is hard to be optimistic about the legal future of Central Asia. For example, the provision of Kazakhstan’s official ten-year legal strategy, which proposes granting some kinds of non-commercial organizations the legal status of joint-stock companies, is a typical demonstration of how confusions continue to arise in this domain.

The Deformation between Administrative Law and Criminal Law

The core of another fundamental theoretical deformation is the understanding of *administrative responsibility* in Central Asian legal doctrine. In the mainstream legal tradition, administrative responsibility implies the responsibility of the public administration with respect to private persons, i.e. *the responsibility of the state towards the individual*. By contrast, the Central Asian doctrine stems from the Soviet understanding of law, which was very far from the idea of the state under the rule of law, rejecting the possibility of the state’s responsibility to its citizens. In this situation, the Soviet doctrine started giving “administrative responsibility” another – and totally contrary – meaning entirely. Administrative responsibility was perceived not as the responsibility of the public administration towards citizens, but rather as the responsibility of citizens towards the public administration, i.e., *the responsibility of the individual towards the state* for so-called “minor offences”. In order to legitimize this approach and to elevate this conception of administrative responsibility to the ultimate good, the “administrative responsibility of an individual” was presented as a means of “decriminalizing” criminal offences. In other words, an individual had only to face a mild administrative responsibility in lieu of a grave criminal responsibility. This was supposed to demonstrate the liberalism of Soviet legal policy. As a result, a sort of *paral-*

lel criminal law emerged and became increasingly sophisticated: a law of administrative offences, which was, at the conceptual level, completely separate from criminal doctrine and was perceived as the core of Soviet administrative law.

Central Asian lawyers were trained – naturally for reasons beyond their control – on the basis of this concept of administrative responsibility, which is a far cry from international standards. As a result, the Central Asian legal doctrine fully inherited this Soviet approach, which continues to affect the development of post-Soviet legislation, as well as judicial and legal practice in all the countries of Central Asia.

This Soviet-based theoretical deformation has two extremely negative consequences for the development of Central Asian legal systems:

- 1) It impedes the development of true administrative justice and hence of modern administrative law, placing a priori limits on the concept of the responsibility of the state towards the individual, something that does not comply with contemporary legal values.
- 2) It enables the growth of “parallel” criminal law (masked state repression), which is incompatible with full respect for human rights.

In more concrete terms, as well as being theoretically inadequate and dangerous in terms of human rights, the concepts of *administrative detention* and *administrative arrest* inherited from Soviet law by Kazakhstan’s and Tajikistan’s current codes of administrative offences, and Uzbekistan’s and Kyrgyzstan’s codes of administrative responsibility, are direct outcomes of the deformation in Central Asia between criminal law and administrative law. Indeed, it is clear that the deprivation of liberty should be viewed exclusively as criminal punishment. Likewise, detention (the short deprivation of liberty by the police) may only be used in the case of actions considered a *crime* by the state. Finally, the concept of administrative responsibility may only be applied to the responsibility of the public administration towards private persons. If these concepts are not clarified, the prospects for the positive legal evolution of Central Asian states will be very limited.

The Deformation between Police and Judicial Functions

The third fundamental deformation of the Central Asian legal framework is also inherited from Soviet law. The Soviet legal system, which did not acknowledge the separation of powers or the principle of checks and balances, entirely conflated police and judicial activities at the conceptual level. In effect, many prosecutorial and judicial functions were delegated to the police, especially at the pre-trial stage of criminal procedure. The police provided an official legal assessment of the facts of the case, made definitive decisions on criminal proceedings and even some *res judicata* decisions, applied proced-

ural constraints, etc. After having vested the police with improper functions, Soviet law replaced the institutional distinction between the police, the prosecution, and the court with a pseudo-procedural bureaucratic differentiation of different types of “investigators” and “inquirers”, “heads of investigation units”, and “inquiry bodies”, “operational and investigative services”, “investigation bodies”, etc., and a completely artificial and absolutely formal distinction between “procedural” and “non-procedural” activities, rejecting a clear one based on constitutional principles. In other words, the institutional border was drawn in the wrong place. As a result, quasi-liberal Soviet attempts to legalize so-called “non-procedural activities” in the 1980s led to the emergence of a special “parallel” phenomenon – “field operations and search activities” regulated by a non-codified autonomous law. These operations and activities started to “surround” the allegedly refined procedural activities, officially emerging only after a special police *quasi-res judicata* decision on the “initiation of a criminal case”.

Nevertheless, this severely deformed institutional framework, based on the formal distinction between “procedural” activities regulated by the Criminal Procedure Code and non-procedural field operations and search activities regulated by autonomous law was copied by all the countries of Central Asia. Local lawyers, politicians, and other decision-makers view it as absolutely normal, if not technically neutral, and pseudo-universal, at least for civil-law countries. It was therefore retained in all Central Asian post-Soviet codes of criminal procedure, including the new codes adopted by Tajikistan and Turkmenistan in 2009. Consequently, the Soviet-based institutional deformation between police and judicial functions is now an important feature of Central Asian criminal justice systems.

Unless this deformation is overcome and police and judicial functions rebalanced at a fundamental (conceptual) level, all efforts at legal reform in Central Asia will either be purely decorative or will actually exacerbate current deficiencies, which may lead to a full-scale legal crisis. In other words, the reform most urgently needed is the removal of this historical deformation at the theoretical level. Otherwise, all efforts to “normalize” Central Asia’s legal systems, in order to overcome their protracted “transition state”, are misplaced and futile.

From Interethnic Harmony to National Unity? Nationalities Policy and the Situation of National Minorities in Kazakhstan

With the collapse of the Soviet Union in 1991, five new states were created in Central Asia, all of which were highly multiethnic. None more so than the Republic of Kazakhstan, whose population of 16.5 million was made up of 130 nationalities, according to official figures. Kazakhs made up only 40 per cent of the population, 38 per cent of which were Russians, followed by Germans (six per cent), Ukrainians (five per cent), Uzbeks and Tatars (each two per cent), and Uyghurs (one per cent). The further 120 nationalities made up a total of only six per cent.¹ Kazakhstan was thus the only one of the successor states of the Soviet Union where the eponymous ethnicity did not make up an absolute majority of the population. This situation, and above all the high proportion of Russians, most of whom lived in the north near the Siberian border, appeared to ask questions of both the internal stability and the external integrity of the young state, and attracted a great deal of attention to this topic. To the extent that these fears were not realized, it fell out of the focus of both politics and the media. Nor did the situation of national minorities play a role in the debate over Kazakhstan's prospective OSCE Chairmanship, which – quite rightly – focused strongly on Kazakhstan's democratic deficits and shortfalls in the rule of law. But of course that does not mean that the situation of Kazakhstan's national minorities is seen as entirely free of conflict and not in need of improvements in a number of areas. For instance, after visiting Kazakhstan in September 2009, the OSCE High Commissioner on National Minorities (HCNM) stressed the achievements of the Kazakhstani leadership in the area of nationalities policy while calling for further efforts to encourage the participation of national minorities in public life.² The UN has also noted that Kazakhstan still has “room for improvement” in the area of national minorities.³ The following account will show that this improvement needs to go hand in hand with the elimination of Kazakhstan's democratic deficits.

1 Numbers taken from the last Soviet census, 1989.

2 Cf. High Commissioner on National Minorities, Press Release, *OSCE High Commissioner discusses minority participation, education during visit in Kazakhstan*, Shymkent, Kazakhstan, 23 September 2009, at: <http://www.osce.org/hcnm/51345>.

3 UNHCR, Refworld, *Kazakhstan has 'room for improvement' on minority issues – UN rights expert*, 15 July 2009, at: <http://www.unhcr.org/refworld/country,,,KAZ,4562d8cf2,4a8a732c19,0.html>.

In the years immediately following independence up until 1995, the policy of Kazakhstan's leadership was resolutely Kazakh-centric. In the country's first constitution, the new state was explicitly designated the state of the Kazakhs, and Kazakh culture was identified as a factor for the integration of all inhabitants of Kazakhstan. Given that most non-Kazakhs did not speak the Kazakh language, the plan to make Kazakh the only state language had the character of a threat. The intensification of interest in Kazakh history, the replacement of monuments to Soviet heroes with statues of prominent Kazakhs, and the renaming of towns and streets in Kazakh appeared to non-Kazakhs less as matters of turning away from the Soviet past than Kazakhization and the exclusion of non-Kazakhs. At the same time, huge numbers of people began emigrating. Between 1989 and 1999, around 1.5 million Russians left Kazakhstan (along with 328,000 Ukrainians, 66,000 Belarusians, and 593,000 Germans). Back then, the high rate of emigration was presented as evidence of an intolerant policy of Kazakhization. It is now assumed that the causes were rather economic, alongside a general fear of what the future might bring and a shifting of populations caused by the collapse of the Soviet Union.

From the mid-90s, there was a shift from a focus on that which is specifically Kazakh to "harmony between nationalities". Kazakhstan was portrayed as less the country of the Kazakhs and more "our common home". Consequently, the relevant provisions of the independent Kazakhstan's second constitution, which was adopted in 1995, were more moderate than those of its predecessor (see below). This constitution, however, also marked the change from a parliamentary to a presidential system of government – one that has since become in effect an authoritarian regime. And this in turn was legitimized by reference to problems in relations between nationalities, which were said to require firm leadership and the curtailment of democratic freedoms. President Nursultan Nazarbaev presented himself as the protector of the national minorities. Claims that they risked endangering the peace between nationalities were used to silence opposition politicians and restrict press freedom. Following the economic downswing of the early 1990s, Kazakhstan experienced an upturn – a boom in some regards – that lasted until 2008 and brought benefits to the population, which, though they were not shared out equally, were also not divided along national lines.

The issue of Kazakhstan's nationalities has dropped off the radar somewhat since roughly the turn of the millennium. While language programmes have been launched and legislation occasionally passed, they have never aroused the same level of interest or had the same potential for conflict that there was in the nineties. The wave of emigration came to an end; those who remained either wanted to stay or had no choice. However, in the autumn of 2009, immediately before the start of Kazakhstan's OSCE chairmanship, President Nazarbaev believed the time had come to announce a new

level of coexistence between the peoples of Kazakhstan, namely their unity as a single nation.

The concept of “national minorities” is not in official use in Kazakhstan. Instead, official sources refer to “nationalities”, though this term is not applied to Kazakhs *or* Russians, who make up separate categories. Here the two terms will be used interchangeably, and the situation of the Russians will be considered alongside those of the other non-Kazakh ethnic groups. In any case, “other nationalities” is merely an artificial grouping, which does not reflect the existence of any shared consciousness. There are clearly too many differences in terms of origin, culture, and current living conditions between individuals living in Kazakhstan but belonging to peoples mostly settled in neighbouring states (Uzbeks, Kyrgyz, Turkmen, Uyghurs) and nationalities forcibly deported to Kazakhstan by Stalin (Caucasians, Germans, Crimean Tatars, and Koreans); nationalities that are primarily rural and those that live mostly in cities; groups that have maintained their cultural identity and language and those such as Koreans, who have become heavily Russified and tend to focus on education and social advancement, or the economically successful Chechens. In addition, many nationalities live in strong local or regional concentrations. The nineties emigration wave also served to strengthen these divisions. Germans, Poles, and Jews were able to leave for their historical “homelands”. Not only Chechens and Uyghurs, but also Koreans appeared to have neither the desire to do this, nor were they encouraged to do so. The lack of a shared consciousness also prevented the various nationalities from making a common front; and even within each nationality, only a minority has tended to organize to act in the interest of the nationality. The latter is also true of the Russians⁴ – and the Kazakhs themselves. Nor was the potential for conflict between the last two groups ever as high as had originally been assumed, and the sense of disadvantage was never strong enough to lead to mass mobilization. There are of course also social, cultural, and economic differences within each national group, and especially among the Kazakhs. These have frequently outweighed national identity and continue to do so. For these reasons, the nationalities problem has never been as explosive as the Kazakhstani leadership has claimed and Western observers have feared.

Opportunities for Representation

Already in the early nineties, representatives of many national minorities established so-called “national cultural centres” for the revival of their specific

4 On the situation of the Russians, see Sebastien Peyrouse, *The Russian Minority in Central Asia: Migration, Politics and Language*, Kennan Institute/Woodrow Wilson International Center for Scholars, Occasional Paper 297, Washington, DC, 2008, at: <http://wilsoncenter.org/topics/pubs/OP297.pdf>.

cultures and traditions and the preservation of their national languages. Their activities are therefore apolitical. The various cultural centres send delegates to represent their “national interests” to dedicated state institutions, known as “Assemblies of the Peoples” at the regional level, which, in turn, nominate representatives to attend the national “Assembly of the Peoples (now simply “People”) of Kazakhstan”. Presidential approval is necessary for admission to the Assembly. The Assembly of the People of Kazakhstan, which was founded in March 1995 and consists of several hundred delegates, has no genuine power of its own but is intended to act as a body for the discussion and co-ordination of nationalities-related questions and measures and the promotion of friendly relations among the nationalities.⁵ In the 15 years of its existence, the Assembly has never acted as an advocate for the interests of Kazakhstan’s nationalities but has rather played the part of a stage for the national leadership to announce nationalities policy decisions and successes.

Political parties are not in a position to fill this gap. Understandably, given the make-up of the population, the establishment of parties on racial, national, ethnic, or religious lines is banned, and parties of this kind will be refused the necessary state registration. Among currently registered parties, differences in terms of nationalities policy can naturally be observed. These range from the Communist Party, which continues to preach proletarian internationalism, to parties that call for a stronger role for either Kazakhs or Russians. No party has a truly comprehensive nationalities programme. Of greater significance, however, is the fact that parties per se effectively have no significance in political life. They have no core or popular support, and, under current political conditions, no chance of exercising political influence.

That is also true of the parliament, which has few opportunities to exercise influence under Kazakhstan’s presidential system. Moreover, in the most recent elections, which were held in the summer of 2007, all the available seats in the lower house of parliament, the *Mazhilis*, were won by President Nazarbayev’s Nur Otan party. The mix of nationalities in the lower house is more extensive than the political variety. One reason for this is that, in 2007, the Assembly of the Peoples received the right to nominate nine of its members to sit in parliament. The Uyghur, Ukrainian, Russian, Belarusian, Kazakh, Uzbek, German, and Balkarian nationalities are all represented at present. A number of other delegates can also be identified as non-Kazakh (Russian, Ukrainian, German, Uzbek, Caucasian, and Uyghur).⁶ However, that only applies to 27 of the 107 members of the *Mazhilis*.⁷ In the indirectly

5 Cf. Official Website of the Assembly of the People of Kazakhstan, at: <http://www.assembly.kz/assambleya.html>.

6 Cf. *Mazhilis of the Parliament of the Republic of Kazakhstan, Sostav i struktura Mazhilisa* [Composition and Structure of the *Mazhilis*], *Deputati Mazhilisa* [Deputies of the *Mazhilis*], at: <http://www.parlam.kz/Deputies.aspx?proc=1&page=2&lan=ru-RU>.

7 Cf. UNHCR, Refworld, *2009 Country Reports on Human Rights Practices – Kazakhstan*, 11 March 2010, at: <http://www.unhcr.org/refworld/country,,,KAZ,4562d8cf2,4b9e52e6a3,0.html>.

elected 47-member Senate,⁸ there are nine non-Kazakh members.⁹ The appointment of delegates to the Mazhilis by the Assembly of the People without a direct democratic mandate has been criticized by many,¹⁰ to which the Kazakhstani leadership responds that proportional representation at national level is guaranteed and the delegates are intended to represent all minorities.¹¹ This shows starkly the problem of balance between minority protection and undemocratic intervention. Under the given political conditions, the representation provided by non-Kazakh parliamentarians is less an opportunity for advancing the interests of the national minorities than it is for the advancement of the representatives themselves.

In sum, it is necessary to recognize that the opportunities for advocacy of the interests of the national minorities are extremely limited, but that this is less a result of deliberate hurdles put in place by nationalities policy than because current political conditions make both political activity and the representation of national interests almost impossible per se. It is telling that the fiercest critics of the President's nationalities policy so far have not been Russian nationalists but ethnic Kazakh members of the opposition, who have not called for Kazakhization, but rather for an approach to the problem based on the rule of law and democratic principles.

The Gap between Theory and Practice

Kazakhstan's 1995 constitution, which, with a number of amendments, has remained in force to the present day, includes a commitment to respect for human rights (Article 12), forbids discrimination on the basis of factors including race, nationality, language, and religion (Article 14), and explicitly proclaims the right of citizens to use their native languages, to preserve their culture, and to freely choose their language of "communication, education, instruction and creative activities" (Article 19). Nonetheless, the constitution establishes Kazakh as the official state language, and grants Russian equal status in state institutions and local government bodies (Article 7). The state commits itself to promoting the development of minority languages (Article 7). The president is understandably required to have a "perfect command" of the state language (Article 41.2). The only aspect of the constitution that may provoke criticism is the preamble, which, while it does not speak of the Kazakh people but rather the people of Kazakhstan, does refer to them as "united

8 Cf. Senate of the Parliament of the Republic of Kazakhstan, Sostav i struktura Senata [Composition and Structure of the Senate], *Deputati Senata* [Senators], at: <http://www.parlam.kz/Deputies.aspx?proc=1&page=1&lan=ru-RU>.

9 Cf. UNHCR, cited above (Note 7).

10 See, for example, *OSCE High Commissioner discusses minority participation, education during visit in Kazakhstan*, cited above (Note 2).

11 See, for instance, the *National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012*, p. 120, at: http://www.kazakhstanlive.com/Documents/National Plan of Action_E.pdf.

by a common historic fate, creating a state on the indigenous Kazakh land”, thereby elevating the Kazakhs to the role of first among equals.

There is no government committee for nationalities questions and no law designed to secure the rights of national minorities. Problems relating to national minorities are the remit of the National Human Rights Ombudsman of Kazakhstan and the Human Rights Commission.

Kazakhstan is a signatory of practically all the international treaties relevant to protecting the status of national minorities. The government also cites the low number of court cases concerning alleged discrimination on the basis of nationality as evidence of the positive situation of ethnic minorities in the country. Human rights experts, on the other hand, consider this to be evidence of legislative shortfalls and problems with the legal system. To cite the most recent UNHCR human rights report: “The government continued to discriminate in favor of ethnic Kazakhs in senior government employment. Minorities experienced ethnic prejudice and hostility; encountered incidents of insult, humiliation or other offenses; and were discriminated against in employment or job retention.”¹²

There is quite clearly a gap between legal provisions and reality. Of particular relevance for those affected are the allocation of leadership positions, the question of language, and the related issue of access to education.¹³

Access to Leadership Positions

According to the constitution and the law on the civil service, all citizens of Kazakhstan have equal access to civil service positions, regardless of sex, race, property, religion, etc. Complaints about discrimination in this area are legion, but it is impossible to achieve a statistical overview.

Considering just the very highest leadership positions in the country, there is certainly cause for concern regarding compliance with the rule of equality. While the occasional non-Kazakh may be found, such as former Prime Minister Sergei Tereshchenko or Grigori Marchenko, the chairman of the National Bank, national minorities as a whole are clearly under-represented, and the situation is only getting worse. Several surveys carried out in the late 1990s concluded that around 30 per cent of posts in the government and ministries were then still held by non-Kazakhs.¹⁴

Details of the ethnic make-up of the current government, as of other institutions, can only be inferred from surnames, as the nationality of office

12 UNHCR, cited above (Note 7).

13 Cf. Gul'mira T. Ileuova/Saniya Kh. Serazhieva, *Analiz etnopoliticheskoi situacii v Kazakhstane (po rezul'tatam ekspertnogo oprosa)* [Analysis of the Ethnopolitical Situation in Kazakhstan (according to the results of a survey of experts)], in: *Kazakhstanskaya model' etnopolitiki* [Kazakhstan's Model of Ethnopolitics], Almaty 2002, pp. 39-42.

14 Cf. Erlan Karin/Andrei Chebotarev, *The Policy of Kazakhization in State and Government Institutions in Kazakhstan*, in: *The Nationalities Question in Post-Soviet Kazakhstan*, Middle East Studies Series No. 51, Chiba 2002, pp. 69-108, here: pp. 81f.

holders is rarely given. A prominent example that shows that non-Kazakhs can achieve high office is the current prime minister, Karim Massimov, who is an Uyghur. Only one of his ministers, Vladimir Karpovich Bozhko, Emergency Minister, is likewise of non-Kazakh origin.¹⁵ On the level one below, that of deputy ministers and chairs of committees, there are several Slavic, Tatar, Uzbek, Jewish, German, and other non-Kazakh names. Nonetheless, Kazakhs seem to predominate here as well (making up around 80 per cent of ca. 150 names).¹⁶ Of the Akims (governors and mayors), two can be clearly identified as non-Kazakhs.¹⁷ Representatives of the national minorities complain that even in the areas where they are densely settled, they still face grave difficulties in achieving leading positions.¹⁸ This is disputed by the state authorities.

While non-Kazakhs can thus achieve high office, Kazakhs certainly predominate to an extent that goes far beyond the proportion of the population they make up. However, the problem is not so much one of nationalities: In a 2009 survey, not only did 60.3 per cent of Russian respondents and 64.4 per cent of other nationalities complain that their right to work in government bodies had been infringed, so did 43.7 per cent of Kazakhs!¹⁹ In a survey carried out in late 2009, a majority of respondents of all nationalities were of the belief that the Kazakh elite is a closed shop. Only a small minority believe that skills and knowledge are the decisive factors in filling leadership positions; even when these are verifiably present, becoming a member of the elite also requires connections and money.²⁰ This means that, under the current system, the vast majority of Kazakhs are also disadvantaged – and members of national minorities with access to the elite as a result of wealth and personal connections have an advantage over them. It also means, however, that competition and conflicts of interest are dealt with by a small elite, while the bulk of the population is little involved and passive.

Access to economic resources and equality in economic life are obviously also major factors in evaluating the situation of national minorities, and, in Kazakhstan, are closely linked to the question of access to leadership positions in the state. However, details are hard to come by here. The published results of surveys provide a contradictory picture of everyday economic life. According to the Forbes list of billionaires, the richest man in Kazakhstan is a Korean – Vladimir Kim, the chair of the copper giant Kaz-

15 Cf. <http://en.government.kz/structure/government/page2.html>.

16 Cf. <http://en.government.kz/structure/org>.

17 Cf. <http://en.government.kz/structure/akimlist>.

18 Cf. *Statement of preliminary findings by the United Nations Independent Expert on minority issues, Ms. Gay J. McDougall, on the conclusion of her official visit to Kazakhstan*, 6-15 July 2009, 15 July 2009, p. 1, at: <http://www2.ohchr.org/english>.

19 Cf. Timur Kozyrev, *Novye tendentsii v razvitií etnokonfessional'noi situatsii v Kazakhstane* [New Tendencies in the Development of the Ethnoconfessional Situation in Kazakhstan], 12 February 2010, at: <http://www.kisi.kz/site.html?id=6876>.

20 Cf. Interfax Kazakhstan, 19 February 2010, at: <http://www.interfax.kz>.

akhmys, who has a net worth of 3.7 billion dollars.²¹ Alexander Machkevich, in third place in Kazakhstan's rich list, may be an Israeli citizen, but has his main residence in Kazakhstan, where he acquired his wealth.

Language and Education

The question of language was and is the most sensitive issue in the political discourse of multinational Kazakhstan. At independence in 1991, it was not only the country's Russian population that spoke Russian but no Kazakh, but also the members of nearly all the other national minorities. Above all, the Kazakh population of the cities, and hence the ruling elite, were highly Russified, and frequently did not even speak their native language. They considered Kazakh to be the underdeveloped language of the rural population. This state of affairs was clearly reflected in the country's language policy.

Although the 1997 law on languages reiterates the provisions of the constitution as outlined above, declaring that it is the duty of every citizen to learn the Kazakh language, which is a key factor for the consolidation of the people of Kazakhstan (Article 4) – thereby unsettling the non-Kazakh-speaking population – nonetheless, the efforts actually undertaken by the state have largely proved ineffectual.²² This is largely a result of the fact that too little money and effort have been invested in such programmes. It is not difficult to assume that while the Russified national leadership may call for the promotion of the Kazakh language, in fact it has little interest in it.

There are no reliable figures on the current linguistic abilities of the population.²³ In daily life, far more Kazakh can now be heard in the cities than was the case 15 years ago. In areas with a large proportion of Russians, Russian remains the language of choice, including for official purposes.²⁴ Though civil servants are required by law to demonstrate fluency in Kazakh, there clearly exist ways and means to get round this, as there have been reports of government agencies where Russians with no knowledge of Kazakh are employed and where Russian is the language of choice for even Kazakhs.²⁵ In this case, the gap between legislation and reality proves beneficial for the candidate.

Today, everyone learns Kazakh at school. But whereas, until a few years ago, the majority of schoolchildren did this at institutes whose language of instruction was Russian, as these were rightly considered to be better, in

21 Cf. Forbes.com, *The World's Billionaires*, at: http://www.forbes.com/lists/2010/10/billionaires-2010_The-Worlds-Billionaires_Rank.html.

22 Above all the state programme on the functioning and development of languages for the decade 2001-2010, adopted on 7 February 2001.

23 According to figures published in 2007, between 14 and 26 per cent of the Russian population speak Kazakh. Cf. Peyrouse, cited above (Note 4), p. 16.

24 Cf. Joanna Lillis, Kazakhstan: Officials Adopt Low-Key Approach on Language Policy, in: *Eurasia Insight*, 23 July 2007, at: <http://www.eurasianet.org/departments/insight/articles/eav072407.shtml>.

25 Cf. Peyrouse, cited above (Note 4), p. 17.

2009, according to official figures, 61 per cent of pupils received their entire schooling in Kazakh. At universities, 48 per cent of students attend lectures given in Kazakh.

As far as the languages of other minorities are concerned, Article 6 of the law on languages strengthens the right of citizens to use their native languages and to freely choose their language of education and instruction. Newspapers and magazines are published in 15 minority languages (not counting Russian), while there are eight minority-language radio programmes and eleven non-Kazakh television programmes. However, 50 per cent of all programmes are required to be in Kazakh. Despite this, state control of the media is tending to increase, which means that linguistic plurality is being accompanied by an increasing homogenization of content. According to official figures, there are 81 schools in which the language of instruction is Uzbek, Tajik, or Uyghur, and a total of 22 minority languages are taught as a subject at 108 schools.²⁶

The National Human Rights Action Plan of the Republic of Kazakhstan, which, in line with the definition of nationality used by Kazakhstan, does not deal with the question of the Russian language, declares that the language issue has been resolved.²⁷ This is clearly not something with which the average non-Kazakh inhabitant of Almaty would agree. But it is possible to assume that, at least with regard to the Kazakh language, time will solve the problem. As in the case of representation in leadership positions, the lack of knowledge of the Kazakh language is, first, not a problem that only non-Kazakhs face, and, second, can clearly be bypassed by groups of individuals that possess money and the right contacts. For these individuals, therefore, the absence of the rule of law has beneficial effects.

Assessing the freedom of national minorities to practise their own religion is also generally accepted to be an aspect of evaluating their situation. Kazakhstan's religious policy is viewed far more critically than its nationalities policy by international organizations,²⁸ yet this applies more to the religions viewed by the government as non-traditional such as the Jehovah's Witnesses, Baptists, or Hare Krishnas, and not the "traditional" faiths of the national minorities. Thus, while current conditions are no advertisement for Kazakhstan's much publicized tolerance, there are no grounds for criticism in terms of nationalities policy.

26 Cf. Assembly of the People of Kazakhstan, *Doktrina natsional'nogo edinstva Kazakhstana* [Doctrine of National Unity of Kazakhstan], at: http://assembly.kz/?ft=2000&type=93&java_tree=93.

27 *National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012*, Astana 2007, p. 119, at: http://www.kazakhstanlive.com/Documents/National%20Plan%20oP%20Action_E.pdf.

28 Cf. UNHCR, cited above (Note 7); Human Rights Watch, *Ten Questions of Kazakhstan and the OSCE Chairmanship*, 25 November 2009, at: <http://www.hrw.org/en/node/86874>.

The results of the 2009 census show decisive shifts in the national make up of Kazakhstan's population: Kazakhs now comprise 63.1 per cent of the population and thus an overall majority; the proportion of Russians has fallen to 23.7 per cent (in addition, 2.8 per cent are Uzbeks, 2.1 per cent are Ukrainians, 1.4 per cent are Uyghurs, 1.3 per cent Tatars, 1.1 per cent Germans, and 4.5 per cent belong to some other nationality).²⁹ This is a consequence of emigration and the relatively high average age of the remaining Russians, on the one hand, as well as the high birth rates of the Kazakh population and (state sponsored) immigration of Kazakhs to Kazakhstan from abroad (Mongolia, China, etc.), on the other. This tendency has led some experts to predict an effectively monoethnic state with a small group of minority nationalities representing various diasporas for the none-too-distant future.³⁰ For the time being, however, Kazakhstan remains very much a multiethnic state. Nonetheless, the quantitative realignment means that problems and priorities are likely to shift from the "Russian problem" to those of other minorities. But it must be borne in mind that, according to the survey by the Kazakhstan Institute of Strategic Studies (KazISS) cited above, these other minorities consider themselves to be disadvantaged compared to both Kazakhs *and* Russians. This is particularly evident in their answers to questions concerning the treatment of their affairs by state agencies and the respect shown for their rights in economic life: 49 per cent of respondents belonging to other nationalities feel discriminated against by state authorities, compared to only 34.5 per cent of Russians, and 30.8 per cent of Kazakhs. With regard to economic life, the corresponding figures are 42.3 per cent, against 28.9 per cent and 22.3 per cent.³¹

In recent years, some of the so-called other nationalities have become the focus of attention as a result of violent clashes with Kazakhs. Even if these occurrences have been local in nature, and have been brought under control – if not always rapidly enough – by security forces, they demonstrate a picture that jars somewhat with the image of Kazakhstan's peoples living in harmony.

There have been several violent incidents between Kazakhs and Chechens.³² The latter are the descendants of Chechens forcibly deported to Central Asia from the Caucasus in 1944 who have not returned. Their numbers rose again in the course of the Chechen wars and are now estimated at be-

29 The Agency of Statistics of the Republic of Kazakhstan, *Itogi perepisi naseleniya Respubliki Kazakhstan 2009 goda* [Results of the 2009 Census of the Republic of Kazakhstan], at: http://www.stat.kz/p_perepis/Pages/n_04_02_10.aspx.

30 Cf. *Russkii jazyk budet zhit' v Kazakhstane bez russkikh* [The Russian Language Will Live in Kazakhstan without Russians], at: <http://www.regnum.ru/news/1260754.html>.

31 Cf. Kozyrev, cited above (Note 19).

32 On the history and current situation of the Chechens in Kazakhstan, see Birgit Brauer, Chechens and the survival of their cultural identity in exile, in: *Journal of Genocide Research* 3/2002, pp. 387-400.

tween 30 and 50 thousand. They are said to have settled relatively compactly and to have maintained their national identity. In the late 1980s and early 90s, there were several violent incidents involving Chechens and Kazakhs, which were reported to have an economic origin. Chechens have had a poor image since then, but things remained peaceful – until the spring of 2007. A punch-up between a drunken Chechen and a Kazakh in a village in Almaty Province escalated over days until several hundred people ended up marauding through the village and neighbouring settlements were already anxious. By the time the police finally restored order, five people had died, several others had been injured, and a great deal of damage had been caused. The Kazakhs in the village called for the expulsion of all Chechens. This was no isolated incident, and similar violent clashes took place in the autumn of 2007 between Kazakhs and Kurds in a village in southern Kazakhstan. The fact that the actions of a single individual led to violence against an entire ethnic group shows that the category of nationality is not entirely insignificant, at least in the case of certain nationalities. Furthermore, the fact that the Kazakh side immediately called for the most drastic solution (resettlement/expulsion of the whole national minority from the village, district, or even the state) does not support the image of tolerance so often proclaimed by the government. The background to the specific incident with the Chechens was a question of corruption and the resulting failure of the local police to deal with several minor incidents in previous years, leading to vigilante justice. And, as in the case of the clashes during the demise of the Soviet Union, social envy also played a role.³³ Unfortunately, more detailed data on the economic situation of the individual nationalities is not available, something about which Kazakhstani academics have also complained.³⁴

What does stand out, in these and other cases, is that the events took place in villages, not the more densely populated towns and cities. That, too, suggests the background role of economic factors. In most villages in Kazakhstan, poverty and a lack of opportunities were the norm, even in boom times, alongside an extreme and glaring division between rich and poor. These may have been isolated cases, but they illustrate what happens when dissatisfaction is ethnically charged. This appears to be something of which the public is aware. In an April 2010 survey, 53 per cent of those asked stated that conflicts between the country's nationalities could be a "very big" or

33 Cf. Marat Yermukanov, Officials dismiss clashes between Kazakh and Chechen youth as "Hooliganism", in: *Jamestown Eurasia Daily Monitor*, No. 58, 23 March 2007, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=32627&tx_ttnews\[backPid\]=171&no_cache=1](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=32627&tx_ttnews[backPid]=171&no_cache=1); Daur Dosybiev, *Kazakhstan: Village Brawl Reverberates in Halls of Power*, IWPR/RCA No. 487, 28 March 2007, at: http://www.iwpr.net/?p=rca&s=f&o=334358&apc_state=henirca43b621133498fc1a25634c7486c14aac.

34 Cf. e.g., Bulat K. Sultanov et al. (eds) *Faktory vneshnego vliyaniya na mezhetnicheskie otnosheniya v Respublike Kazakhstan* [External Influences on Interethnic Relations in the Republic of Kazakhstan], Almaty 2010, p. 36.

“moderately big” problem.³⁵ The government tends to describe all such events as the work of criminals or hooligans, and to deny all ethnic aspects by blaming the media, playing them down, or preferably ignoring them completely. That is certainly no solution.

The bitter reality also affects Kazakhs. For years, Kazakhs living abroad have been encouraged to “return home”. However, what has awaited them has often been unemployment and rejection, or even attacks by Kazakhs who had never left.³⁶ This is further evidence both that the government is not pursuing a genuine policy of Kazakhization and that the population in general is not supportive of extreme Kazakh nationalism, (on the contrary, it suggests a very limited sense of togetherness among the Kazakhs). It rather shows that economic problems and competition have a powerful potential for conflict.

Entirely new fields of conflict have emerged as a result of the arrival of migrant workers (from Kyrgyzstan, Uzbekistan, and Tajikistan) in Kazakhstan, whose legal and actual situation has been criticized by human rights organizations on several occasions,³⁷ but without the same potential for violence one sees in Russia. In 2005 and 2006, there were violent clashes between Kazakhstani citizens and workers from the “far abroad”, in this case skilled Turkish workers: In October 2006, according to some sources, a number of people were killed in riots in the Tengiz oil field – according to other sources, 200 were injured. The causes can be found in unequal status and payment, but also in the lack of conflict-resolution mechanisms, legal uncertainty, and corruption.³⁸ The issue of migrant workers from near and far is not strictly a matter of nationality, but their situation shines a telling light on the dangerous potential that the combination of nationality, economic problems, and failings in the rule of law can have.

National Unity as an Aspect of State Identity

The earliest efforts to create a common identity for the multinational state of Kazakhstan were launched in the 1990s. These included the 1996 *Order on the Conception of the Formation of State Identity*. Such plans, however,

35 Cf. International Republican Institute (IRI), Baltic Surveys Ltd./The Gallup Organization, *Kazakhstan National Opinion Poll. Conducted: 3-13 April 2010*, p. 14, at: <http://www.iri.org/news-events-press-center/news/iri-releases-survey-kazakhstan-public-opinion-3>.

36 Cf. UNHCR, cited above (Note 7).

37 Cf. UNHCR Refworld, *Kazakhstan/Kyrgyzstan: Exploitation of migrant workers, protection denied to asylum seekers and refugees*, 23 July 2009, at: <http://www.unhcr.org/refworld/country,,,KAZ,4562d8cf2,4a842413c,0.html>.

38 Cf. Saulesh Yessenova, *Worker Riot at the Tengiz Oilfield: Who Is To Blame?* in: *Central Asia – Caucasus Analyst*, No. 4, 21 February, 2007, at: <http://www.cacianalyst.org/files/20070221Analyst.pdf>, pp. 6-8.

proved unsuccessful. Equally problematic was Nazarbayev's attempt to make the new capital Astana the symbol of a new identity for the state.³⁹

The most recent, and, it appears, equally problematic attempt to establish a new identity, is the draft "Doctrine of National Unity", which Nazarbayev presented to the Assembly of the People of Kazakhstan on 26 October 2009.⁴⁰ Neither the speech with which the president announced the project nor the doctrine itself contained anything decisively new. It identifies the establishment of national unity as one of the most strategically important priorities of state policy. This unity is to be established via the reordering of Kazakhstani society with a common identity. Consequently, there is no more mention of "nationalities" but rather of Kazakhstan's "ethnic groups". Yet these live on "Kazakh land", the Kazakh language is identified as the decisive factor for the unification of all Kazakhstani citizens, and the examples given of shared values are traditions generally considered to be typically Kazakh. The doctrine is also remarkable for the number of times it mentions tolerance, dialogue, and the benefits of diversity.

Although these proposals could at best be considered evidence of a gradual and minor shift,⁴¹ they came under criticism from representatives of the national minorities on account of the elevation of the Kazakh language and the foregrounding of the Kazakh people. Far more vehement was the doctrine's rejection by Kazakh nationalists under the leadership of the well-known writer Mukhtar Shakhnov, who consider that it fails to grant sufficient prominence to the Kazakhs and their language. They call for the foundation of the state on the basis of ethnicity rather than statehood, fearing that Kazakhstan could become a melting-pot on the American model. Their resistance went as far as announcing a hunger strike on independence day, which led to a number of brief arrests and a demonstration by 3,000 (other sources say over 1,000) "national patriots". Ordinary Kazakhs appeared equally unmoved by either the doctrine or its criticisms. The final draft of the doctrine was signed into law by the president on 29 April 2010 after it had been reviewed by a commission especially established for this purpose, which considered nearly 600 amendments.

The timing of the doctrine's announcement was clearly chosen in view of Kazakhstan's impending assumption of the OSCE Chairmanship. Whether this was the correct moment, or even the right idea for Kazakhstan, can be called into question. It is quite clear that the country's ethnic Kazakhs, in particular, require more time to find their identity. Among the demands that continue to be put forward by Kazakh nationalists is the inclusion of nationality in passports, which was abolished in spring 2009 in the name of promoting Kazakhstani identity. They consider this to place them at a "disad-

39 Cf., e.g. his speech on the occasion of the tenth anniversary of the city's foundation, on 5 July 2008.

40 Cf. Assembly of the People of Kazakhstan, cited above (Note 26).

41 Cf. Nargis Kassenova, *Launch of a national unity doctrine*, Central Asia Observatory, January 2010, at: http://www.asiacentral.es/uploads/kazakhstan_novdec09.pdf.

vantage”, by which they mean equal pegging with other nationalities. The population, regardless of nationality, would find identifying with the state to be easier, even in the absence of a state doctrine, if they were to receive a sense of equal treatment and opportunities for political and economic participation.

Kazakhstan – A Model State?

In contrast to the 1990s, during which official Kazakhstani government statements often stressed the dangers of a multiethnic state, recent announcements are characterized by satisfaction and optimism at the situation of the nationalities and, consequently, the state’s own policies. The longer the nationalities coexist in peace, the more self-confidently the Kazakh state presents itself on the international stage. The picture portrayed to the international community is of the exemplary peaceful coexistence of Kazakhstan’s nationalities, thanks to the leadership’s clever policies, diversity as a key value, and tolerance as well-nigh the defining characteristic of the Kazakhstani citizen.⁴²

How one judges the situation of the national minorities depends of course on what standard one applies. Without a doubt, the fact that the coexistence of the nationalities has, on the whole, been peaceful should be evaluated positively. Also on the plus side, it should be noted that the situation of Kazakhstan’s minorities is certainly better than that of their counterparts in the other Central Asian republics.⁴³ But questions remain as to whether this is the result of exemplary government policy and whether inter-ethnic peace can be considered secure for the future.

Nationalities policy in Kazakhstan has so far never enforced a systematic programme of Kazakhization. Rather, it has manoeuvred between the revival and consolidation of Kazakh identity and a recognition that Kazakhstan is a multiethnic state. The national minorities, including the Russians, have created only relatively minor problems for the leadership. As outlined above, the country’s many cross-cutting cleavages, which do not follow ethnic lines, made a mobilization of national minorities unlikely. For the future, the Kazakhs pose far greater challenges than the minorities. Dissatisfaction among the former is growing; many see themselves or the Kazakh nation as the loser, as victims of the Soviet period who deserve recompense. This dissatisfaction can easily take on an ethnic character, as in the Kazakh-Chechen dis-

42 For example, at the *Common World: Progress through Diversity* conference that was held in Astana in October 2008, see: http://portal.mfa.kz/portal/page/portal/mfa/en/content/truth/conf_common_world, and in practically all the speeches and declarations of intention given by Kazakhstan within the scope of its OSCE Chairmanship.

43 See, for example, Minority Rights Group International in association with UNICEF, *State of the World’s Minorities and Indigenous Peoples 2009*, July 2009.

turbances in 2007. Moreover, there are considerable intra-ethnic tensions within the Kazakh elite.

The role of the Kazakhs and their language in public life is set to increase, if only as a result of demographic changes. It is the government's task to ensure that the deterioration in interethnic relations feared in some quarters⁴⁴ does not occur. The fact that President Nazarbayev presents himself as the personal protector of the nationalities and guarantor of their peaceful co-existence represents a further potential danger, and one that will increase with time.

The tactic favoured by the government so far of remaining silent on problems or downplaying them is certainly no solution. A successful outcome is likely to depend on the continuing economic development of the country and the participation of the population in Kazakhstan's economic growth, but above all on reform of the political system. The non-Kazakh population's sense of being disadvantaged in recent years and the persistence of allegations of a deliberate Kazakhization are not the result of nationalities policy, but of authoritarianism, clientelism, and corruption. These affect all Kazakhstanis who do not belong to the elite, including most ethnic Kazakhs. More democracy and rule of law would reduce these problems and, in many cases, would also alleviate feelings of exclusion and disadvantage. Opportunities for participation might also make it easier for the citizens of Kazakhstan to identify with their state – without the need for a special doctrine. However, Western observers should not forget that drawing a line between freedom of opinion and incitement to interethnic hatred, between meeting the demands of national minorities and upholding democratic principles requires the traversal of a precipitous ridge upon which even mature democracies can suffer from vertigo.

44 Not only in the Kazakh media, but also, for example, in reports to international bodies, see United Nations Office of the High Commissioner for Human Rights, *Kazakhstan NGO comments on the fourth and fifth periodic reports of the Kazakhstan government on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination submitted as one document to the UN Committee on the Elimination of Racial Discrimination in accordance with the Article 9 of the Convention*, at: http://www2.ohchr.org/english/bodies/cerd/docs/ngos/JointReport_Kazakhstan_76.pdf.

Kazakhstan's 2030 Development Strategy: Significance and Results

Introduction

This contribution deals with the analysis of a number of strategic documents drawn up in Kazakhstan in the period 1997-2010 that have a determining impact on the economic and political development of the country. It focuses on the implementation of the major document entitled “Kazakhstan 2030: Prosperity, Security and Ever Growing Welfare of All the Kazakhstanis”,¹ its meaning for the economic and political development of the country, and its outcomes. It also considers subsequent documents that were drawn up in compliance with the Strategy and which aim at realizing its goals and objectives.

The 2030 Strategy outlines seven long-term priorities: national security; domestic stability and consolidation of the society; economic growth based on an open market economy; health, education, and welfare; effectively utilizing energy resources; transport and communication infrastructure; and the professionalization of public administration. This contribution considers the government's policies to achieve each of the priorities. It also touches upon the process of policy implementation, looking at both successes and failures.

Finally, the contribution also deals with Kazakhstan's 2010 OSCE Chairmanship Programme to the extent that it gives an additional insight into the priority objectives set in the 2030 Strategy. By this means, it shows how the Strategy priorities drawn up thirteen years ago are revisited in Kazakhstan's 2010 OSCE Chairmanship Programme.

Strategy 2030: Goals and Objectives

The long-term development strategy “Kazakhstan 2030: Prosperity, Security and Ever Growing Welfare of All the Kazakhstanis” was adopted in 1997. President Nursultan Nazarbayev has stated that the major principle of the country's development is that economic development should be given precedence over political development: “Economy is the first, then comes politics”.² The 2030 Strategy and all subsequent related documents emphasize the

1 Cf. Strategy “Kazakhstan 2030”, in: Nursultan Nazarbayev, *Prosperity, Security and Ever Growing Welfare of all the Kazakhstanis. Message of the President of the country to the people of Kazakhstan*, at: http://www.akorda.kz/en/kazakhstan/kazakhstan2030/strategy_2030.

2 Nursultan Nazarbayev, *The Kazakhstan Way*, Almaty 2009, p. 36.

necessity to focus primarily on solving the problems of the country's economic development and then starting a process of comprehensive political change.

The main economic challenge that Kazakhstan faced after gaining independence in 1991 was that of stabilizing a national economy that had been ruined following the dissolution of the USSR. The key objectives were to overcome the economic crisis, to establish an independent financial system, and to introduce a national currency. It was also vital for Kazakhstan to launch economic liberalization reforms by providing the legal framework for a market economy, opening its economic space to the world market, and attracting foreign investments. By 1997, Kazakhstan had completed the privatization of its economy, established a banking system compliant with world standards, and had started to generate its own economic elite. After 1997, Kazakhstan's priority shifted from a strategy of economic stabilization to one of economic growth. By the late 1990s, the economic system was stable enough to make it possible to instigate reforms elsewhere, i.e. in social welfare, healthcare, education, transport, and other sectors.

The 2030 Strategy was drafted starting in late 1995 by the experts of the Supreme Economic Council of the Republic of Kazakhstan, headed by President Nazarbayev, and in collaboration with a number of international organizations and donors. A large number of younger experts were involved in elaborating the strategy to ensure that Kazakhstan's major strategic document would contain fresh ideas and new perspectives.

Why does the Strategy set the deadline of 2030? Arguably, there were two reasons. The first is that thirty years represents the active life of one generation. The second is that the thirty-year period up to 2030 is expected to see the exhaustion of Kazakhstan's oil deposits and is thus the period within which alternative energy sources will have to be found. These are two basic factors that were considered in determining the 2030 deadline.³

The document states that a good strategic plan must serve the purpose of concentrating, disciplining, and encouraging. It focuses government effort on a certain number of priority tasks; it disciplines the government to steadily proceed to implement the priority objectives; and it encourages daily and annual decision making in order to achieve these goals.

President Nazarbayev presented the 2030 Strategy in his annual address to the nation in October 1997. The Strategy outlined the ultimate goal of the nation and set out the priority objectives for its achievement. The goal of the nation was defined as building an independent, prosperous, and politically stable state of Kazakhstan. The major ideas on which the Strategy is based are the national unity of Kazakhstan, social justice, and the economic well-being of the population. In his address to the nation, President Nazarbayev stated that the Kazakhstan of 2030 should see great improvements in terms of

3 Cf. *ibid.*, pp. 30-31.

the well-being, security, and prosperity of the Kazakhstani people. The aim of the document, therefore, is to determine the direction for Kazakhstan's long-term development towards being one of the world's most secure and stable countries with a dynamically developing economy.

The Strategy begins by analysing the internal and external strengths and weaknesses that Kazakhstan faced in the 1990s. This is followed by an outline of goals and objectives. The same pattern has been repeated in subsequent relevant documents. The body of the Strategy is a description of the seven long-term priorities for Kazakhstan's development, as detailed above. These form the basis for the design of a number of action plans for the further development of the country.

The Seven Priorities of Strategy 2030

Maintaining Kazakhstan's national security is the *first priority* for the further development of the country. Potential challenges to the security of Kazakhstan at present and in the short term are unlikely to imply direct military aggression or to threaten Kazakhstan's territorial integrity. The Strategy emphasizes that preserving its independence and territorial integrity requires Kazakhstan to become a strong state while maintaining friendly relations with all its neighbouring countries. Kazakhstan should therefore seek to further deepen and strengthen trust and equitable relations with its nearest neighbours. The Strategy also contains the following foreign policy priorities: promoting the integration process among Central Asian states, fostering relations with the countries of the Middle East, and strengthening co-operation with the major democracies, most of which have a high degree of industrial development, the USA in particular. It further states that Kazakhstan welcomes assistance and co-operation initiatives from international institutions and forums such as the UN, the IMF, the World Bank, the European Bank for Reconstruction and Development, the Islamic Development Bank, and the Asian Development Bank.

Since the 2030 Strategy was published, there have not been any principal changes in the foreign policy of Kazakhstan. One of the major directions of Kazakhstan's current foreign policy is the strengthening of economic and political co-operation with Russia, China, and the Central Asian states. A good example is the customs union of Belarus, Kazakhstan, and Russia, which has been effective since 1 January 2010. In order to maintain its national security, Kazakhstan is also widening its co-operation with the USA, the EU, and NATO.

The subsequent section of the Strategy considers the self-identification of the population of Kazakhstan. Internal stability and the consolidation of the people were defined as the *second priority*. The Strategy says that it will take a number of decades to complete the process of identity formation in

Kazakhstan. It emphasizes that the state shall provide equal rights to all ethnic groups living in Kazakhstan and eliminate conditions that could cause ethnic tensions. This section of the Strategy also touches upon the sensitive matter of the steadily increasing income gap in Kazakhstan, as well as the gap in development between rural and urban areas.

The section of the Strategy discussing which model for the political development of the state Kazakhstan should follow may be the most interesting; it pays particular attention to the Anglo-Saxon model and the Asian model, as adopted by the “Asian tigers”. The former is largely characterized by individualism, whereas the latter is more about communitarianism. The former favours the idea of limiting state interference, while the latter is based on the principle of etatism, according to which the state is actively involved in planning and leading the economy and society. The former emphasizes macroeconomics, the latter microeconomics.

Currently, the state is continuing its efforts to maintain domestic stability and bring about the consolidation of the population in line with the 2030 Strategy via a wide range of measures aimed at preventing ethnic and religious tension and promoting the spirit of unity within the population of the country, based on the principle of equal opportunities for all citizens of Kazakhstan.

The document acknowledges that Kazakhstan’s development has previously tended to follow the Anglo-Saxon model, with a priority on rapidity of change. The Strategy points out that Kazakhstan stood before a strategic choice as to its path of further development. This question was debated throughout Kazakh society. While some were more willing to choose the Anglo-Saxon model, others supported the Asian one; some promoted a more pro-Russian direction, whereas others were protagonists of neo-Turkism. The Strategy states that the right choice for Kazakhstan would not be to copy any single existing model, but to select particular aspects of each best suited for achieving its development goals. Kazakhstan should follow a path combining elements from various models of social development, one that is based firmly on its particular situation, historical background, newly found civil identity, and aspirations for its people, and which adjusts to the requirements of each stage of development.

The *third priority* is the establishment of an open market economy with high levels of foreign investment and domestic savings. The Strategy stresses that the state’s role in economic affairs should be substantial but limited; it should establish the legal basis for an economy in which private enterprise is the main actor. The government was tasked with making Kazakhstan more appealing for foreign investors in order to attract investments into major sectors of Kazakhstani industry. According to the document, the priority until 2010 should be given to those sectors with the best prospects in terms of competitiveness and possible benefits for the country. These sectors include agriculture, forestry and wood-using industries, light industry and food pro-

cessing, tourism, building construction, and infrastructure. Development of these industries not only encourages structural changes in the country's economy, but also fulfils two additional urgent tasks by creating jobs and reducing poverty.

In the early 2000s, the government of Kazakhstan went on to implement more ambitious plans for the modernization of Kazakhstan's economy. The principle of state involvement in economic affairs and the establishment of a number of large state development institutions, which had been adopted back in the 1990s, was taken forward in the first decade of the new millennium. The government policy of the time was to establish a number of "backbone" parastatal companies operating in all the major sectors of Kazakhstan's economy. These companies were intended to provide the foundation of the country's economy. It is obvious that the state is currently the only actor able to be an "engine" of rapid industrial modernization, while the private sector is not yet strong enough to invest long-term in hi-tech industries. The state is the only agency capable of accumulating the human and financial resources necessary to realize the desired strategy of industrial development.⁴

The increasing state involvement in economic affairs we are witnessing today is one of the consequences of the economic crisis, it can be seen most clearly in the establishment of control over the financial system and strategically important industries via nationalized companies. From 1 January 2010, the country has been striving to realize a five-year programme of rapid industrial and innovation development that was a part of the 2030 Strategy.

Improving the healthcare system and solving environmental issues are the *fourth priority* of the 2030 Strategy. The Strategy calls for the launch of information campaigns to promote healthy living, nutrition, hygiene, and sanitation. The Strategy stresses government willingness to pursue a more active policy in demography and family welfare as the economy grows.

The development of Kazakhstan's human resources is currently considered to be crucial for the country's long-term progress. Future economic benefits very much depend on investment in education and healthcare, which can significantly increase the quality and productivity of the labour force. Accordingly, improving the quality of education and healthcare will be in the focus of Kazakh government efforts throughout the coming decades. There is much to be done in order to increase the size of the population by promoting its natural growth and a sensible migration policy.

The *fifth priority* outlined by the Strategy is the development of the country's energy resources. The document details five points for the energy resources utilization strategy:

4 Cf. O dalneyshikh merakh po realizatsii Strategii razvitiya Kazakhstana do 2030 goda. Ukaz Prezidenta Respubliki Kazakhstan ot 4 dekabrya 2001 goda N 735 [On Further Measures to Implement the Kazakhstan Development Strategy 2030. Decree of the President of the Republic of Kazakhstan of 4 December 2001, No. 735], in: *Kazakhstanskaya Pravda*, No. 285, 12 December 2001.

- concluding long-term contracts with major international oil companies in order to obtain technologies and know-how and attract major companies to ensure that the natural resources of the country are effectively exploited;
- building a pipeline system for oil and gas exports;
- attracting investments from the USA, Russia, China, Japan, and Western Europe in Kazakhstan's oil and gas sector;
- maintaining self-sufficiency and competitive independence of domestic energy infrastructure through foreign investments;
- sensible spending of future revenues.

While, back in the 1990s, the government's efforts were initially focused mainly on increasing oil exports, in the 2000s, emphasis was placed on developing an oil and gas processing industry and building an integrated oil-gas-chemical industrial complex.

The *sixth priority* is the development of transport infrastructure. The relevant section of the 2030 Strategy states that Kazakhstan aims to make its domestic transport and communication complex competitive on the world market and increase trade flows through its territory. The government seeks to develop domestic rail, air, and water transport infrastructures as well as the national road network. Special attention is given to the development of telecommunications. Kazakhstan plans to build its own effective, independent telecommunications system, which should gradually increase its competitiveness with other countries' systems. However, Kazakhstan's domestic telecommunications system is currently facing growing economic problems, even though it is more advanced than those of some other countries in terms of line density.

Kazakhstan plans to improve and integrate its four main domestic transport infrastructures: rail, road, air, and water. The country's transit potential will be improved by direct investment in transport infrastructure as well as reform of customs and border control institutions.

The *seventh and final priority* of the 2030 Strategy is building an efficient, modern public administration that can ensure good governance in a market economy. The Strategy states that the creation of a comprehensive nationwide system of public administration with effective staff training (both in the country and abroad) is a national priority, alongside fair conditions for career promotion, a standardized information system, and a solid social protection system based on a spirit of appreciation of the contribution of a government's key resource, which is human capital.

Kazakhstan adopted its Law on Public Administration on 1 January 2000. It stipulates the division of all public officials into "political" and "administrative". It also states that those willing to serve the public administration of Kazakhstan should be selected through mandatory competitive procedure.

None of the priorities outlined in the 2030 Strategy has lost its relevance so far, however some further objectives have been added due to recent changes in external and internal conditions.

Within the context of the 2030 Strategy, three plans were drawn up for the further development of the country during the periods 1998-2000 (preparatory stage), 2001-2010 (first stage), and 2010-2019 (second stage). While the Strategy gives the general vision of future goals and objectives, the 2010 and 2020 Strategic Plans provide detailed coverage of the practical measures necessary to achieve each of the priority tasks set by the Strategy. In the first decade of the strategy, the government's efforts were focused on reviving the country's economy during the post-reform period and providing the basis for long-term sustainable development. In this period, the most pressing social issues have been successfully addressed. It is important to note that the 2010 Strategic Development Plan was drawn up at a time of global economic upturn, whereas the 2020 Strategic Development Plan was worked out against the background of global economic recession. The 2020 Strategic Development Plan is therefore aimed at overcoming the global economic crisis.

The 2010 Strategic Development Plan was approved by Decree of the President of the Republic of Kazakhstan in December 2001. The document sets the goals of building a competitive economy, achieving industrial and agricultural growth, and increasing the availability of social welfare, particularly education and healthcare. One of the important tasks defined in the 2010 Strategic Plan is to promote the effective functioning of the system of public administration by defining powers and functions at all levels. A number of challenges outlined in the plan have so far been successfully addressed; however, there are problems which still need to be resolved in the coming decade. Numerous priority objectives of the plan remain to be implemented. We shall continue our efforts to build a diversified, competitive economy. There is a lot to be done to improve the quality of education and healthcare. The process of public administration reform launched while the 2010 Strategic Development Plan was being implemented has not yet been completed. Delineating the powers of the various authorities at the various level of the state government system, improving the quality of public services, and increasing the effectiveness of the public administration system remain issues that need to be dealt with.

For these reasons, the 2020 Strategic Development Plan is the next stage towards realizing the 2030 Strategy for the period from 2010 to 2019. The document, approved in February 2010, aims at providing the basis for enhancing the competitiveness of the country in the forthcoming period of global economic recovery. It states that priority measures for the post-crisis development of the country should concentrate on improving the investment

and business climate, strengthening the financial system, and increasing the effectiveness of the system of public administration.

The 2020 Plan points out that maintaining domestic political stability and national security is crucial for the development of independent, sovereign Kazakhstan. Efforts in the current period are therefore focusing on further consolidating and developing the state, eliminating national security threats and challenges, and providing favourable external conditions. As for domestic policy, maintaining domestic peace and accord and ensuring steady and sustainable social development in Kazakhstan remain the priority objectives. The aspiration is that, by 2020, Kazakhstan will be among the fifty most competitive countries of the world with a good business climate attracting a significant amount of investment into non-oil and gas sectors of the economy. The economy of the country will thus be better prepared for a potential crisis.

In the period from 2010 to 2019, the priority objectives for further development of Kazakhstan will be as follows:

- 1) preparing for post-crisis development;
- 2) maintaining substantial economic growth by bolstering the processes of industrial diversification and infrastructure development;
- 3) investing in the future, developing human capital to increase competitiveness as a basis for obtaining substantial economic growth, and ensuring the prosperity and social well-being of the people of Kazakhstan;
- 4) providing high quality housing and public services for the population of Kazakhstan;
- 5) consolidating all Kazakhstan's ethnic groups, maintaining security, stability, and good foreign relations.⁵

It should be noted that all successive government action plans follow the priorities of the 2030 Strategy, which remain in effect.

Strategy 2030 and Kazakhstan's OSCE Chairmanship

Kazakhstan's bid for the Chairmanship of the OSCE was considered by the rest of the participating States for a long time. It was also a question of great importance for Kazakhstan itself and was passionately discussed in the media. The discussions focused mostly on the possible consequences it might have for the process of domestic political reform, as well as on the likely agenda that Kazakhstan would have if granted the OSCE Chairmanship.

⁵ Cf. *Strategicheskii plan razvitiya Respubliki Kazakhstan do 2020 goda. Ukaz Presidenta Respubliki Kazakhstan ot 1 fevralya 2010 goda N 922* [2020 Strategic Development Plan of the Republic of Kazakhstan. Decree by the President of the Republic of Kazakhstan, 1 February 2010 N 922], at: <http://www.minplan.kz/2020>.

Kazakhstan's assumption of the OSCE Chairmanship is considered domestically to be an acknowledgment of the country's political and economic achievements and its leading position in the post-Soviet space.

Kazakhstan proposed a Chairmanship Programme very much in compliance with both the Organization's priorities and its own development strategies. Enhancing Kazakhstan's role as a "bridge builder" between West and East and North and South and as a promoter of the dialogue between the Islamic and Christian worlds is one of the major concerns of the strategic documents determining the country's foreign policy and international relations. Kazakhstan is also promoting its model of tolerance, which it hopes will be adopted by a number of other countries.

The motto of the Kazakhstani Chairmanship is the "four T's", which stand for Trust, Traditions, Transparency, and Tolerance, four qualities that symbolize all that Kazakhstan brings to its Chairmanship.⁶ The fourth "T" reflects the global trend towards a dialogue between cultures and civilizations, which is gaining ever greater importance in today's world. Kazakhstan has made frequent reference to its successful experience in building a society of ethnic and religious accord, which was one of the priorities of the 2030 Strategy. Kazakhstan's Chairmanship Programme therefore emphasizes the promotion of tolerance and intercultural dialogue, which is an issue of great importance within the OSCE space. The Chairmanship Programme stresses that Kazakhstan primarily wishes to concentrate its efforts in the OSCE's human dimension on promoting tolerance and dialogue between cultures. Considering Kazakhstan's experience here, these efforts may be one way the Kazakh Chairmanship can offer "added value".

The High-Level OSCE Conference on Tolerance and Non-Discrimination held in Astana on the 29-30 June 2010 was aimed at making a significant contribution to the discussion of issues concerning the interaction of different cultures and religions as well as the practical implementation of decisions reached previously. The three Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination were actively involved in preparing the conference and framing its content. Promoting tolerance has always been central to Kazakhstan's agenda, not only within the framework of the OSCE; it will remain a priority during Kazakhstan's Chairmanship of the Organization of the Islamic Conference in 2011.

As for the economic and environmental dimension, Kazakhstan's Chairmanship will focus on the development of Eurasia's transit potential and continental transport routes, which is also one of the objectives of the 2030 Strategy. Seeking to enhance the significance of the OSCE's "second basket",

6 Cf. Time of four "T" – Trust, Traditions, Transparency, Tolerance, Video address by President Nursultan Nazarbayev on the occasion of Kazakhstan's assumption of the Chairmanship of the OSCE, Vienna, 14 January 2010, in: *Kazakhstanskaya pravda*, archive, 15 January 2010, at: <http://www.kazpravda.kz/c/1263549556/2010-01-15>.

Kazakhstan established two new positions: Personal Representatives of the OSCE Chairman-in-Office on Transport and Environmental Affairs.

Conclusion

Since gaining its independence, Kazakhstan has issued a number of strategic documents covering a wide range of issues. The State Programme for Accelerated Industrial and Innovative Development for 2010-2014 is one of the most recent and significant; the other is the 2020 Business Road Map. These and all the other documents mentioned above are in direct compliance with the 2030 Strategy. President Nazarbayev has evaluated the level of realization of the 2030 Strategy goals and objectives in domestic and foreign policy in his Annual Addresses to the People of Kazakhstan since 1997, when the Strategy was issued.

The global economic crisis of 2007 had a negative effect on the economy of Kazakhstan, and its banking system in particular. In order to overcome the consequences of the crisis, the government of Kazakhstan has made a number of amendments in its economic policy, most of which have involved increasing state involvement in economic affairs. However, it has constantly been pointed out that the strategic vision of the role of the state remains unchanged since the publication of the 2030 Strategy, which therefore retains its importance for the future development of the country. Addressing the nation in 2009, President Nazarbayev stressed that the government needed to adjust its policy and redistribute its resources due to changes in external conditions as the result of the economic crisis. The president underscored that this did not on any account mean altering the strategic direction of the country's development. The main thrust of Kazakhstan's development remains unchanged as defined in the 2030 Strategy.⁷

President Nazarbayev has repeatedly supported the position of Lee Kuan Yew, the former Prime Minister of Singapore, who stated that political stability within a state is the major goal, and that democratic reforms in Asian countries should be conducted comparatively gradually. For instance, as President Nazarbayev said: "One cannot just declare a country to be democracy; democracy is a thing which is deserved as the result of a very difficult process of development, it is the ultimate goal at the end of the long quest, not the beginning".⁸ In terms of content, the 2030 Strategy focuses largely on

7 Cf. *Through Crisis to Renovation and Development*, Address to the Nation by the President of Kazakhstan Nursultan Nazarbayev, 6 March 2009, at: <http://www.kazakhstan-osce.org/kk/node/240>.

8 Cited in: Bulat K. Sultanov, *Demokratiyu nelzya ob'yavit, ee mozjno lish vystradat* [Democracy cannot be announced, it has to evolve], first published in: *Geneva Diplomatic Magazine* 1/2003, reprinted in: *President N.A. Nazarbayev i sovremennyi Kazakhstan* [President N.A. Nazarbayev and contemporary Kazakhstan], Basic documents and materials in three volumes, Vol. II, Almaty 2010, pp. 258-259 [author's translation].

economic and social affairs, as do the 2010 and 2020 Strategic Plans. The documents announce comprehensive economic reforms, which are initially to be given precedence over political transformation. They stress the importance of democratizing the public administration system without weakening the vertical power structure, and of building a market economy that grants the state a significant role and the power to regulate economic affairs. Political reforms in the direction of democratization are not mentioned in the 2030 Strategy itself; however, the 2010 and 2020 Strategic Plans define political modernization as an objective. Specifically, the 2020 Strategic Plan stipulates that, by the year 2020, Kazakhstan will have built modern, effective, and transparent party and electoral systems; the role of parliament will have been strengthened; political parties will have more say in state political processes; and local authorities will make use of their full capacities. By the year 2020, therefore, democratic and civil society institutions will have become an integral part of the social and political system of Kazakhstan.

From the Tulip Revolution to the Three-Day Revolution: Post-Soviet Kyrgyzstan's Failure to Find Stability

Kyrgyzstan is a small and mountainous country in Central Asia with a population of around 5.3 million. A Soviet Socialist Republic (SSR) until 1991, the Kyrgyz parliament declared the country's independence on 31 August 1991. The first president of independent Kyrgyzstan was Askar Akaev, who had only been installed as president of the Kyrgyz SSR in 1990. Akaev wanted to reform the country quickly, and made an immediate transition from a planned to a market economy. He was also responsible for initiating the democratization of the political system. In 1993, the Kyrgyz parliament adopted a new constitution, which was relatively democratic. For a long time, Kyrgyzstan was seen as Central Asia's model of democracy.

However, Akaev's style of government began to change following his re-election in 1995. Over the years, thanks, in particular, to a series of referenda on constitutional amendments, he succeeded in enhancing his powers in all areas of policy, continually rolling back the rights of parliament. He developed into an authoritarian ruler. Corruption and nepotism spread. The tools he used included electoral fraud and the skilled recruitment of local political elites to bring about the desired results.

At the same time, the economic situation in Kyrgyzstan deteriorated rapidly during the 1990s. Among other things, this was a result of Akaev and his favourites exploiting specific economic sectors for their own personal gain. Furthermore, it appeared that the "shock therapy" transition from a socialist to a capitalist economic order had met people completely unprepared and ultimately left them worse off than before. People were suddenly required to look after themselves, as the state support and social security systems that had existed in the Soviet Union disappeared. From 1991 to 2000, GDP per head declined from 421 to 279 US dollars.¹ Satisfaction with Akaev's government fell correspondingly.

The Prehistory of the Tulip Revolution

The prehistory of the revolution, which stretches as far back as Autumn 2001, casts a spotlight on the geostrategic situation of the country, which hosts key US and Russian military bases. Since, however, neither of those countries

Note: The views contained in this contribution are the authors' own.

¹ Cf. The World Bank Group, *World Development Indicators & Global Development Finance*, at: <http://databank.worldbank.org/ddp/home.do>.

was seen as a reliable long-term partner, Kyrgyzstan turned to its eastern neighbour, China. In the course of Kyrgyzstan's efforts to woo China as patron, Bishkek and Peking signed an agreement in August 1999, ending disputes over borders between the two countries. In May 2002, despite energetic opposition protests, the Kyrgyz parliament ratified the relevant legislation. Akaev campaigned hard to secure the passage of this bill in a domestic political situation that was, for several reasons, very tense. Trouble was brewing in the south of the country in particular. The south and the area adjacent to Uzbekistan, which is home to half of Kyrgyzstan's population, is considered a permanent hotbed of unrest. Some 14 per cent of the inhabitants of the region are ethnically Uzbek. There is very little industry. Most of the region's factories failed as thoroughly as the system of Soviet power. The poverty and hopelessness of the population are desperate. When Uzbekistan made crossing the border more difficult by introducing a visa requirement for Kyrgyz citizens, many south Kyrgyz who had relied on cross-border trade to make a living lost their last source of income. The accumulation of destabilizing factors had reached the tipping point.

Taking advantage of the public discontent, Azimbek Beknazarov, a Kyrgyz parliamentarian originally from the south of the country, used the passage of the bill settling border relations with China to initiate proceedings to have President Akaev removed from office. Beknazarov's move attracted overwhelming support. In January 2002, he was arrested on trumped-up charges. The arrest triggered a wave of protests, which the government had not expected and which made clear that it had underestimated the level of social and political dissatisfaction among the population. In Bishkek, demonstrations took place in front of the parliament, government buildings, and the OSCE Centre.

Akaev's regime reacted with repressive means. When Beknazarov's case finally came to court in mid-March, in Aksy District of Jalal-Abad Province, there was a demonstration by thousands of his supporters. In clashes with interior ministry special forces, five demonstrators were shot dead and many others wounded, some seriously. This marked the beginning of a new phase of protests. Demonstrations of solidarity with Beknazarov quickly turned into more general protests, some of them violent. Among the protestors' key demands were calls for the resignation of President Akaev and the introduction of reforms to raise the general standard of living.

Akaev understood that to continue to fight the demonstrators would be to lose and opted instead for de-escalation. Beknazarov was released. Yet the death of the five demonstrators in Aksy threatened to bring down his presidency. The president tried to salvage what he could. Finally, in April 2002, he dismissed the government of his prime minister, Kurmanbek Bakiev, proposing to form a new cabinet that would include members of the opposition.

Yet, contrary to expectations, Akaev did not give ministerial roles to any opposition politicians. Moreover, since those responsible for the blood-

shed at Aksy had still not been held to account, the protests in the country continued. Akaev felt compelled to make new promises, and, in August 2002, he announced his willingness to allow constitutional reform and the calling of a Constitutional Assembly. The opposition's demands were clear: Kyrgyzstan should adopt a parliamentary form of government, in which the executive is more accountable to the parliament.

The new draft constitution was published on 12 January 2003. However, once again, Akaev had not played fairly: With a few exceptions, the document did not take up the opposition's proposals. Not only that, but it reversed a number of democratic developments that had been made in the past twelve years. Akaev apparently felt that his power was now sufficiently consolidated that he no longer needed to concede to the opposition's demands. The regime used state propaganda to place massive pressure on the population and the constitution was approved by a large majority in a referendum. Since then, constitutional experts have described Kyrgyzstan officially as a "presidential-parliamentary republic".

As one would expect, the mood in the country did not improve, since neither did the situation of the population. Increasing numbers of influential politicians switched to the opposition, whose power grew correspondingly. The quite blatantly rigged parliamentary elections of early 2005 were followed by riots. Demonstrations, starting in the south of the country, grew ever larger and more violent, with protestors storming government buildings and attacking security forces. Several dozen people were killed. When the presidential palace in Bishkek was finally occupied, Akaev felt he had no choice but to flee. He withdrew first to Kazakhstan, and then on to Moscow, from where he issued his official resignation in April 2005.

The Bakiev Government

Akaev was replaced as president by his former prime minister, Kurmanbek Bakiev. The central figure in the protest movement that toppled Akaev, Bakiev won the election with 90 per cent of the vote. The citizens of Kyrgyzstan were hopeful for a new start and a rise in their living standards at long last. The latter did not come to pass. While there were some changes to the system, they generally affected the political and moneyed class rather than the masses. The dissatisfaction was quick to return, as did protests and demonstrations. The mismanagement and corruption under Bakiev were even worse than during Akaev's nepotistic rule, and the former's regime was even more authoritarian. Bakiev, too, used constitutional amendments to strengthen his personal power base and weaken parliament.

Bakiev managed to hold on to power for five years before the Kyrgyz people had also had enough of him. His fall took only three days. With arrests of members of the parliamentary opposition, the appointment of family

members to high positions in the state, and increases in energy prices, he had pushed things too far. The country remained as poor as ever; most people have little to lose. The anger of the Kyrgyz people was unleashed in the country's streets and squares.

The revolution began on 6 April 2010 with an uprising in the provincial town of Talas. On 7 April, there were bloody clashes between insurgents and security forces in other provincial towns (including Naryn and Issyk-Kul) as well as the capital, Bishkek. They left 68 people dead and over 600 injured. The interior minister was assaulted, and the deputy prime minister lost an eye. There was widespread looting, and buildings and cars were set on fire. President Bakiev fled by helicopter to the south of the country. By 8 April 2010, all the key institutions, government ministries, and the television centre, were already in opposition hands. The majority of members of the army and the police changed sides. The parliamentary opposition, led by former foreign minister Roza Otunbaeva (Social Democratic Party) – who had also been involved in Akaev's overthrow in 2005, then on the same side as Bakiev – assumed power literally from the street.

Bakiev fled first to Kazakhstan and finally to Minsk. Though he officially announced his resignation on 15 April, he withdrew it shortly afterwards, and since then has repeatedly asserted that he is the legitimate president of Kyrgyzstan and that the interim government is illegal.

The Provisional Government

On 8 April, the Kyrgyz opposition formed a "Provisional Government of People's Trust", whose stated intention was to stay in power for no longer than six months. The provisional government appealed to the population via television for support. It consists, in the most part, of former leading politicians who once stood alongside Bakiev in the anti-Akaev opposition, but came to reject the former's increasingly authoritarian rule, or were even victims of his persecution. It is led by Roza Otunbaeva. Her deputies are Temir Sariyev (finance minister), Omurbek Tekebaev (responsible for constitutional reform), Almazbek Atambaev (responsible for economic policy), and Azimbek Beknazarov (responsible for justice). Bolot Sherniyazov was appointed interior minister in the interim government.

Russia recognized the new government relatively rapidly, as did most Western countries, at least informally. A number of countries were quick to offer assistance in stabilizing the country. As leader of the opposition that had suffered under Bakiev's repression, Rosa Otunbaeva had previously criticized the anti-Russian initiatives of the Kyrgyz government, referring to Russia as "our strategic partner and ally". Despite the unrest, the US soon resumed flights to supply its troops in Afghanistan, for which purpose Kyr-

gryzstan, as a member of the anti-terror alliance, provides the use of Manas International Airport.

Kazakhstan and especially Uzbekistan reacted with concern to the disturbances, and both closed their borders to Kyrrgyzstan for several weeks. Although the general population of both countries is significantly wealthier than that of Kyrrgyzstan, a degree of latent dissatisfaction does exist. The governments of Kyrrgyzstan's neighbouring states fear that the unrest could spill over the border into their countries, though observers consider this unlikely at the moment.

After the formation of the interim government, the situation in Kyrrgyzstan calmed down somewhat. At no point in time, however, can one say that stability was achieved, as small-scale protests and clashes were a continuous occurrence. The government hurried to present a draft of a new constitution, which was intended to re-establish democratic structures, provide the new government with legitimacy, and bring the unrest to an end. On 20 May, the final draft of the constitution was published,² and 27 June was confirmed as the date of the referendum that would put it before the people. The new constitution would raise the number of parliamentary seats from 90 to 120. It would entitle the new president to sit for a maximum of one six-year term. There would be complete separation of religion and the state. A five per cent barrier for entry to parliament would be introduced. On the whole, the draft met with the approval of observers. However, the article "On the Transitional Period" was criticized sharply. It had been added at the last minute and declared that the interim government would last until 31 December 2011, the interim president would be Roza Otunbaeva, and the next presidential elections would only be held in the autumn of 2011.

The temporary closure of borders with Kyrrgyzstan by a number of neighbouring states seriously reduced trade flows, which did lasting damage to the country's industrial and agricultural sectors, and led to a further decline in living standards. But while the situation remained tense, the population's anger appeared initially to abate, as acceptance seemed to grow that the constitutional referendum was the logical next step in the reform process. However, the activities of Bakiev supporters continued to cause unrest. In early May, for instance, flyers and CDs were distributed in the south of the country, calling for Kyrrgyzstan to be split into a northern and a southern state, and for the provisional government to be held to account for the victims of the unrest that had ultimately led to Bakiev's downfall. Demonstrations – sometimes even violent protests – were also held, in which calls were made for Bakiev's return.

2 A first draft had previously been presented to politicians and representatives of civil society organizations for discussion. The aim of this was to solicit suggestions that could potentially be adopted into the final draft, as appears in some cases to have occurred.

On 11 June, disturbances suddenly broke out in Kyrgyzstan's second-largest city, Osh, which rapidly turned into a pogrom against the Uzbek minority, and later extended to other foreigners. Around 14 per cent of the population of Kyrgyzstan consists of ethnic Uzbeks, who, however, comprise nearly half of all residents in Osh Province. Just how such serious disturbances could break out so quickly was and remains incomprehensible. What seems to be clear is that the clashes between Kyrgyz and Uzbeks had been planned long in advance and were triggered quite deliberately. A thorough examination of events has yet to be carried out. Most reports mention unknown snipers, who are said to have opened fire simultaneously on both Kyrgyz and Uzbeks from several positions in Osh, thereby provoking fights between gangs of youths. It is not improbable that deposed president Bakiev or members of his clan were manipulating events behind the scenes. After just one night, the situation resembled a civil war. Kyrgyz were setting out to hunt down ethnic Uzbeks. Fires were started in ethnically Uzbek areas, which were completely devastated, while people fleeing the flames were gunned down. In no time at all, the fighting spread beyond gangs of youths, and women and children were also attacked and killed.

The violence spread rapidly, and boiling point was also reached in the city of Jalal-Abad, another southern city. The police had no chance of regaining control of the situation. Nor did a partial mobilization of the army prove effective. There are also many members of the security forces who remain true to Bakiev, and they will not follow orders from the new government, and sometimes even take the side of the Kyrgyz gangs. Many Uzbek eye witnesses have reported seeing members of the security forces participating in the attacks. Martial law was imposed on Osh and Jalal-Abad, and the police and army were authorized to shoot at rioters without warning.

Many ethnic Uzbeks, particularly women and children, attempted to escape to Uzbekistan. As many as 400,000 people were forced to flee the fighting. Around 100,000 of them eventually made it to the Uzbek section of the Ferghana Valley, where they were put up by relatives or found shelter in public buildings or refugee camps. The Uzbek government, aid agencies, and the local population took good and effective care of the refugees. Among the general population, in particular, there was a strong feeling of solidarity with the refugees, despite the extreme poverty of the people themselves.

When no improvement in the situation was observed after the first few days of unrest, a number of countries began to evacuate their citizens. Pakistan flew its citizens out. The German embassy in Bishkek – the only European diplomatic mission in the country – joined forces with the American embassy to evacuate just under 90 Europeans and Americans from the crisis region to Bishkek. Russia began to reinforce its military presence at its base

near the capital so that it could intervene were violence to be directed against the Russian minority.

Otunbaeva's government had already appealed to Russia for military assistance the day after the unrest had begun. This was rejected by Russia on the grounds that it was a domestic issue for Kyrgyzstan. Russia claimed that it had no authorization for an intervention, and argued that any peacekeeping troops that were dispatched would have to be an international force, under a UN mandate, for instance. When the situation in Osh appeared to improve a little on 15 June, and people once again dared to leave their barricaded homes, the government withdrew its appeal for help. It claimed to have brought the situation under control by itself and that there was no need for military assistance, though aid shipments were welcome. Observers were bemused by this pronouncement. The situation in Osh had calmed down, but only in the city centre. Whether this can really be considered the result of actions of the Kyrgyz security forces is questionable. Moreover, the preceding days had demonstrated that the Kyrgyz police and military had little with which to counter the unrest, and violence could therefore flare up again at any time. In Kyrgyzstan, the government was also accused of concealing the extent of the catastrophe and playing down the seriousness of the situation. The government did in fact continue to insist for a long time that only around 200 people had lost their lives. It later admitted that the number of victims could be as much as ten times this number. Journalists and other observers on the ground reported that ethnic Uzbeks were still too scared to leave their houses several days after the end of the unrest. Several who did were said to have been mishandled by Kyrgyz soldiers manning the checkpoints that had been established throughout Osh and Jalal-Abad.

Aid shipments containing food and medicines began to arrive in Osh from Bishkek and abroad while the clashes were still going on. It was, however, virtually impossible to distribute the goods at all, let alone to reach all those in need. The city districts in which most of them were believed to be residing were barricaded off. Aid workers were attacked and some were seriously injured. Even doctors and paramedics found it hard to go about their work and a number were also attacked. Fire crews are said to have been prevented from extinguishing blazes.

On the Uzbek side of the border, the provision of aid functioned fairly well. Nonetheless, Uzbekistan complained that the bulk of international aid shipments were being sent to Kyrgyzstan and too little was reaching Uzbekistan, where at least a quarter of all those needing assistance were to be found. Nonetheless, relations between Uzbek authorities, the United Nations, the International Red Cross, and the Russian authorities were good. The other Central Asian states maintained a low profile and barely took part in aid activities.

In the five days of unrest, according to the most recent Kyrgyz government estimates, up to 2,000 individuals were killed, and several thousand

injured. The government initially counted only the dead in official mortuaries and hospitals. But since the victims were Muslims, they had to be buried by sunset or within 24 hours at the latest. Many people had therefore laid their relatives to rest themselves, sometimes making use of mass graves. Moreover, many Uzbeks were scared to take injured or dead family members to official institutions. Not only did they hardly dare to use the streets, but there were rumours in circulation that Kyrgyz doctors were giving Uzbek patients inferior care or refusing to treat them at all. The precise number of people who died will probably never be known.

The Background to the Disturbances

Osh Province is located within the Ferghana Valley, a fertile high plateau shared by Kyrgyzstan, Tajikistan, and Uzbekistan. National borders in the region are convoluted and partially contested. There are numerous enclaves and each country hosts large minorities of each of the other two nationalities. This complex landscape was largely a result of Stalin's policy, which, rather arbitrarily and taking no account of the previous distribution of territory, divided Central Asia, which had formerly been dominated by tribal structures, into five "Soviet Socialist Republics". This resulted in the situation in the Kyrgyz/Uzbek border region whereby Uzbeks, who are traditionally farmers, and Kyrgyz, who are traditionally nomads, suddenly had to live together in towns. Over time it turned out that the traditional sedentary lifestyle of the Uzbeks meant they enjoyed greater economic success than the ethnic Kyrgyz, and therefore a higher average standard of living. There had already been pogroms against the Uzbek minority in Osh in 1990. In the so-called Osh Massacre, which was triggered by disputes over the distribution of land, some 300 people lost their lives and more than 1,000 were injured. The riots were only put down by Soviet troops, dispatched by then Soviet head of state Mikhail Gorbachev.

When the Soviet Union finally broke up in the early 1990s, and the five Central Asian states, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, gained their independence, they needed to search for new identities. This led, among other things, to the rise of various strengths of patriotism, as fostered by the respective governments. National languages were strongly encouraged, at the expense of Russian. Minority languages were neglected and granted no official status. As a result, many members of ethnic minorities emigrated to their kin states during the 1990s. However, many remained where they were, particularly in border regions. These included the Uzbeks within the Kyrgyzstani part of the Ferghana Valley. The Ferghana Valley has a reputation as a powder keg. It is home to a deeply impoverished rural population entirely dependent on agriculture. Islam is traditionally very strong in the area, which is also home to the Islamist "Islamic Movement of

Uzbekistan” (IMU), a group no less radical than Al Qaida and the Taliban and currently operating in exile in Afghanistan and Pakistan. The poorer sections of the population are easy prey not only for Islamists, and nationalist ideas are also accepted more easily than elsewhere.

Furthermore, Kyrgyzstan’s minorities were neglected by both Akaev and Bakiev. After the latter’s fall, therefore, many Uzbeks pledged their support to the interim government in the hope that improvements would be made to minorities policy. This angered many Kyrgyz in the south of the country, in particular, where Bakiev’s support remains strongest, and exacerbated tensions between the two ethnic groups. Kyrgyzstan’s north-south divide has also been growing since independence. The worst poverty is to be found in the south, where the population has lost faith in politics and Kyrgyz politicians. The willingness to see violent protest as a legitimate means of expressing opinion and exercising political influence grows with every incident.

Although the troubles were largely ethnic in nature, the interim government is not alone in suspecting Bakiev and his clan of being behind them or at least fanning the flames. In May, a recording was placed online of a telephone conversation between Maksim Bakiev, the ex-president’s son, and Zhanysh Bakiev, his brother, in which they discuss a scenario similar to the events that later occurred. They appeared to be considering how the country could be destabilized in a way that would enable Bakiev to return to power.

It is also likely that Kyrgyzstan’s criminal underworld was involved in the disturbances. The Bakiev family was almost certainly involved in criminal activities, and hence represented the quasi-official link between politics and criminality. Following the president’s overthrow, they could no longer act with impunity, and a power struggle ensued between various criminal groups over their illicit sources of revenue. Drug trafficking was a particularly important income stream. A major smuggling route for Afghan drugs passes through Tajikistan and Kyrgyzstan to Russia, from where the drugs are shipped to Europe. Osh is one of the key marketplaces for drugs in Kyrgyzstan. Various Islamist groups are also suspected of having triggered the troubles. At the very least, they were certainly in a position to benefit from the tense situation in the country.

On 13 June 2010, Maksim Bakiev was arrested in Hampshire, England, while attempting to enter the UK. He had been on international wanted persons lists for some time, and an arrest warrant had been served on him in Kyrgyzstan for charges including tax evasion. In the months prior to his father’s fall, more and more power was placed in Maksim’s hands, and it appeared that he was being groomed as successor. Among the population, however, he was even more detested than his father. Immediately following his arrest, he applied for asylum in the UK. A few days later, he was offered temporary asylum while his case was examined in more detail. While London has no extradition treaty with Bishkek, the Kyrgyz government continues to demand his extradition.

Despite the unrest, the interim government kept to the timetable for the constitutional referendum it had planned since May. International observers and diplomats in the country welcomed their stance, calling it the only correct course of action, as only a government with electoral legitimacy can provide lasting stability. The situation remained tense after the end of the disturbances, and minor incidents continued to occur with regularity. Even Deputy Prime Minister Tekebaev warned of the danger of new disturbances. The OSCE refrained from sending additional short-term election observers out of concern for their safety; the task of observation was carried out by a so-called limited referendum observation mission (LROM), consisting of ODIHR long-term observers who had been in the country since May. However, the situation remained calm, and the referendum was carried out as planned. On Sunday 27 June, therefore, the people of Kyrgyzstan were able to vote on the new constitution, the confirmation of Roza Otunbaeva as the interim president until 31 December 2011, and the transformation of the Constitutional Court into a Constitutional Chamber attached to the Supreme Court. Most importantly, the new constitution would transform the country into a parliamentary republic. The referendum did not allow the electorate to vote on each point individually but only to accept or reject all three proposals.

The Uzbek government, which acted with great prudence and did all it could to ensure that the conflict would not escalate, succeeded, in negotiations with Bishkek in the weeks prior to the referendum, in securing an undertaking that ethnically Uzbek citizens of Kyrgyzstan who had fled to Uzbekistan could return safely to Kyrgyzstan. To the amazement of all the relevant international organizations, which had been prepared for a drawn-out refugee crisis at the Uzbek-Kyrgyz border, nearly all the 100,000 refugees did indeed return to their homes in Kyrgyzstan. This also meant that many more of those entitled to vote were able to take part in the referendum. The transitional government also acted quickly to make it possible for votes to be cast at places other than polling stations, so that many voters were able to use mobile ballot boxes. The referendum appeared to take place without violence or other irregularities. According to the official figures published by the Central Election Commission on 2 July, turnout was 72 per cent. Almost 91 per cent of those who voted were in favour of the new constitution.³

The new constitution makes several changes to the Kyrgyz political system: Kyrgyzstan is now the first and only parliamentary republic in Central Asia. The number of seats in the parliament has been increased from 90 to 120. The party with the most votes is granted 65 seats; the remaining 55 are shared proportionally by the other parties that manage to clear the five per cent barrier to parliamentary representation. The prime minister will be

³ Cf. 24.kg news agency, *New Constitution adopted by 90.55 percent of voters in Kyrgyz Referendum*, Bishkek, 2 July 2010, at: <http://eng.24.kg/politic/2010/07/02/12453.html>.

chosen by the parliament. The president may only serve a single six-year term of office and can be recalled by the parliament. There is to be separation between religion and the state; religious and ethnic parties will not be allowed to compete in elections. Overall, the new constitution takes power from the president and gives it back to parliament. It enhances the rights of the opposition, e.g. in the election of the president, and contains mechanisms designed to make it hard for a single party to gather too much power.

Roza Otunbaeva will remain in office as interim president until 31 December 2011. The referendum thus confirmed her as the first female head of state in both Central Asia and the CIS as a whole. The next presidential elections are set for the autumn of 2011, and, according to the new constitution, Otunbaeva is excluded from standing for office. In this way, the transitional government countered the unspoken allegation that the lengthy transitional period was designed to cement its grip on power, enabling it to continue in the best tradition of Akaev and Bakiev. After the disturbances of mid-June, the claim that the transitional period was too long appeared in a different light: As things stand, the state of transition no longer appears unjustified.

Russia's President Dmitry Medvedev was sceptical about Kyrgyzstan's new form of government. While acknowledging that it was an internal matter for Kyrgyzstan, he expressed doubts that a parliamentary system would work in the country. He criticized the fact that both the government and the Kyrgyz state possessed too little authority and that a democratic system could favour the spread of radical Islamic forces. Kyrgyz and foreign observers also expressed concern. While this step in the direction of democracy was welcomed in principle, it was troubling that many voters were apparently not quite sure just what they had voted for. Many appeared to imagine that they had voted for peace and stability, in the expectation that the situation in the country would now improve rapidly. In fact, it is more likely that there will be many further attacks on the democratic system, and that the population as a whole will need to fight to defend the new order. The realization that democracy entails responsibility and co-operation for each and every citizen has not spread throughout the population as one might wish.

From Moscow, ex-President Akaev also criticized the new government and its form, stating that Kyrgyzstan needs "a strong president who can make effective decisions".⁴ In his view, a system of government such as there had been under his leadership is best suited to Kyrgyzstan's needs. Bakiev, speaking from exile in Belarus, took a more vigorous line: "Everything that is happening in Kyrgyzstan today is entirely the responsibility of the provisional government. [...] It is not fit to govern the country."⁵ Both former presidents believe democracy is the wrong way to govern Kyrgyzstan.

4 *Spiegel Online*, Interview mit Askar Akajew [Interview with Askar Akaev], 5 July 2010, at: <http://www.spiegel.de/politik/ausland/0,1518,704468,00.html> (author's translation).

5 *Spiegel Online*, Interview mit Kurmanbek Bakijew [Interview with Kurmanbek Bakiev], 27 June 2010, at: <http://www.spiegel.de/politik/ausland/0,1518,702903,00.html>.

After it became clear that the population had accepted the constitution, interim President Otunbaeva spoke, evoking the unity of the Kyrgyz people, whose future, she said, would be glorious. How the situation develops, and whether Kyrgyzstan can achieve stability remains to be seen. Removing the causes of tension between ethnic groups is also a political task, and, in this regard, both Kyrgyz and Uzbeks expect much from their new government. For there can be no talk of unity among Kyrgyzstan's ethnic groups, especially since the bloody disturbances, which Kyrgyz and Uzbeks blame on each other. It is likely to be some time before true forgiveness is possible. Below the surface, the tensions between the two groups continue to simmer.

For instance, in the summer and autumn of 2010, ethnic Uzbeks made a large number of complaints against the Kyrgyz authorities. A report by the international organization Human Rights Watch also detailed numerous incidents in which Kyrgyz officials and security services harassed and discriminated against ethnic Uzbeks.⁶

Confounding the expectations of many, campaigning for the 10 October 2010 parliamentary elections was largely peaceful. A total of 28 parties competed for the favour of voters. Polling day itself also passed without incident. Although complaints were made that a number of parties had entered bogus ballot papers or made use of state resources for campaigning purposes, the head of the OSCE election observation mission gave a favourable overall assessment of the election as a whole, describing it as the first election in Central Asia whose result could not be foreseen.⁷

On 1 November, the Central Election Commission finally announced the official results: Five parties had succeeded in overcoming the national five per cent hurdle and the regional 0.5 per cent hurdle. The Ata-Jurt ("Fatherland") party received 8.7 per cent of the vote (257,100 votes), the Social Democratic Party of Kyrgyzstan (SDPK) 7.8 per cent (236,634), Ar-Namys ("Dignity") 7.57 per cent (226,916), Respublika 6.93 per cent (210,594) and Ata-Meken ("Homeland") 5.49 per cent (166,714). Seats in the parliament will be distributed as follows: Ata-Jurt 28, SDPK 26, Ar-Namys 25, Respublika 23, and Ata-Meken 18. Turnout was 55.09 per cent. At the time of writing (December 2010), the parties have so far failed to form a coalition capable of governing, though it currently appears that the SDPK is allying itself with Ata-Meken and Respublika. Whether a – left-leaning – coalition of this kind will come about and whether it will last remains to be seen. The greatest danger for Kyrgyzstan's emerging democracy is currently the coming winter. If the government does not ensure the sufficient supply of food and energy, more riots could be the result.

6 Cf. Human Rights Watch, *Kyrgyzstan: "Where Is the Justice?" Interethnic Violence in Southern Kyrgyzstan and its Aftermath*, New York 2010, available online at: <http://www.hrw.org/en/reports/2010/08/16/where-justice-0>.

7 Cf. 24.kg news agency, *Morten Hoglund: The Kyrgyz elections are the first in Central Asia, where I could not predict the result*, 11 October 2010, at: <http://eng.24.kg/politic/2010/10/11/14135.html>.

Relations between the State and the Muslim Community in Central Asia: Overview, Analysis, Practical Co-operation in Kyrgyzstan

This contribution discusses theoretical and practical aspects of the development of Islam in Central Asia. It builds on ten years of dialogue between the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) and its partners in Central Asian countries.

As well as the prevention of armed conflict, this contribution will focus on two issues in particular: first, the transformation and state-formation processes that form part of the context within which the Islamization of societies is taking place; and second, the specific positions taken by the state with respect to the phenomenon of Islamization and, conversely, the position of Islamic communities, their elites, and political representatives with regard to the secular state.

General Trends

Since the Central Asian states achieved independence, a number of trends in the development of Islam have been gaining momentum, particularly in Tajikistan and Kyrgyzstan:

1. The religiosity and Islamization of the population are growing rapidly. The influence of Islam has extended beyond socially disadvantaged groups to reach schoolchildren, students, the owners of small- and mid-sized enterprises, teachers and members of the intelligentsia, and, above all, the rural population. From this it can be concluded that Islam has become a major religious, ideological, and socionormative force. As an organic part of the lives of a majority of the population, Islam can be said to have become “nationalized” socially. As Islam has become nationalized, the secularism that was imposed from outside during the period of Soviet rule and in which today’s secular system of norms, the self-understanding of the state, and the socio-political identity of the secular elite are rooted has simultaneously become eroded.

2. In view of the depth of its impact on society, the transformation of political, economic, socio-economic, and religious-cultural systems in the historically short period of less than 20 years since independence can be considered nothing less than revolutionary. At the same time, however, the transformation of these various fields has proceeded at different rates: While political and economic transformation was pushed through rapidly and “from

above”, change in the religious and cultural spheres has so far been evolutionary.

Nonetheless, although the revival of Islam in the popular consciousness has proceeded in an evolutionary manner, this should not be taken as grounds for complacency. Under certain circumstances, this evolutionary process could become a politically revolutionary eruption in which the majority of religious citizens cease to feel ties of loyalty to the ruling elites. In addition, Islam could become an ideological integrating force for various social and political groupings that are dissatisfied with the political regime, high unemployment, and deteriorating socio-economic conditions.

3. During the transformation and state-formation process, the secular state has become entangled with Islam and is now no longer able to free itself. Islam will therefore determine its political fate. The ability to adapt to Islam and Muslim elites will become a basic survival factor for Central Asian political regimes. Under these conditions, the instruments that the state has used in the past to control Islam and its representatives come up against their limits. While repressive instruments are increasingly losing their effectiveness, state authorities in Central Asia – with the exception of Kazakhstan – lack the economic and financial means to bring about a rapid improvement of the precarious economic and financial situation. The secular power is thus forced into dialogue with Islam – with Muslim clerics, elites, and political activists, but above all with “nationally minded” Muslims. At the very least, it is necessary to achieve a political *modus vivendi* with them. This will crucially require the development of democratic mechanisms that can not only guarantee the peaceful coexistence of both sides but also their co-operation on strategically important issues, thereby safeguarding the political stability of their shared state.

Kyrgyz Reality

In order to analyse relations between state and religion in practice, it is necessary first to consider their historical development, and second, to examine the thesis proposed above that Islam, as the religion of the majority, is an organic component of Kyrgyz society and national culture and has a real influence on socio-political processes.

This thesis has some theoretical justification. However, it remains to be considered whether and to what extent each of its elements is equally true of Kyrgyzstan in practice, and particularly as regards the maturity of Islam and the Muslim community in Kyrgyzstan.

In practical terms, it is also necessary to ask to what extent the stability and legitimacy of state power depend upon the loyalty of Kyrgyzstan’s Muslim majority. A closely related question concerns the position of secularism within Kyrgyz society. How effective can the secular tradition still be in view

of the growing impact of the “Islamic factor”? To what extent have the secular identity of the state and its secular socio-political orientation been transformed under this growing influence? Evaluating current developments in Islam in Kyrgyzstan therefore requires us to determine the degree of interdependence between state and religion.

These opening theoretical remarks indicate the possibilities that exist for the state to “nationalize” Islam, and the steps by which it could achieve this.

At the same time, the state must act in a way that takes account of the potential of the Muslim community and the demands the latter will make upon the former in the course of establishing mutual relations.

As far as Islam’s evolutionary expansion is concerned, it is also important to ask how and in which circumstances this process could take on a politically revolutionary character, and whether this could lead to a loss of loyalty to the state on the part of the majority of the religious population.

Finally, in evaluating the potential of both the state and the Muslim community, it is also important to determine the extent to which mutual influence between the two sides may contribute to strengthening state power structures and improve opportunities for further state-formation, but also the extent to which they may contribute to anchoring Islam more firmly in Kyrgyzstan’s social and political structures.

Relations between the State and Islam in Kyrgyzstan in Detail

The first phase in the relationship between the state and Islam in Kyrgyzstan can be characterized as liberal. It saw the establishment of comprehensive freedom of conscience and belief in accordance with the 1991 “Law on Religious Freedom and Religious Organizations”, which remained in force until 2008.

In this phase, the state took the position of a neutral observer, whose activity was limited to the registration of religious organizations. However, this passive stance led to the state losing hold of more powerful means of asserting control over religious communities. One consequence of this was the emergence of a large number of diverse religious groups that possessed no traditional roots in Kyrgyz society. In the context of this emerging religious plurality, Kyrgyzstan’s Muslim community did not stand out, despite the palpable “Islamic renaissance”. Nonetheless, the liberal policies of this period enabled Muslims in Kyrgyzstan to create more extensive links with the broader Islamic world and thus gradually to establish the foundation for a transformation of the role of Islam in Kyrgyz politics and society.

In this period, both religious feeling among the population and the influence of Islam on Kyrgyz politics and society were weak. Consequently, the state paid the topic little attention. Islam was in any case perceived at the time in terms of traditional practices closely tied to nationalist movements

and the efforts of ethnic Kyrgyz to free themselves of their Soviet (Russian) heritage. This was true with regard to the ordinary people, the intelligentsia, and a number of political actors.

Yet this changed abruptly as it became clear that neither nationalism nor religion (Islam) had a sound theoretical underpinning in the country while both also failed to resonate with the population, particularly in such an ethnically and religiously pluralistic country.

At the same time, the growing threat of religious terrorism and extremism in Central Asia and the continuing instability of Afghanistan again focused the attention of the Kyrgyz state authorities on Islam in their own country. This ushered in the second phase in the relationship between state and religion. Now, however, at the start of the 21st century, the state was confronted with a society very different from the one that had existed at the time of the breakup of the Soviet Union.

Religion now occupied a central place in the value system – not only among the traditionally religious (sedentary) portion of the population, but also among the titular nation as a whole. The growth of religious feeling among the population was not only evinced by the spread of Islamic rites and customs in the everyday life of the Kyrgyz people but also the beginnings of Islam's development into a political ideology.

The fact that, in a context of economic and social difficulties, large sections of the Kyrgyz population have turned to forms of Islam that had previously been unknown in the region was only the logical result of the expansion of Islamic religious education in the country. The Muslim community at that time simply absorbed everything provided by missionaries representing movements, groups, and organizations from all parts of the Islamic world without regard for the quality and origins of the materials provided.

The Kyrgyz state attempted to deal with the problem of religious extremism by treating the activities of the Muslim community as hostile to secularism. By doing so, however, it has also had the effect of alienating Muslims from mainstream socio-political processes. This alienation led to the parallel development of two systems – a secular system, embodied by the state, and a religious system in the form of the Muslim community.

The third stage in the evolution of relations between state and Islam is characterized by awareness that Islam has taken on a new orientation and by the increasing efforts on the part of the Islamic community to defend its interests in various ways within socio-political processes.

Since 2006, it has been increasingly clear to the state that it could not limit its religious policy to combating religious extremism and terrorism, but that the latest developments demanded a more differentiated approach to Islam and the Muslim community. This basically boils down to a recognition by the state of the special role that Islam plays in Kyrgyz society.

A further factor that influenced the attitude of the state towards Islam was the failure of nationalist and other ideologies in Kyrgyzstan at a point in

time when Islam was slowly succeeding in establishing itself as a stable system of ideas with an influence on the formation of the state and society.

During the presidential elections that followed the overthrow of the Akaev government in March 2005, one of the candidates, Tusunbai Bakir, openly campaigned on an “Islamic platform”, and targeted primarily Muslim voters. According to unofficial figures, he received 30 per cent of the vote. During a phase of instability and increased activity on the part of opposition groups in 2006 and 2007, both pro-government and pro-opposition Muslim groups also appeared, aiming to mobilize the population for one side or the other.

At this point, the state began to see Islam as an instrument it could use to strengthen its power, and the Muslim community as embodying a potentially powerful mechanism that it could use to mobilize the population to solve specific political problems.

The 2009 elections were remarkable for the instrumentalization of religious rhetoric in politics. One candidate openly announced that he would introduce Sharia law if elected to the presidency. Although this candidate, Nurlan Motuev, had little support in the Muslim community, his campaign set a precedent by introducing religious rhetoric into Kyrgyzstan’s political sphere for the first time. The most remarkable thing about this election was, however, less that this candidate was not prohibited from using Islamic campaign rhetoric, but rather that it could now no longer be assumed that future candidates who might possess religious authority and enjoy broad support in the Muslim population would not follow his example.

In the meantime, the state began to send signals that could be interpreted as an attempt to “sound out” the Islamic community. In November 2009, at a meeting of the Organization of the Islamic Conference (OIC) in Istanbul, the then Kyrgyz president, Kurmanbek Bakiev, argued that the state and the Muslim community of Kyrgyzstan should develop joint initiatives and present themselves as partners. He also mentioned that the government was interested in the creation of a joint Islamic research and education centre. Bakiev also remarked that “we now face the necessity of viewing the relationship between the Islamic community and the state from a new perspective and deepening the substantive understanding of the secular state”, in the context of which he no longer ruled out re-examining the definition of the secular state. In his message to the Kurultai, the traditional people’s assembly, in 2010, Bakiev argued that it was important for politics to start genuine co-operation with the country’s religious organizations.

All of these attempts indicate not only a serious rethinking of state policy towards Kyrgyzstan’s Muslim community, but also evince the gradual recognition that Islam has capabilities to influence socio-political processes.

Regardless of the objective conditions that have led to increasing interdependence between the state and Islam, we should nonetheless acknowledge that the Muslim community is itself not yet capable of presenting its own consolidated political demands.

As studies have shown, Kyrgyzstan's Muslim community has, in the last five years, still failed to fully come to understand itself as an important political power in Kyrgyzstan. In fact, it would be accurate to say that it finds itself at the start of the process of self-determination within Kyrgyzstan's system of political co-ordinates, although it continually insists that the actions of state employees must reflect religious feeling, morality, and spirituality in politics.

Nonetheless, the main factor preventing the further expansion of Islam as a factor in domestic politics is another important phenomenon in Kyrgyz society, which we can provisionally label "pre-Islamic national culture".

Analytical attempts to isolate this pre-Islamic culture from the general Islamic context are nonetheless bound to fail, as, under the growing influence of Islam over the years, it has transformed itself considerably, and can only be found in its original form in isolated mountain regions. Recently, however, the modern interpretation of this "pre-Islamic culture" as propagated by supporters of Kyrgyz nationalism has claimed a special place in Kyrgyzstan's political and cultural life. Nonetheless, given the growing strength of Islam's social role, it is unlikely that this phenomenon will survive for much longer.

The foundation of Kyrgyzstan's pre-Islamic culture is the nomadic way of life. The modernization of society, which started in the Soviet period and has continued to this day, albeit in a different form and at an accelerated pace, had the effect of gradually erasing the "pure, pre-Islamic culture and history" from Kyrgyzstan's historical memory.

As a result, most ordinary people can now no longer distinguish the norms of *adat* (customary law) from the imported Islamic norms of Sharia law. In the course of time, shamanistic beliefs, *adat*, and monotheism have become combined in a single culture and have become popular traditions.

Precisely determining the proportion of Islam and the pre-Islamic traditions in Kyrgyz culture would be a major research project. Nonetheless, it is important to stress that the bearers of "pre-Islamic culture" are not the "ordinary" people, but rather individuals, who are more or less attached to the worlds of academia and science.

Following the breakup of the Soviet Union and the resulting ideological vacuum, many of the former atheists who made up the intelligentsia rode the wave of nationalism and began to see the future of the country in Kyrgyzstan's pre-Islamic past.

Kyrgyzstan's ruling elite was particularly influenced by the turn to Tengrianism and other forms of shamanism by individual groups of intellectuals,

and this ensured that Islam and political power would develop in parallel in the first 15 years after independence.

However, the influence of intellectual nationalists and hence of the pre-Islamic past has started to wane as one generation of Kyrgyzstan's intellectual and ruling elite is replaced by another.

Furthermore, the end of the northern clans' dominance over the clans in the south as a result of the events of 2005 has almost entirely severed the links between the political elite and the intelligentsia, with their penchant for pre-Islamic culture. As the south had always felt the influence of Islam more strongly than the north – including during Soviet times – this power shift effectively ended the influence of pre-Islamic ideas on Kyrgyz power structures.

Popular religiosity is also a post-Soviet development. It requires no religious knowledge, being characterized rather by an emotional bond between the believers and their faith, its norms and behavioural rules, respect for which is a prerequisite for social status and reputation.

In South Kyrgyzstan, therefore, the public demonstration of personal religiosity is an essential component of everyday culture – but no more than that.

This explains why, immediately following the rise to power of the southern clans, an “attributive Islamization” rapidly spread throughout the ranks of state employees. In order to avoid standing out from the crowd, they began to demonstrate their Islamic faith via the open display of books, posters, framed verses from the Koran, and other pious artefacts.

On the other hand, in northern Kyrgyzstan, where the capital Bishkek is located, members of the titular nation have always enjoyed a higher level of education than their co-nationals in the south, and this left its mark on the “rebirth of Islam”. Nineteen years of Islamic education in the north has led to a deeper examination of the substance of Islam by the population, and thus the beginnings of an Islamic socio-political idea. The growing volume of information and educational resources that Islam has at its disposal is particularly evident in the capital.

Among state employees, these and other factors had the effect of gradually bringing about a move from “attributive” Islam to a more intensive engagement with the religion as a system of norms and values in the life of the individual, society, and the state. This effect was enhanced by the gradual loosening of the Soviet-era intelligentsia's hold on power and the inability of Kyrgyz society to bring forth a new generation of intellectuals.

The last initiatives taken by the government of Kyrgyzstan in the area of religions policy before it fell in April 2010 show that it was slowly beginning to make use of Islam as a means for strengthening legitimacy.

It can be assumed that this will become increasingly necessary to the extent that Islam and the Muslim community are successful in maintaining their rapid expansion.

Is the Social "Nationalization of Islam" also a Political Option for the State?

As the state pursues its rapprochement with Islam, it should bear in mind that developing this kind of closeness not only grants it rights, but also brings new obligations. It also needs to grasp that the non-fulfilment of these obligations could bring the collapse of the secular foundations of the state in its wake.

Under these circumstances, the state has a choice between two paths of development: On the one hand, it can attempt to use Islam for its own specific political purposes. In return, it would recognize the key role played by Islam in the establishment of a new form of statehood, while acknowledging Islam's sphere of influence in society. This development path could be called the "contractual variant".

The second path of development consists in using Islam to consolidate state power. Even if the mutual obligations of the state and Islam could be determined, this variant would amount to a de facto attempt to subordinate the Muslim community to the state's domestic political interests. This development path could be called the "declarative variant".

The first variant would require an enormous intellectual, political, and legal effort on the part of the state and the Muslim community, which would be in the interest of an evolutionary development in relations between the secular state and Islam. In practice, however, neither side shows signs of either being able or willing to undertake this. The Muslim community is not yet in a position to meet the state as intellectual equals. At the same time, the political elites do not have time to allow relations with Islam to develop gradually, as they face the need to produce results at short notice.

In the second scenario, the state, in the manner typical of Oriental government culture, would subordinate compliant clerics to its reason of state, rule alone and grant Islam the role of an intermediate for the propagation of government decisions. This path would guarantee the growth of oppositional feeling among the rest of the Muslim population, and could even lead to the development of revolutionary sentiment among the majority of the population.

Today it is already apparent that the rapidity with which Islamic education is expanding will inevitably lead to the expansion of the Islamic influence on socio-political processes in Kyrgyzstan.

The state thus already faces the need to decide between a conflict-free or a conflict-laden development of its relations with Islam.

One thing is certain: The model of the secular state in Kyrgyzstan and Central Asia as a whole may face major changes in the none too distant future.

The OSCE Participating States:
Domestic Developments and Multilateral Commitment

Old and New Challenges for the Current Ukrainian Leadership

In February 2010, Ukraine saw the inauguration of its fourth president since independence in 1991. The fiercely contested presidential election had been won by Viktor Yanukovich, the leader of the Party of Regions. The elections were generally perceived to be free and fair. Yanukovich's victory was clear and not seriously disputed. It was, however, not an overly impressive win: Yanukovich received the lowest share of the vote of any winner in a presidential race since independence. Even the fact that the elections took place at the time of very acute economic crisis and that Yanukovich's opponent in the second round was an incumbent prime minister – sitting governments usually suffer significantly in times of crisis – did not help to make the victory more convincing.

Regardless of the actual strength of Yanukovich's electoral mandate, the expectations for change have been, and remain, very high. Obviously, different constituencies inside the country have quite different types of changes in mind. There are, however, some widely shared expectations that constitute a common denominator for the shifts that Ukrainian society hopes for. The following three items would feature prominently on any hypothetical list of society's wishes: reducing ideological polarization and regional divisions, strengthening the governability and effectiveness of state apparatus, and improving the health of the economy.

This contribution provides an overview of how the new Ukrainian administration has started addressing these desires, each of which constitutes a formidable challenge for the government. At the time of writing, the new president had not been in office long enough to make it possible to offer any definite assessment of the strategies and approaches he is likely to pursue. What follows is a very preliminary analysis of first steps, and possible trajectories suggested by these steps.

National Unity

Ukraine's ethno-cultural heterogeneity does not need to be a liability for the country's political and economic development. After all, many countries that are just as culturally diverse as Ukraine manage to turn this to their competitive advantage. The problem is not diversity per se but rather the growing politicization of ethno-cultural differences in Ukraine over the last decade. Some scholars prefer to conceptualize Ukraine's diversity using the term "regional differences" rather than "ethno-cultural differences" – these are le-

gitimate and consequential conceptual disagreements – but the essence of the problem remains the same: Ukrainian politics is increasingly organized along ethno-cultural rather than socio-economic lines.

The most recent presidential election confirmed this pattern – voters in different parts of Ukraine had radically different preferences in terms of candidates. Identity politics and related geopolitical issues were used by the candidates to rally their core supporters and mobilize their base, irrespective of the costs for social cohesion or national unity. The election results revealed a familiar pattern: The vote for the two leading candidates was heavily concentrated in the east and the west of the country, with the centre regions showing less unequal distribution of votes for the two candidates. Yanukovich's rival, Yulia Tymoshenko, was, however, the clear winner in all the central regions of Ukraine, including the city of Kyiv.

Prioritizing ethno-cultural differences over other kinds of social differences, and turning the former into the basis for defining society's primary political cleavage is highly problematic unless a society is already deeply divided in ethno-cultural terms (on the model of Northern Ireland, for example). The organization of politics along classical ideological lines – usually left-right divisions over the economy and wealth redistribution – is superior to the organization of politics along ethno-cultural or regional lines. This thesis has strong theoretical foundations. It is also borne out by the experience of many Western democracies where socio-economic divisions and the left-right party competition that exploits them form the principal cleavage line and structure the entire political process. Much of the Ukrainian political class nevertheless seems bent on pursuing a course of action that hardens ethno-cultural identities and turns them into the main source of political conflict.

While ethno-cultural differences have always been a factor in Ukrainian politics, their politicization became firmly institutionalized in the 2000s with the events of the Orange Revolution and especially the 2006 legal changes that introduced a fully proportional electoral system (proportional representation, PR). The introduction of PR empowered political parties at the expense of independent or unaffiliated regional politicians, who played a major role during the first decade of transition. In the second half of the 2000s, having acquired a monopoly on political representation, Ukraine's political parties started to face the need to articulate coherent positions and to build social support for politics based on ideologies. Instead of pursuing the difficult task of building universalistic political agendas based on the pursuit of policy programmes that distribute benefits and costs to all citizens, the main political parties choose an easier route – to campaign on ethno-cultural differences and promises to deliver benefits in a targeted fashion to their regionally concentrated clienteles.

Ukrainian politics is not, of course, all about clientelistic linkages. As elsewhere, parties try to mix their strategies for building ties with voters; they also put some effort into forming two other types of voter linkages – pro-

grammatic and charismatic. Yet while the charisma of individual leaders has been an important (albeit inherently unstable) source of strength for some parties, appeals to regionally concentrated electorates proved to be a more enduring source of electoral success. As has already been implied, programmatic linkages – understood here as ties based on party promises of universally conceived social and economic policies – are significantly underdeveloped. Such ties usually characterize parties built on market-liberal or, alternatively, socialist ideologies. These are not the parties that dominate Ukraine’s political landscape. The very designation of President Yanukovich’s party as the “Party of Regions” highlights the intention to use regional issues as the primary basis of political appeal.

During the Yushchenko period, power in Ukrainian politics alternated between two political camps that were defined primarily in terms of ethno-cultural differences. Viktor Yanukovich’s election provided a vital opportunity to break the pattern of politicization based on these differences. This arose from the fact that Yanukovich’s party was not strong enough to form a government alone or in a coalition with minor parties. Yanukovich’s Party of Regions would have to cross the main political divide to secure the legislative majority required to form a government. There was thus a strong expectation in the weeks following Yanukovich’s election that his party would form a coalition with the party of departing president Viktor Yushchenko, who informally backed Yanukovich in the second round of elections.

A coalition of this kind was seen as instrumental for depoliticizing some of the sensitive ethno-cultural issues that tend to polarize opinions in Ukrainian society. It could also have helped to make political competition along socio-economic lines more salient: Both parties share a similar pro-market economic agenda that puts them at the same end of the socio-economic dimension of politics. Any opposition towards such an alliance would have had to pursue a more left-wing agenda. Parties that would have been outside the coalition – especially the Communists and the People’s Party (formerly the Agrarian Party) – would have had few difficulties in adapting to this competition.

However, this coalition never materialized.¹ Yanukovich also chose to defy expectations that he would show moderation in matters of identity politics. Instead, his first policy steps indicated a willingness to pursue a course that would cater to the interests of a narrow base of his most radical supporters, thus further polarizing society. A telling example of this is the appointment of the very controversial Dmytro Tabachnyk as minister of education. Tabachnyk has in the past provoked numerous scandals with statements such as the following: “Galitsians [author’s note: the Ukrainian population of Galitsia, the largest historic region of Western Ukraine] have practically

1 This is an outcome which cannot entirely be attributed to Yanukovich – his counterparts in these negotiations must also take some responsibility – but, as a key political actor, he bears a significant share of responsibility.

nothing in common with people from the rest of Ukraine mentally, religiously, linguistically, or politically.” Tabachnyk has a history of making similar statements that set one region of Ukraine against another. For many in Ukraine it was hard to imagine a more divisive figure to head a ministry that is supposed to play a major role in constructing a non-conflictual narrative of national identity. The appointment unleashed a wave of protests among university students and the intelligentsia, and repeated calls for the minister’s resignation in the parliament.

A number of other developments and policy initiatives similarly had the effect of antagonizing civil society actors and invigorating political opposition. These included the promotion of a largely Soviet-centric narrative of the Second World War, the lack of a strong government response to communists’ attempts to rehabilitate Stalin, a revision of the government position on the issue of the Holodomor (the man-made famine of the 1930s in Ukraine), and the (planned or actual) scrapping of a number of cultural and educational policies aimed at reviving the Ukrainian language.

These types of issues are not simply another set of policy questions with distributional implications. They are not about the routine politics of who gets what in terms of economic resources or political office. These issues are intricately linked to the core beliefs of a very substantial number of Ukrainians and evoke a strong emotional response. While fierce criticism of government action by opposition parties was predictable, the mobilization of various civil society groups and protest movements in different regions of the country was less expected. In a very short time, the cultural policies of the new government have produced a wave of indignation and furore. This provides little hope that the new president will be able to reach out to the half of the country that did not vote for him.

Ukraine’s identity-based conflicts are not limited to the cultural realm. The April 2010 Ukrainian-Russian agreement, which saw a considerable reduction in the price that Ukraine was paying for gas in exchange for an extension on the lease of the Sevastopol base used by the Russian Black Sea Fleet has also had powerful repercussions for identity politics. The way in which the deal was negotiated – behind closed doors and at an extremely fast pace – shocked the opposition and provided it with another reason for accusing Yanukovich’s government of dismantling the country’s sovereignty, a highly sensitive issue in Ukraine. The process of ratifying this agreement saw large demonstrations outside the parliament and the worst confrontation in years inside the parliament.

Overall, the first steps of the new administration indicate a strong willingness to continue politicizing ethno-cultural differences. The process of social conciliation in Ukraine has already been seriously damaged by the new government’s initiatives. Yanukovich seems to have learned little from his predecessor, whose often justifiable but somewhat sporadic and poorly prepared moves in the sphere of identity politics sometimes polarized public

opinion and encouraged radicalism. The newly minted Yanukovich administration already faces a large number of small scale but highly vocal protests together with serious opposition in parliament – something that previous Ukrainian presidents were able to avoid during their honeymoon periods.

Democracy and Governance

The majority of Ukrainians do not put concerns about democracy at the top of their list of priorities in the post-election period. Yet the public's concerns about governability and the effectiveness of the state apparatus can be legitimately addressed only in a democratic framework. The state of Ukrainian democracy matters, both for improving governability and state effectiveness at home and for Ukraine's dealings with the external world.

One of the achievements of Yushchenko's presidency was the further democratization of public life. While observers of Ukrainian politics might disagree over who or what these achievements should ultimately be attributed to, the very fact of democratization is indisputable and is reflected in various international ratings of democratic performance, such as the one produced by Freedom House. Democratization, however, came at a considerable cost in terms of governance. The discipline and effectiveness of the state apparatus have been seriously compromised, and state authority has been generally weakened.

There is widespread fear in Ukraine's civil society that Yanukovich's attempts to improve governability will come at the expense of democracy. The early actions of the new government confirm some of these fears by indicating a willingness to limit media pluralism and to overhaul various formal rules and procedures that restrict the government's ability to monopolize political power. These steps also signal a willingness to use informal mechanisms of coercive pressure, reminiscent of practices of the "blackmail state" associated with the rule of Leonid Kuchma, Ukraine's second president. Before briefly reviewing these worrying signs, a major institutional problem of governance has to be highlighted.

The constitutional distribution of executive powers remains a major bone of contention in Ukrainian politics. The 2004 constitutional amendments considerably reduced the powers of the president. Following this reform, Ukraine remains a semi-presidential republic, but the reform legally transferred the centre of executive decision-making from the president to the prime minister. The president also lost almost all constitutional powers in terms of cabinet appointment and dismissal. In political terms, however, the president continues to enjoy strong legitimacy due to a popular mandate. In the past, this institutional set up encouraged fierce intra-executive competition between president Yushchenko and his prime ministers. The conflict re-

verberated through the entire state apparatus and bogged down Yushchenko's presidency.

Yanukovych's current strategy for reducing this constitutionally generated potential for intra-executive conflict has been to secure the appointment of a loyal and non-ambitious prime minister. By successfully doing this, Yanukovych was able to concentrate all executive powers in his hands. His ability to enjoy this level of control over the executive depends, however, on the stability of the ruling coalition. When the stability of this coalition becomes threatened by policy disagreements or the prospects of mid-term parliamentary elections, the president might face strong incentives to revise the terms of the 2004 constitutional deal and restore the pre-2004 presidential powers. If events evolve in this direction, the handling of renewed constitutional reform will be a major test of Yanukovych's democratic commitments.

These commitments started to be questioned as the new president was still forming the government. The existing parliamentary rules and procedures for forming a governing coalition in parliament were quickly revised by pro-Yanukovych deputies to suit the needs of the new president. The earlier rules, confirmed by a Constitutional Court decision, allowed only parliamentary factions but not individual deputies to form a coalition. This is a rare norm in the parliamentary practices of democratic states; it was adopted by the Ukrainian parliament in order to stop the practice of frequent migration of deputies among factions. Migration of this kind was an important tool in president Kuchma's control of parliament. Pro-presidential parliamentary majorities during Kuchma's presidency were constructed by using informal incentives or disincentives to affect the decisions of individual deputies about joining a parliamentary faction.

The Kuchma-era parliamentary procedure was reinstated after Yanukovych's election, protests from the opposition notwithstanding. The Constitutional Court – despite its own earlier decision, but in a familiar pattern of serving the interests of whoever is in power – approved the new rules for coalition formation. The pro-Yanukovych government coalition, which would have been impossible without the defection of a number of individual deputies from opposition factions, was legitimated by this decision. Among the defectors from the opposition factions were a number of business people, some of whom informally explained that their decision to support a new coalition was motivated by fear that the government would take action against their economic interests if they were to remain in opposition. Other defectors appear to have been rewarded via the allocation of government posts to their close relatives. Overall, executive domination and clientelistic practices seem set to return in full force to the Ukrainian parliament. The defection of deputies induced by positive or negative sanctions on the part of the executive are a very important indicator of how limited the role of programmatic/ideological factors is in Ukrainian politics and how weak the social norms are that prevent such en masse defections in consolidated democracies.

Another example of a problematic change of the ground rules is provided by the new coalition's decision to postpone local elections for almost a year, something that the opposition claims the constitution does not allow the government to do. In a somewhat similar but more radical way, the government wants to address the issue of local self-government in the capital city. Pro-Yanukovich forces traditionally enjoy a low level of support in Kyiv. A draft bill introduced by the government proposes an overhaul of the system and the abolition of direct elections for the mayoralty of Kyiv.

Developments in the media also signal problems for democracy. In the past, sustaining pluralism in this sphere was made easier by Yushchenko's personal commitment to freedom of speech. According to the dominant view in the media, the situation changed significantly for the worse with the arrival of the new government. The leading media watchdogs – the *Telekritika* website, the Academy of the Ukrainian Press, and the Institute of Mass Media – report a number of moves directed at monopolizing control over media, and accuse the new government of orchestrating them. Journalists working in the newsrooms of two leading television channels – STB and 1+1 – published open letters blaming the channels' managements for subjecting news coverage to politically motivated censorship. The international organization Reporters Without Borders has voiced concern about the deterioration of media freedoms in Ukraine.²

While problems with democracy are mounting, what do the prospects for improving state effectiveness and governance look like? Although it is too early to discuss substantive policies for state reform, appointments to key political and bureaucratic positions can be seen as precursors of what is likely to come in this area. Ukraine's leading political weekly, *Dzerkalo Tyzhnia*, ran a series of reports in April 2010 about key appointments in central and regional governments. The main conclusion of these reports is that, when it comes to making appointments, loyalty trumps professionalism for president Yanukovich's government.

Further concerns are raised by the persistence of a pattern of appointing representatives of big business to important government posts. A telling example of this is the appointment of one of the owners of the largest and the least transparent media groups to head a national security agency. Valeriy Khoroshkovsky, the head of the Security Service of Ukraine, is also a member of the High Council of Justice, a highly influential judicial institution. It is difficult to imagine an individual representing a single and allegedly foreign-controlled business group amassing so much economic and political power in a transparent democratic setting. A popular online newspaper, *Ukrainska Pravda*, reported, also in April 2010, that the Security Service of Ukraine recently had started an investigation of the results of one of the auc-

2 See, for example, Reporters without Borders, *Disturbing Deterioration in Press Freedom Situation since New President Took Over*, at: <http://en.rsf.org/ukraine-disturbing-deterioration-in-press-15-04-2010,37027.html>.

tions of media frequencies. The auction results were not beneficial for the media group with which the head of the Security Service had been associated. In summary, Yushchenko's old and unfulfilled promises of depoliticizing the bureaucracy and separating big business and government remain relevant to Ukraine under the new administration. The appointment policies of this administration suggest that little progress should be expected in this direction.

The Economy

Ukraine's civil society might have been less vocal about the deficiencies of Yanukovich-style democracy if the new government had signalled a credible commitment to deliver on socio-economic issues. Ukraine's challenge in this domain is not simply to find the means to recover from the recent global economic crisis that hit Ukraine especially hard. What is required is a large number of major structural reforms that are long overdue, even prior to the start of the recent meltdown in the global economy.

There is a broad and well articulated understanding of what has to be done. One authoritative statement recently produced by a non-partisan expert group, which includes analysts from leading Ukrainian think tanks and the academic community, contains a list of twenty-two priority measures in the socio-economic realm. The list includes measures to overhaul the budget-formation process and social-welfare system, pension and health reforms, comprehensive reforms to tax and property rights, land privatization, and public utility and transport-sector reforms.³

Most of these reforms would require time to get off the ground, and the new government has not yet been in office long enough to deal with various issues seen as preconditions to tackling them. It has, however, already made explicit its intentions in the socio-economic sphere, making detailed and comprehensive declarations in its 2010 programme of social and economic development and the 2010 state budget enacted by the new parliamentary majority. These documents allow some preliminary evaluation of the government's intentions.

The expert assessment of both documents has been highly critical. Admittedly, the government inherited a very difficult economic situation and has to exert a great deal of effort in addressing the most urgent current economic problems. Yet, in 2010, it plans to implement very little of the reform package envisioned in the *Roadmap for Reforms* document, as mentioned above, or those outlined in several other policy recommendation reports produced by various domestic and international organizations. Many necessary reforms can have painful social consequences at the early stages of their im-

3 Cf. Reform Support Network, *Roadmap for Reforms for Civil Society*, March 2010, an English summary is available at http://parlament.org.ua/upload/docs/Road_Map_final_eng.pdf.

plementation; a government decision not to start these reforms immediately after the elections also diminishes the probability of their being launched at a later stage. The political costs of launching these reforms will be much higher for the new president after his post-election honeymoon period is over. The electoral timetable, which includes both local and parliamentary reforms in the course of the next two years, will dictate other priorities.

The strategy adopted by the new government appears to amount to the ad hoc patching up of some of the most obvious cases of economic mismanagement, strengthening government regulations and government interventions in particular sectors of the economy, improving tax collection, and similar types of policies. The strategy does not include comprehensive measures intended to deal with the huge burden of various types of social-welfare payments, with systemic corruption, or with monopolies in various sectors of Ukraine's economy.

Political confrontation provoked largely by the policies discussed in the first section of this paper made it impossible for the government to seek broad cross-political spectrum support for structural reforms. This prevents even ordinary types of deliberation about the budget and economic policy issues. Both the 2010 budget and the government's programme were passed by the parliament in less than ten minutes, without any discussion on the parliamentary floor. Regardless of whether the complete lack of consultation and deliberation was merely an unfortunate coincidence or a deliberate strategy on the part of the new government coalition, the end result is a set of documents that lack the usual benefits associated with critical discussion and outside input.

As there is no hope of the opposition co-operating on overcoming the consequences of the economic crisis, the government has to act alone. It seems to be basing its policies on the expectation that a global economic recovery, which has already improved demand for products from such traditional export sectors of the Ukrainian economy as metallurgy, will help to stabilize the nation's economy and limit the problems of a huge budget deficit. This in turn will enable the government to continue policies of external borrowing, which, critics say, just encourages a familiar pattern of living beyond one's means.

In the view of many Ukrainian economic analysts, another major element of the overall economic strategy is to obtain financial subsidies and economic favours from one of Ukraine's main economic partners, the Russian Federation, in exchange for strategic geopolitical concessions. The controversial April 2010 agreement with Russia that secured a reduction in the price of Russian natural gas sold to Ukraine in exchange for the continuation of the navy-base lease is seen by many as an indication of the approach that the new government will take. This sentiment runs through a number of analytical pieces published in *Dzerkalo Tyzhnia*, for instance. The weekly's analysts expect a series of deals in other economic sectors that will see the govern-

ment reversing political decisions made by the previous administration or relinquishing control over strategic assets in exchange for financial subsidies.

For an analysis of the geopolitical aspects of the April 2010 agreement and other government plans, the reader will have to consult other accounts. The gas deal, however, provides a good illustration of the many issues connected to reform of the Ukrainian economy. Some of them are briefly mentioned here. While the new arrangement secures a very considerable reduction of gas prices, it does not help to address the structural problems of energy dependency. By enabling the government to persist in maintaining extremely low gas prices for households, it also illustrates the government's unwillingness to undertake unpopular reforms. And it produces a very concentrated group of winners – a small group of so-called “oligarchs” controlling energy-intensive industries in the east of the country. The deal is designed to benefit only the current government politically: While the navy-base lease has been extended for 25 years, the reduction in gas prices only applies to the first ten, which is also the maximum length that President Yanukovich can remain in office, provided he is re-elected.

The oligarchs are a core and resource-rich constituency of president Yanukovich's government. The influence of this constituency over the design of economic policies constitutes another major challenge for the new administration. Will economic strategy be dictated primarily by the interests of this constituency in typically clientelistic fashion, with financial support provided to politicians prior to elections being exchanged for favours when these politicians are in public office? The interests of this constituency are numerous. For one thing, they want to maintain control over industries they own, so there are limits to how much dependence on foreign capital they are willing to tolerate – thus the experts' concerns about Ukraine losing control over strategic assets might prove to be exaggerated. More critically for the prospects of economic reforms, Ukraine's oligarchs have an established record of seeking privileged public works contracts, regulatory decisions, subsidies, and monopolies. Whether the new administration will be willing to restrain rent-seeking behaviour and resist the temptation to sell protection against market uncertainty remains an open question for some in Ukraine. For others this question has already been answered in the negative.

Conclusion

This contribution provided a brief overview of Ukrainian affairs at the start of Yanukovich's presidency. It outlined some of the major challenges that the new presidential administration faces and discussed some of the initial steps it has taken. These have proved controversial, posing questions about Ukraine's unity and the direction of its political and economic development. While questions about unity are frequently raised by commentators, including

the current author, it is important to keep in mind that the country's internal cohesiveness is much greater than it might appear to a casual observer of Ukraine's fractious political scene. Ukraine is not a deeply divided society. There is overwhelming public support for maintaining the integrity of the country and any talk of separation is received very badly in both the east and the west of the country. While the first steps of Yanukovich's administration postpone social conciliation, they do not prevent it.

The verdict on Yanukovich's ability to deliver on the dual goals of political and economic development will be uncertain for quite some time. Over the past five years, Ukraine has made significant progress in democratizing public life. Now there appear to be doubts about whether these gains will be sustained and consolidated under the new government. President Viktor Yanukovich's administration faces serious questions about its commitment to sustaining political pluralism and guaranteeing an equal playing field for all participants in the political process. The answers to these questions will also shape the government's ability to address problems of governance and state effectiveness. No less challenging are issues of economic development. While few doubt the new government's ability to stabilize the economy, it has yet to give any credible signs of determination to pursue much needed structural reforms.

Achieving progress on these political and economic objectives is vital for Ukraine's European aspirations. This is one area where the new government seems to be willing to accept some continuity with the objectives and policies of the previous one. It claims that European integration remains a priority. Domestic developments related to various issues raised in this contribution will constitute a major test for how genuine the resolve is to pursue this course.

Slovenia and the OSCE

I am pleased to be able to write this article after the fourth and final year of my term as the Permanent Representative of the Republic of Slovenia to the Organization for Security and Co-operation in Europe (OSCE). In it, I shall seek to describe the relations of Slovenia and Slovenian diplomats with the original Conference on Security and Co-operation in Europe (CSCE), the role of the CSCE during Slovenia's transition to democracy and independence, Slovenia's Chairmanship of the OSCE in 2005, and the current status of co-operation.

The OSCE came into being as the Conference on Security and Co-operation in Europe in 1975 with the signing of the Helsinki Final Act by 35 Heads of State or Government from Europe, the USA, and Canada. Over more than three and a half decades, the Organization has confirmed its position and the purpose of its activities. It played an important role in the collapse of the Iron Curtain, and has been a key factor in alleviating tensions and ensuring security and stability in Europe and its neighbourhood in a number of crises and tense situations. The democratization and transition processes that have made it possible to achieve greater prosperity and security in the OSCE region began with the fall of the Berlin Wall and the adoption of the Charter of Paris for a New Europe (1990) – the document that confirmed the end of the period of confrontation and the division of Europe, and for the first time set clear objectives of promoting democracy, respect for human rights, and market economies.

As the largest regional security organization in the world today, the OSCE serves as a bridge between Eurasia and the Pacific, the Mediterranean, North Africa, and the Middle East. Covering an area that stretches from Vancouver to Vladivostok, its 56 participating States are politically, culturally, and economically varied, but united through joint commitments and objectives – mutual co-operation and security. The OSCE has also established partner relationships with states in its neighbourhood – the Mediterranean and Asian Partners for Co-operation.

The Organization is active in three main areas, representing the three OSCE dimensions: the politico-military, economic and environmental, and human dimensions.

The OSCE ensures security through co-operation and a comprehensive approach to problems. Its priorities are:

Note: The opinions expressed in this contribution are the author's own views and do not necessarily reflect the official positions of the Slovenian government or the OSCE.

- consolidating common values among the participating States and building a democratic society based on the rule of law;
- preventing local conflicts, stabilization, and building peace in conflict areas; and
- addressing security threats and preventing the emergence of new political, economic, and social differences.

The OSCE's founding document is the Helsinki Final Act, which defines commitments in the three dimensions.

The Organization's main tasks are confidence and security-building, early warning, preventive diplomacy, conflict prevention, post-conflict rehabilitation, human rights protection, arms control, strengthening civil society, democratization, institution building, election monitoring, establishing judicial systems, police training, and combating terrorism, organized crime, and trafficking in human beings. Recently, the OSCE has faced new threats and challenges, including those related to border security and the security of transport routes, migration, as well as environmental threats that have caused tensions and conflicts between countries.

Through its field missions in South-eastern Europe, the Caucasus, Eastern Europe, and Central Asia, the OSCE plays an important role in peace building, democratization, and promoting progress, the development of market economies, and education.

Slovenia and the CSCE/OSCE: The Historical Background

One year before the Helsinki Final Act was signed, Slovenia had, on the basis of the 1974 Yugoslav Constitution, attained the status of a state (republic) within the former Yugoslavia. Citizens of what was known at that time as the Socialist Republic of Slovenia could decide to have Slovenian citizenship. On a formal level, this created the legal possibility of extending and deepening international co-operation, which was in the hands of the Slovenian Republic's Secretariat for International Co-operation. Its work was key to shaping Slovenian diplomacy in the early days of independence.

The former Slovenian Secretary for International Co-operation, Ambassador Marjan Osolnik, today retired, remembers the signing of the Helsinki Final Act as a turning point. Slovenia (together with Croatia) obtained permission from the Yugoslav federal government to join the Alps-Adriatic Working Community. The Helsinki Final Act was immediately translated into Slovenian and had a great influence on Slovenia's burgeoning civil society. Dr Felix Bister, a Slovene historian from the Austrian region of Carinthia, informed me that Slovenes from the former Yugoslavia and Austria were able to meet each other in 1979 on the basis of the Helsinki Final Act and discussed cultural and religious questions on both sides of the Iron Curtain.

That was when he first met Dr Franc Rode, who later became Archbishop of Ljubljana and a then Cardinal, and other important dissidents from Slovenia.

Slovenia's contribution to the preparation of the Helsinki Final Act is less well known, but it is also important. Slovenian diplomats and parliamentarians were active from the very beginning. The biggest obstacles in preparing and negotiating the Helsinki Final Act were the issues of human rights and the exchange of information in the third basket. The Inter-Parliamentary Union (IPU) proposed a meeting of European parliamentarians to resolve these issues. The IPU Inter-Parliamentary Council (today: IPU Governing Council) appointed a working group, which was headed by Bogdan Osolnik, an experienced Slovenian diplomat and politician. In the key negotiations with the representatives of the Soviet Union, the working group was able to reach a deal that overcame the most difficult obstacles, and the path towards the Helsinki Final Act was cleared. This Slovenian contribution is all the more important given the pivotal position of human rights in the process that led to the fall of the Berlin Wall.

For Slovenia, the signing of the Helsinki Final Act had very positive, concrete results. The process of pan-European rapprochement that had been initiated by the CSCE was also important in paving the way for the Treaty of Osimo between Italy and the Socialist Federal Republic of Yugoslavia, a document that still defines Slovenia's western border. Italian parliamentarians commented upon the positive consequences of the Helsinki Final Act for the Osimo Agreement to their Slovenian colleagues during the Belgrade meeting of the IPU one year later. The head of the Italian delegation was Giulio Andreotti, many-time prime minister of Italy and president of the IPU. The participants of the CSCE Follow-up Meeting in Belgrade visited Slovenia and its western borders as well as both "Goricas" (Gorizia in Italy and Nova Gorica in Slovenia-Yugoslavia), where they met both mayors. For the time, this was an almost unprecedented act.

Slovenian diplomats, working at that time in the Yugoslav Foreign Service, were also involved in the establishment and activities of the CSCE. They included the late Ambassador and longstanding State Secretary (Deputy Minister for Foreign Affairs) Ignac Golob, with whom I had the privilege of working in the Slovenian Ministry of Foreign Affairs as a young diplomat. The late Ambassador Rudi Čačinovič and Ambassador Marjan Osolnik also played important roles. Ambassador Golob was active in the Conference on Security and Co-operation in Europe for more than a decade. He was head of the Yugoslav delegation and chairman of the Madrid CSCE Meeting in 1980. At the end of the 1980s, he was head of the Yugoslav delegation at the Vienna Meeting of the Conference for three years. In the CSCE, he discovered a unique European civilization project with an important Atlantic (and Central Asian) component.

Ambassador Čačinovič was, as resident Ambassador of Yugoslavia in Madrid, alternative chairman of the Madrid Meeting with Ambassador

Golob. Ambassador Marjan Osolnik, at that time Yugoslav ambassador in Stockholm, was deputy head of the Yugoslav delegation at the 1984-86 CSCE conference in Sweden (Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe, CDE), where progress was made on the transparency of military activities and on confidence-building measures. Even before Slovenia's independence, Slovenian diplomats had thus also earned respect for their work.

The CSCE and OSCE during Slovenia's Struggle for Independence

The negotiation and signing of the Paris Charter for a New Europe in November 1990 were very important events for Slovenia, which, in May of the same year, had elected its first democratic parliament and government. This was also the time when the young democratic Slovenian state began to formalize Slovenia's international independence and establish itself in international organizations. In contrast to the three Baltic states, Slovenia was not able to participate in the Conference independently. The federal authorities in Belgrade also prevented Dr Dimitrij Rupel, at that time Secretary for International Co-operation of the Republic of Slovenia, from attending the Conference as part of the Yugoslav delegation. He attended the signing of the Paris Charter thanks to the generous support of Austria, which included him in the Austrian delegation. This proved an extremely useful opportunity to represent Slovenian interests and establish important international contacts. At one of the highest international political meetings, attended by numerous world leaders, Slovenia was directly able to introduce them to its plans and to inform them about the situation in Yugoslavia, thereby raising international support for its cause. Slovenia's thinking and work was directly in the spirit of the Paris Charter, and although the event did not bring direct support for Slovenian independence, it was an important step towards it.

Slovenia's presence in Paris also sent a very clear message of change. Just as a separate Slovenian diplomacy was emerging, there were also changes in the relationship of Slovenia itself towards the CSCE/OSCE. The establishment of the Slovenian state, which started with the first free elections in the spring of 1990, was already an internationally recognized fact. We also see it as highly symbolic that the CSCE was the first international organization to which Slovenia was accepted, on 24 March 1992. This was a great historical and practical milestone in the strengthening of the international status of the new Republic of Slovenia. Slovenia had applied for membership of the CSCE on 9 January 1992, even before it was internationally recognized as an independent state. In July 1992, the Republic of Slovenia signed the Helsinki Final Act.

At the OSCE Summit in Istanbul in November 1999, the Republic of Slovenia presented its candidature for the Chairmanship of the OSCE. The

proposal for the candidature came immediately after the Slovenian Chairmanship of the OSCE Forum for Security Co-operation (FSC) and was presented by the late Slovenian President and then Prime Minister, Dr Janez Drnovšek. This was the act of a statesman of an independent state with a decade of international experience in the international arena and international organizations, and which was just finishing a successful term of non-permanent membership of the United Nations Security Council.

Slovenia's 2005 OSCE Chairmanship

Slovenia began its OSCE Chairmanship by announcing the “triple-R agenda” (“Revitalize, Rebalance, Reform”). When the country assumed the Chairmanship at the beginning of the year, the Organization had no budget, no accepted scale of contributions, and no agreement on who would be the next Secretary General. In order to provide a firm basis for reforming the Organization and increasing its efficiency, a Panel of Eminent Persons was formed and tasked with presenting a report.¹ At the end of Slovenia's Chairmanship, the goals it had set itself had been achieved, the atmosphere of co-operation had improved substantially, and the Organization had been revitalized. The OSCE had adopted a budget, accepted a scale of contributions, agreed upon a new Secretary General, and adopted a plan for gradual reform and strengthening.

The Chairman-in-Office, Slovenian Foreign Minister Dr Dimitrij Rupel, responded quickly to challenges that arose during the year (Ukraine, Kyrgyzstan, Uzbekistan), and with his untiring personal interventions and visits to the countries involved, prevented many crises. We paid special attention to the situation in regions where peace is not secured, and with numerous activities and initiatives, tirelessly dealt with inherited frozen conflicts (Kosovo, Nagorno-Karabakh, Georgia-South Ossetia, Transdniestria). With some, progress was made in the negotiations on possible solutions, which is also evident in the documents adopted.

Within the OSCE's three dimensions, 22 decisions were adopted, a good number, and demonstrating a balance capable of overcoming the fierce criticism of the OSCE's functional imbalance made by CIS member states in 2004. At the 13th OSCE Economic Forum, which focused on demographic trends, migration, and integrating persons belonging to national minorities, Slovenia, whose Chairmanship focussed on the topic of “migration-integration”, succeeded in innovative efforts to connect the three dimensions.

1 Cf. Common Purpose – Towards a More Effective OSCE, Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379.

With regard to the human dimension, the greatest achievement of the OSCE Ljubljana Ministerial Council was the consensus reached on the Decision on strengthening the effectiveness of the OSCE. The consensus was in line with the discussions about OSCE reform which started in 2005, and assigned the participating States reform-related tasks to be carried out in the following years. The Decision preserved the independent status of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in election observation, and tasked it to submit a report on ways of strengthening and furthering its election-related activities. A breakthrough was achieved in the Decision on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding, which also committed the OSCE to contribute to the UN's Alliance of Civilizations initiative and encouraged co-operation with civil society and non-governmental organizations. According to many delegations, this is one of the most important decisions, providing for future conferences in this field, and announcing that the next one will take place in 2007. The experimental project on human rights education initiated by Slovenia was widely accepted, as was shown by the support of the countries in achieving consensus on the Decision on Promotion of Human Rights Education in the OSCE Area.²

The key emphasis of the OSCE's activities in the politico-military sphere was the implementation of the 2003 Strategy to Address Threats to Security and Stability in the 21st Century. A number of decisions adopted by the Ministerial Council point, on the one hand, to the diversity of this area and to the structural complexity of relevant security challenges and, on the other, to the important progress that has been made in the co-operation of the Organization with other international actors in tackling these challenges.

Slovenia was active in many areas, providing experts and funds, and undertaking the co-ordination of activities such as the implementation of the Document on Stockpiles of Conventional Ammunition. Slovenia contributed substantially to achieving consensus on the organization of a seminar on military doctrine. Slovenia's activities in the politico-military sphere prove that the country is capable of contributing to the management of these processes with know-how, experience, and resources. Representatives of a number of other ministries were also actively involved in this area, including the defence, interior, finance, and justice ministries.

Slovenia's OSCE Chairmanship was very successful. Not only did we completely fulfil our Chairmanship plan, we also achieved the main goals set several years before when we accepted this task. This is all due to the enterprise and tireless activity of the Chairman-in-Office, Dr Dimitrij Rupel, the expert assistance of the Permanent Mission of the Republic of Slovenia to the OSCE in Vienna, and the OSCE Project Group at the Ministry of Foreign Af-

2 For the decisions of the Ljubljana Ministerial Council, cf. Organization for Security and Co-operation in Europe, *Thirteenth Meeting of the Ministerial Council, 5 and 6 December 2005, Ljubljana*, 6 December 2005.

fairs. Enthusiasm for the work and a good atmosphere in both groups were the key factors of success, as were the activities of Slovenian diplomatic and consular missions abroad. With its OSCE Chairmanship and the organization of the Ministerial Council in Ljubljana, which took place in December 2005, Slovenia proved itself a reliable partner in the international arena, with the will and know-how to contribute with its initiatives and actions to the strengthening of stability in the world, and to promote international co-operation.

The Ministerial Council was, according to all participants without exception, commendably organized, which confirms Slovenia's organizational capabilities and also shows the cultural development the country has achieved. Judging by a great number of informal foreign assessments at the Ministerial Council in Ljubljana, Slovenia's Chairmanship was remarkably successful in terms of content and organization, and also one of the best in the decade.

The Slovenian Presidency of the EU within the OSCE

Slovenia held the EU Presidency during the first half of 2008. It was a first time one of the "new" states that joined the EU in 2004 had held the EU Presidency. The Republic of Slovenia continued the active approach it had taken during its Chairmanship of the OSCE in 2005. This served to confirm the legitimacy of the decision to unite the European continent and, in so doing, to overcome its unnatural division. Indeed, it is a tribute to the courage with which both Western democratic countries and Central and Eastern European nations seized the historic opportunity that the end of the Cold War presented.³

The priorities of the Slovenian Presidency were largely determined by the 18-month programme initially presented by the German Presidency and which continued under the Portuguese Presidency. They were also influenced by the inherited agenda of the Council of the European Union.

This gave Slovenia five main priority areas to work on: the future of the Union and the implementation of the Treaty of Lisbon (initially known as the Reform Treaty), the launch of the new Lisbon Strategy cycle, climate and energy issues, enhancing the European prospects of the Western Balkans, and intercultural dialogue.

Our main task with regard to the implementation of the Lisbon Treaty was to encourage successful ratification. The second three-year cycle of the renewed Lisbon Strategy, whose aim was to make Europe the most competi-

3 The following section draws from a speech that Dimitrij Rupel gave to the OSCE Permanent Council on 24 January 2008, see: Slovenian Presidency of the European Union, OSCE Permanent Council No. 697, Vienna, 24 January 2008, *Address by H.E. Dr. Dimitrij Rupel, Minister of Foreign Affairs of the Republic of Slovenia*, PC.DEL/63/08, 25 January 2008.

tive and dynamic knowledge-based economy in the world, started in 2008. The Slovenian Presidency also worked to promote the priorities of the Lisbon Strategy in the areas of research and innovation, in the development of a competitive business environment, and in reforming the labour market to address demographic shifts. The Slovenian Presidency also undertook initiatives in the areas of energy supply and climate change. Climate change is a particularly urgent area requiring multilateral action.

Slovenia believes that the stability of South-eastern Europe is vital for the security and prosperity of the European Union as a whole. Against this background, the Presidency aimed at strengthening the prospects for European integration of the countries in the Western Balkans. Slovenia sought to re-energize and overhaul the 2003 Thessaloniki Agenda, to complete the network of Stabilization and Association Agreements in this region, and to strengthen regional co-operation in several areas. The enlargement process and the European Neighbourhood Policy were also high on our agenda.

Last but by no means least, 2008 was the European Year of Intercultural Dialogue. It is therefore appropriate that intercultural dialogue, which constitutes the foundation of the co-existence of all European citizens, was one of our priorities. Slovenia and the Slovenian Presidency understood that dialogue between cultures must be a long-term EU project. Slovenia therefore sought to increase the level of awareness of the value of intercultural dialogue and multilingualism among EU citizens and the European public at large. It is also important that the positive experience of the Slovenian Presidency is incorporated into future EU policies. Dialogue is another word for diplomacy. And intercultural diplomacy is a test case for the survival of diplomacy generally. If we do not talk, countries will fight.

As the Slovenian Minister of Foreign Affairs, Dr Dimitrij Rupel, put it during his presentation of the Slovenian priorities for its EU Presidency at the Permanent Council on 24 January 2008: "Although the EU and the OSCE are two distinct entities, they are inevitably connected when it comes to common values, goals and responsibilities. After all, all EU Member States are also OSCE Participating States. Despite the different political and historical backgrounds which individual OSCE Participating States have, the OSCE has always been a forum where states were able to overcome their differences on the basis of dialogue, common values and the overwhelming sense of common responsibility."⁴

Slovenia welcomed many of the decisions of the Madrid Ministerial Council. Key among these were the Ministerial Statement on Supporting the UN Global Counter-Terrorism Strategy, the Madrid Declaration on Environment and Security, and the Decisions on the follow-up to the Fifteenth Economic and Environmental Forum focusing on water management, on combating trafficking in human beings for labour exploitation, on tolerance and

4 Ibid., p. 3.

non-discrimination and promoting mutual respect and understanding, and on combating sexual exploitation of children on the Internet.⁵

The Republic of Slovenia strongly commends the efforts of those who worked tirelessly on the preparation of the text of the convention on the international legal personality, legal capacity and privileges and immunities of the OSCE, and we express our sincere regret that the text was not approved in Madrid. Further strengthening of the OSCE, including by the granting of legal personality, is necessary to ensure that the Organization is able to face contemporary challenges effectively.

In 2005, when we assumed the OSCE Chairmanship, Kosovo was one of the major issues on our agenda. When we took over the EU Presidency in 2008, Kosovo still was a subject of common concern. Permanent Council decisions to extend the mandate of the OSCE Mission in Kosovo are important. The continued presence of the OSCE in the key areas of human rights monitoring, institution- and capacity-building, and the rule of law is as relevant now as ever. The Slovenian EU Presidency was therefore firmly convinced that the OSCE Mission in Kosovo must be able to continue its important work. The EU will play a key role in Kosovo in the upcoming period. The Slovenian EU Presidency actively encouraged the formation of consensual solutions to ensure the long-term stability of the entire region.

At the Madrid Ministerial Council, the participating States recognized that the situation in Afghanistan could have a profound effect on the overall security of the OSCE area. The Slovenian EU Presidency welcomed the Ministerial Decision that will enable the OSCE to assist the international community by generating initiatives to enhance security at the borders Afghanistan shares with OSCE participating States.

Slovenia has been a strong supporter of OSCE activities aimed at achieving a peaceful solution to the frozen conflicts in the Republic of Moldova, in Georgia, and over Nagorno-Karabakh. The EU believes that these conflicts should be settled on the basis of the principle of peaceful resolution.

In the period of the Slovenian EU Presidency, both sides involved in the conflict in the South Ossetia region of Georgia ultimately did not do enough to utilize the existing negotiation mechanisms while avoiding escalation of the fragile situation. Nonetheless, the OSCE's confidence-building measures and reconstruction efforts in Georgia have been of great value. The Slovenian EU Presidency supported the Economic Rehabilitation Program for South Ossetia, to which the EU member states were major contributors. The EU has also started implementing its confidence-building measures in Georgia, and we hope that working together with the OSCE will continue to aid efforts to resolve the conflict.

5 Cf. Organization for Security and Co-operation in Europe, *Fifteenth Meeting of the Ministerial Council, 29 and 30 November 2007*, Madrid, 30 November 2007.

Following a long stalemate in the negotiation process in the Republic of Moldova, an informal 5+2 meeting took place in October 2007. The European Union greeted this and has encouraged the parties involved to build upon these positive developments and continue with the negotiations to reach a peaceful settlement of the Transdniestrian question.

With regard to efforts to secure a settlement in Nagorno-Karabakh, the Co-Chairs of the Minsk Group presented a set of basic principles for the resolution of the conflict. The EU called upon the parties involved to continue with the negotiations and to end this protracted conflict by drawing up and implementing a comprehensive peace agreement.

Slovenia believes that it is vital for the OSCE to focus more closely on Central Asia. Co-operation with the countries of that region was a priority for the Slovenian EU Presidency, as reflected in the EU Central Asia Strategy for a New Partnership with Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan, and Uzbekistan.

The Permanent Mission of the Republic of Slovenia to the OSCE in Vienna had an active role in the Permanent Council and the Forum for Security Co-operation and in all four working committees of the OSCE: the Security Committee, the Economic and Environmental Committee, the Human Dimension Committee, and the Advisory Committee for Management and Finance. It also worked hard to implement the common foreign and security policy of the EU. The latter was co-ordinated at the EU co-ordination meetings, which were held regularly before every meeting of the OSCE bodies and committees.

Even before the adoption of the Lisbon Treaty, co-ordination of foreign policy was an everyday practice between EU member countries. The members of the EU Troika (current and next EU Presidency and the Delegation of the European Commission to the OSCE in Vienna) also commonly co-ordinated foreign policy with the EU candidate countries, the countries of the Stabilization and Association Agreement, the like-minded countries (Switzerland, Iceland, Norway, Liechtenstein, and Canada), the GUAM countries (Georgia, Ukraine, Azerbaijan, Moldova), the states of Central Asia, the United States of America, and the Russian Federation. Following the adoption of the Lisbon Treaty, the co-ordination between the members of the EU Troika was replaced in 2010 by political dialogue between the EU Delegation to the OSCE in Vienna and the country that holds the EU Presidency.

Besides the issues of Kosovo and Georgia, political discussions in the first half of 2008 covered election monitoring in the OSCE participating States, and, in this context, the cancellation of election monitoring activities in the Russian Federation. Questions were also frequently raised relating to the freedom of the media and human rights violations in the OSCE area. While Slovenia represented the EU Presidency at the OSCE, the Organization held its Economic and Environmental Forum in Vienna and Prague, organized three seminars in the human dimension, held a conference on human

trafficking in Vienna, prepared to adopt the budget for the year 2009, and worked on co-operation with Afghanistan.

Two important candidatures were discussed in the first half of 2008, both by the EU member states and between OSCE participating States. Ambassador Janez Lenarčič, State Secretary (Junior Minister) in the Government of Slovenia with responsibility for the EU Presidency commenced his first term as the Director of the Office for Democratic Institutions and Human Rights on 1 July 2008. On the same date, the Secretary General of the OSCE, Ambassador Marc Perrin de Brichambaut, began his second three-year term. He had been appointed for his first term during the Slovenian Chairmanship in 2005.

Work on the politico-military agenda of the OSCE in the Forum for Security Co-operation in the first half of 2008 was dedicated to the destruction of small arms and light weapons, stockpiles of conventional ammunitions, revisions of the Code of Conduct on Politico-Military Aspects of Security, and demining. At the Annual Implementation Assessment Meeting (AIAM), the EU presented its positions regarding the implementation of confidence- and security-building measures. The EU also made a statement on the occasion of International Mine Awareness Day, where the Slovenian Presidency, speaking for the EU, underlined the financial contributions that the EU as whole, and its member states individually, make for post-conflict rehabilitation. During this period, Slovenia also celebrated the 10th anniversary of its International Trust Fund for Demining with exhibitions of Slovenian work in the lobby in front of the OSCE Plenary Hall in the Hofburg.

During the Slovenian Presidency of the EU, we concluded negotiations with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings on a seminar on gender-sensitive labour migration policies, which was held in Brdo, close to Ljubljana, in February 2009.

In February 2008, the agenda of the OSCE included the monitoring of the Russian presidential elections. Because of the limitations (in terms of time and number of observers) imposed by the Russian Federation, ODIHR was forced to cancel its election monitoring mission, at which the EU expressed its regret. The EU also voiced its support for ODIHR's methodology and professionalism. This was the second time since the parliamentary elections in the Russian Federation in December 2007 that ODIHR had not been able to monitor elections. On both occasions, the head of the long-term election observers was the former foreign minister of Slovenia Dr Boris Frlec who had been Special Representative of the Chairmanship in 2005.

In June 2008, the OSCE High Commissioner on National Minorities (HCNM) presented a set of recommendations on national minorities in interstate relations. After lengthy discussions and negotiations, the EU welcomed the recommendations and expressed hope that they would lead to further discussions. The recommendations were officially introduced in Bolzano/Bozen in October 2008. Slovenia, together with the Office of the High Commis-

sioner, organized a first regional conference on the recommendations in March 2009, again in Brdo.

The Advisory Committee on Management and Finance (ACMF) of the OSCE Permanent Council discussed several important issues during the Slovenian Presidency of the EU: the roll-over of the scales of contributions for the years 2008-2010, the 2007 Programme Budget Performance Report, and the 2009 Programme Outline. Since the latter two issues are very time consuming, there was a proposal to merge both discussions into one.

Slovenian Foreign Policy and the Future of the OSCE

The Helsinki Final Act was signed in 1975, and for Slovenia it remains a living document. It is the basis for ongoing discussions of security threats and challenges that have continued to take place in the OSCE (currently in the form of the Corfu Process), even though the security environment has changed dramatically over the last 35 years. Slovenia sees the Corfu Process as an opportunity to revitalize the OSCE, for which the implementation of OSCE commitments is the key. The OSCE, with its inclusive participation, comprehensive approach, and consensus principle, is the right forum for a thorough discussion of European security. Slovenia supported the efforts of the Greek Chairperson-in-Office and appreciates the work done so far by the Kazakhstan Chairmanship. Samuel Žbogar, the Minister for Foreign Affairs of the Republic of Slovenia, attended the meeting in Corfu in June 2009, also in his capacity as Chairman of the Committee of Ministers of the Council of Europe, and the informal ministerial meeting in Almaty in July 2010.

For Slovenia, the primary aim of the Corfu process must be to retain existing structures and ensure the full compliance of all parties. Of course, there is always room for improvement through strengthening and optimization, especially in light of new security challenges. In this context, Slovenia welcomed the initiative of the OSCE Chairperson-in-Office to reinvigorate the existing mechanisms instead of replacing them. We should aim for “Helsinki plus” and not “Helsinki II”. We need a comprehensive approach. Our discussion cannot be limited to the politico-military aspects of security. We should give equal treatment to the other two OSCE dimensions. Dealing with human rights, the rule of law, economic and environmental affairs, and energy security is an essential part of the OSCE’s unique comprehensive approach. Slovenia believes that renewed and redoubled attention should be given to the resolution of unresolved/protracted conflicts.

In many parts of the OSCE region, Slovenia sees threats to human security that call for the advancement of democracy, respect for human rights and fundamental freedoms, and the rule of law. Global challenges, such as terrorism and various forms of organized crime, poverty and climate change, energy disputes (energy security), migration, and the global economic and

financial crisis create additional dimensions within the area of international security.

Dialogue on European security aims at restoring trust and confidence and the revitalization of the OSCE. The OSCE possesses an extensive toolbox of instruments, mechanisms, and procedures for involvement in conflict situations. However, recent experience in the OSCE area has shown the need to intensify efforts towards the resolution of protracted conflicts and to update the OSCE mechanisms in this regard. Slovenia therefore more than welcomes a fresh impetus. In order to fully do justice to the OSCE's comprehensive concept of security and cross-dimensional approach, the participating States should strengthen early warning, conflict prevention, and crisis management mechanisms and explore new tools that would enable the OSCE decision-making process to respond swiftly and efficiently to emergency situations.

The existing mechanisms for conflict resolution might be also enhanced. In this framework, Slovenia could look again at the approaches already used by the OSCE in dealing with protracted conflicts. Increasing the OSCE's effectiveness means strengthening the Organization. The existing structures should be reinvigorated. We should look at the Platform for Co-operative Security from the 1999 Istanbul Summit and strengthen interaction with other key actors. In this sense, the Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, which was prepared during the Slovenian OSCE Chairmanship in 2005, could be helpful.

It is vital to maintain and, where possible, strengthen the human dimension of the OSCE. The OSCE should further improve its conflict prevention capabilities while simultaneously expanding its activities in the area of post-conflict rehabilitation, including through better use of the OSCE institutions and field operations. Special attention should be given to transnational threats and new security challenges and capacities to address them. There is no need for hasty decisions and artificial deadlines. The process should be very transparent and open ended.

Shortfalls in the implementation of OSCE commitments in the human dimension have been noted in the OSCE area. The Corfu discussion should be used to close the gaps that exist and to revitalize and improve the implementation of human dimension commitments. In the field of democracy, the work of ODIHR is of particular interest of Slovenia – ODIHR is actively involved in election monitoring and a set of other activities relating to the strengthening of democratic principles. Slovenia is proud that my predecessor and the Chairman of the Permanent Council in 2005, Ambassador Janez Lenarčič, is the Director of ODIHR, which is currently the highest post in any international organization held by a Slovenian citizen.

The protection and promotion of freedom of expression is an area where the OSCE and participating States need to reinforce their efforts. A number

of OSCE participating States believe that the role of the High Commissioner on National Minorities should be enhanced – many suggest the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations should be made politically binding. Slovenia organized one of the regional conferences on the Bolzano/Bozen Recommendations and supports the idea that they be made politically binding.

Fresh ways must be found to address environment and security challenges such as energy security, water management, migration, and climate change. Economic and environmental aspects of security can be highly political, and might soon be at the forefront of strategic and geopolitical interests. Slovenia sees energy security as one of the crucial items on the political agenda. The OSCE is in the position to offer its political platform to further develop the dialogue among OSCE participating States – the Organization brings together some of the main energy producers, consumers, and transit countries. The Slovenian Foreign Ministry is promoting “green diplomacy” in all bilateral and multilateral contacts and would like to bring more awareness of climate change to the work of OSCE, not only in theoretical but also in very practical terms.

Promoting good governance, as well as combating corruption, money laundering, and the financing of terrorism contributes to the strengthening of the rule of law and ensures security and a stable, transparent, and predictable economic environment. States should work closely on the issues of border management, confidence building, and conflict prevention. The abilities of the OSCE field presences, one of the most relevant of the Organization’s comparative advantages, have to be used more. Co-ordination with relevant international partners is an extremely important means of sharing information, improving capabilities, and generating new ideas.

Finally, Slovenia believes in the continuation of the Corfu Process, with the 2010 Astana Summit as an integral part of it. We welcome the idea of drafting an action plan, which would enhance the efficiency and effectiveness of the Organization and would strengthen security for all in the OSCE region.

The President of the Republic of Slovenia, Dr Danilo Türk, supported the proposal to hold an OSCE Summit in Astana at his meeting with President Nursultan Nazarbayev during his visit to Kazakhstan in November 2009. The Summit should not only reaffirm the existing commitments, but set out a strategic vision of our Organization and its co-operation with other international organizations. We support the idea of a political declaration to define a vision of European, Euro-Atlantic, and Euro-Asian comprehensive security on the basis of trust and confidence.

To conclude, I would like to quote a sentence that has been said many times about the OSCE: “If the OSCE did not exist, we would have to invent it.”

II.
Responsibilities, Instruments, Mechanisms,
and Procedures

Conflict Prevention and Dispute Settlement

The OSCE “Corfu Process” – A Preliminary View of the Security Dialogue on Early Warning, Conflict Prevention and Resolution, Crisis Management, and Post-Conflict Rehabilitation

A Brief Chronology of the OSCE’s “Corfu Process”

The role of the Organization for Security and Co-operation in Europe (OSCE) in the European security environment has been much debated since 2009, particularly within the framework of the so-called “Corfu Process” – named after an informal meeting of foreign ministers from OSCE participating States in the summer of 2009 on the Greek island of Corfu. Proposals for a renewed dialogue on the future of European security had originally been made by presidents Dmitry Medvedev and Nicolas Sarkozy in 2008. The formal foundations were laid at the 2008 OSCE Ministerial Council in Helsinki. This was the basis on which the Greek Chairmanship was able to initiate an extensive security dialogue structure in June 2009, which came to be known as the OSCE Corfu Process.

With the Ministerial Declaration on the OSCE Corfu Process, adopted at the OSCE Ministerial Council in Athens in early December 2009, the participating States agreed to continue their dialogue on current and future challenges for security in the OSCE area.¹ In Ministerial Council Decision No. 1/09, they also decided to discuss eight specific issues (known as the “Corfu ticks”), including the role of the OSCE in early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation.²

Under the Kazakh Chairmanship, the Corfu Process has been carried on into its second year, with regular and informal meetings held in the first part of 2010. One of the first informal meetings at ambassadorial level discussed the role of the OSCE in early warning, conflict prevention, crisis management, and post-conflict rehabilitation, with the expressed intention of strengthening the OSCE’s capacities in this area. Participating States put forth a number of constructive proposals, all of which were discussed at the informal meetings arranged by the ambassadors selected to act as Corfu Co-

Note: The views and opinions reflected in this article represent those of the authors and not necessarily those of the OSCE.

1 Cf. Ministerial Declaration on the OSCE Corfu Process: Reconfirm-Review-Reinvigorate Security and Co-operation from Vancouver to Vladivostok, MC.DOC/1/09 of 2 December 2009, in: Organization for Security and Co-operation in Europe, *Seventeenth Meeting of the Ministerial Council, 1 and 2 December 2009*, Athens, 2 December 2009, pp. 3-4.

2 Cf. Decision No. 1/09, Furthering the Corfu Process, MC.DEC/1/09 of 2 December 2009, in: Organization for Security and Co-operation in Europe, *Seventeenth Meeting of the Ministerial Council*, cited above (Note 1), pp. 15-16, here: p. 15.

ordinators in the spring of 2010. Further discussions occurred in the autumn within the framework of the Review Conference, which was held prior to the December 2010 Summit in Astana.

Advancing “New” Ideas on Conflict Resolution

As noted above, the Corfu Process takes its name from the informal meeting of OSCE foreign ministers at Corfu that took place on 27-28 June 2009. Following this informal meeting of ministers, the Greek Chairmanship launched the “Vienna Informal Meetings at Ambassadors’ Level”. The decision to do so had been reached at Corfu, where the Greek Chairperson-in-Office had tasked the Greek Ambassador to the OSCE and Chairperson of the OSCE Permanent Council to initiate a process with the participating States and relevant experts that would focus on the priority threats to European security and engage in a focused and structured security dialogue.

One of the main topics of these Vienna informal meetings, which were held between September and November 2009, was “Conflict Resolution in the OSCE Area”. This was discussed in the fifth session on 20 October 2009, to which the Chairmanship had invited two speakers – the Director of the Conflict Prevention Centre, Ambassador Herbert Salber, and the High Commissioner on National Minorities, Ambassador Knut Vollebæk. Ambassador Salber’s presentation focused primarily on the OSCE toolbox for conflict prevention, while Ambassador Vollebæk looked at national minority issues and European security. A few participating States had already put concrete ideas on paper prior to the meeting. Others followed suit in the months to come on the basis of what they had already delivered orally during these informal meetings.

The Greek Chairmanship produced a perception paper following the 20 October 2009 meeting, which succinctly captured the major ideas brought forward. It also succeeded in identifying the following common positions out of many different, and not always consensual, points of view on the part of the participating States: (1) Unresolved conflicts continue to pose a serious threat to the stability of the entire OSCE region, and protracted conflicts have an impact on subregional security as well as on the broader strategic level; (2) political will is essential to the acceptance of compromise solutions in negotiated settlements; (3) there cannot be a one-size-fits-all approach to the resolution of conflicts; however, universal principles as enshrined in the UN Charter and the CSCE Helsinki Final Act are applicable to all conflicts; (4) negotiated settlements are the only way forward in conflict resolution, even though they often entail a lengthy process; (5) the presence of citizens of a kin-state in the territory of another state should not be used as a justification for undermining the sovereignty and territorial integrity of that state; and (6) the OSCE continues to face a number of serious challenges to concrete and

effective conflict resolution in its area, including the following: the difficulty of moving from early warning to early action; the lack of collective will that might hinder decisive action in responding early to impending crisis situations; and the little-used OSCE tool box, whose instruments and mechanisms are often perceived to be too cumbersome to use or outdated given the current needs of participating States.³

The Chair's perception paper on conflict resolution in the OSCE area was not only an excellent summary of many of the common concerns that participating States voiced in their discussion of early-warning, conflict-prevention, and crisis-management issues, it was also instrumental in setting the intellectual and policy-relevant tone for the ensuing debates on those subjects. The recommendations proposed by the participating States stressed the need to assess, update, and strengthen the OSCE toolbox on early warning, conflict prevention, and crisis management, if possible by also considering more flexible mechanisms that would allow for more decisive action, especially at the onset of a crisis or conflict situation.

The 2009 Athens Ministerial Council – Strengthening the Corfu Process

The 17th OSCE Ministerial Council, held in Athens on 1-2 December 2009, was a turning point in the Corfu Process. It marked the moment it became the collective endeavour of all 56 participating States. It was also the second time that the process had received the endorsement of OSCE foreign ministers – the first being at Corfu. The Ministerial Council also strengthened the existing framework for collective security dialogue.

Two major decisions were also adopted in Athens that were particularly relevant to the continuation of the Corfu Process. The first was the Ministerial Declaration on the OSCE Corfu Process, adopted on 2 December 2009, which reaffirmed the adherence to the concept of comprehensive, co-operative, and indivisible security; compliance with OSCE norms, principles, and commitments in the three dimensions; and the determination to strengthen partnership and co-operation in the OSCE and to enhance the Organization's effectiveness. A commitment was also made to take forward the Corfu Process in Vienna at the level of the Permanent Representatives to the OSCE. The Declaration emphasized the importance of the Corfu Process, and the contribution it had already made to the revitalization of the OSCE's political dialogue on security and co-operation. In addition, it took note of proposals for an OSCE Summit in 2010.⁴

The second relevant Ministerial Council decision was Decision No. 1/09 on furthering the Corfu Process, which recognized the importance of

3 Cf. *Chairperson's Perception: Conflict Resolution in the OSCE Area*, CIO.GAL/156/09, 23 October 2009.

4 Cf. Ministerial Declaration on the OSCE Corfu Process, cited above (Note 1).

continuing the Corfu Process and underlined the “positive spirit” that the dialogue process had created, particularly evident on account of the many proposals that had been submitted by participating States. Decision No. 1/09 was crucial in that it outlined those issues that the next phase of the Corfu Process would be directed towards, including issues pertaining to (1) the implementation of all OSCE norms, principles, and commitments; (2) the role of the OSCE in early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation; (3) the role of the arms control and confidence- and security-building regimes in building trust in the evolving security environment; (4) transnational and multi-dimensional threats and challenges facing the OSCE; (5) economic and environmental challenges; (6) human rights and fundamental freedoms, as well as democracy and the rule of law; (7) enhancing the OSCE’s effectiveness; and (8) the interaction with other organizations and institutions on the basis of the 1999 Platform for Co-operative Security.

These issue areas came to be known as the “eight ticks”, as each of them was marked with a “tick” in the relevant documents. The Decision also called upon the 2010 OSCE Chairmanship to submit an interim report summarizing the various proposals presented by participating States within the framework of the Corfu Process. Furthermore, a decision was made to invite OSCE Partners for Co-operation as well as international, regional, and sub-regional organizations and institutions to the discussions, albeit on an ad hoc basis.⁵

The 2010 Kazakh Chairmanship – Carrying the Corfu Process Further Forward

The Kazakh Chairmanship continued the Corfu Process in 2010, first, with a concept paper on “European Security and Co-operation Dialogue – The OSCE Corfu Process in 2010”, which was distributed on 13 January 2010, following this with an Ambassadorial Retreat from 12-13 February. To facilitate discussions, draft relevant papers and proposals, and contribute to the Interim Report, as mandated by Ministerial Council Decision No. 1, the Chairmanship appointed also the “Corfu Co-ordinators” – one for each of the “eight ticks”.

On 23 February 2010, the first informal Corfu Process meeting at ambassadorial level took place. It was specifically devoted to questions concerning how to strengthen the OSCE’s capacities in the field of early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation. In some cases, proposals were revised versions of earlier ones that had been distributed in the autumn of 2009; in others, they were based on

5 Cf. Decision No. 1/09, cited above (Note 2).

new food-for-thought papers initiated by one or two delegations, who were often joined by a number of other participating States. These proposals yielded an impressive number of ideas, including authorizing the Chairperson-in-Office to deploy small teams to assess, monitor, and report to the participating States as a measure for early action; strengthening the role of the Conflict Prevention Centre (CPC) in the systematic collection, collation, and analysis of early-warning signals; and enhancing the support of the Secretariat and the CPC for the mediation and good-office efforts of the Chairmanship.

In particular, the participating States chose an effective procedure or methodology to facilitate the Corfu Process further, as Ambassador Salber noted in his draft statement on “Conflict Prevention and Crisis Management in the OSCE Area”, at the joint meeting of the Forum for Security Co-operation and the Permanent Council on 10 March 2010. He underlined the importance of “taking formal positions on the basis of food-for-thought papers and written proposals, distributed officially through the OSCE Conference Services. This procedure ensures a common foundation for debate, and assists in taking account of those ideas and concrete suggestions that have been circulated so far”.⁶ He even proposed a separate Corfu Process reference numbering system, which would reflect more prominently that the submitted papers and materials are an integral part of the Corfu dialogue.

As to the Corfu Co-ordinators – the Hungarian Permanent Representative to the OSCE, Ambassador György Molnár, was appointed Corfu Co-ordinator on the OSCE’s role in early warning, conflict prevention and resolution, and post-conflict rehabilitation. Under his guidance, several informal discussion meetings were set up in the spring, mostly at expert level, to consider the concrete and often substantial proposals that participating States had been distributing, particularly around the time of the informal meeting at ambassadorial level on 23 February. The proposals were discussed under four distinct headings in four separate meetings chaired by Ambassador Molnár. The four headings were derived from the major elements common to all proposals: means of strengthening OSCE executive structures; in-depth discussions of OSCE mechanisms and procedures; moving from early warning to early action and strengthening the role of the Chairperson-in-Office; and enhancing the role of the Permanent Council. Most contentious was the proposal of “a prepositional consensus”, which would allow the OSCE Chairmanship to deploy a small team over a relatively short period of time on the basis of existing mechanisms and procedures without the need to achieve consensus in the Permanent Council.

6 OSCE, Secretariat, Conflict Prevention Centre, *Draft Statement by Ambassador Herbert Salber, Director of the OSCE Conflict Prevention Centre, on “Conflict Prevention and Crisis Management in the OSCE Area” at the 42nd Joint Meeting of the Forum for Security Co-operation and the Permanent Council*, Vienna, 10 March 2010, SEC.GAL/46/10, 8 March 2010.

On 20 May, the Kazakh Chairmanship also provided a more general account of the Corfu Process in a food-for-thought paper on aspects of Euro-Atlantic and Eurasian security, emphasizing the importance of a Summit. Stressing that participating States would have the opportunity to “make a step towards the construction of an improved security framework”, the Chairmanship used the concept of “security community” to refer to a framework of this kind. The realization of such a security community, the Chairmanship noted, would also entail that the OSCE’s capacities to prevent crisis situations and resolve conflicts be strengthened.⁷

Concluding Thoughts

The OSCE informal ministerial meeting took place in Almaty on 16-17 July 2010, and a decision was passed on the 2010 Summit and Review Conference on 3 August 2010. The Corfu Interim Report, which summarizes proposals from the Corfu Process, served as the basis for further dialogue at the Almaty Meeting in July. Strengthening the OSCE’s capabilities and its toolbox in all three dimensions with regard to early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation, remained among the core issues on the agenda for the autumn of 2010.

It is still too early to provide an assessment at this point in time as to which of the many concrete ideas put forward by the participating States in the area of conflict prevention and conflict resolution will further contribute to what is already an impressive toolbox of instruments, mechanisms, and procedures for preventing and responding to various crisis situations. As the Kazakh Chairmanship noted in its food-for-thought paper on a security community – the choice to move forward is with the participating States.

7 Cf. OSCE Chairmanship, Chairmanship’s Food-for-Thought Paper, *General Aspects of Euro-Atlantic and Eurasian security – From an area to a security community – Corfu Process*, CIO.GAL/76/10, 20 May 2010.

The Failure of the OSCE Mission to Georgia – What Remains?

Introduction

On 30 June 2009, the final few staff members of the OSCE Mission to Georgia officially concluded their work.¹ It was the end of a mission that had lasted for 17 years, whose major turning point had been the Five-Day War of August 2008. The locus of this military conflict was the Georgian-South Ossetian conflict area. The OSCE Mission had the task of observing the conflict between Georgia and secessionist South Ossetia and supporting efforts to achieve a peaceful settlement. In nearly two decades, however, it proved impossible to achieve a viable agreement that was acceptable to all sides – an agreement that could resolve the differences not only between the South Ossetians and the Georgians, but also between Georgia and Russia. Following a phase of relative stability, the Mission could not prevent the escalation of the situation in the conflict zone from 2004 – leading ultimately to war.

The reasons for this lie partially in the complex circumstances of the conflict. At the same time, however, the Mission and the OSCE as a whole lacked effective instruments. The participating States should have imposed pressure not only on the parties to the conflict, but also on Russia, which plays the role of leading mediator in the South Caucasus, as well as being a party with its own interests. More than the other Georgian breakaway province of Abkhazia, South Ossetia was seen primarily as a region of local conflict. Yet international political decisions, including the recognition of the independence of Kosovo and the NATO summit in Bucharest, affected the South Caucasus. International awareness of this was also heightened by the reports issued by OSCE observers. Several diplomatic initiatives were subsequently launched. However, all were placed on hold at the end of July 2008 for a number of reasons, while the situation in South Ossetia escalated in the run-up to the outbreak of open war.

The Five-Day War was a serious setback for the OSCE Mission to Georgia. Following the evacuation of the military observers from their office

Note: The current contribution was made possible by a week-long research visit to the Prague OSCE Archive in March 2010. The non-public documents viewed there are cited with the label “rest.” for restricted. Further information was gathered from interviews with former staff members of the OSCE Mission, which were held in Tbilisi and Vienna between August 2008 and Summer 2010.

1 The mandate of the OSCE Mission to Georgia expired on 31 December 2008. Twenty of the Mission’s military observers continued their observation activities in the areas adjacent to South Ossetia until 30 June 2009 under a separate mandate (PC.DEC/861 of 19 August 2008, extended until 30 June 2009 by PC.DEC/883 of 12 February 2009). Other OSCE staff were involved in the Mission’s closure at this time.

in the South Ossetian capital, Tskhinvali, on 8 August 2008, they were prevented from returning to South Ossetia. All the OSCE's efforts over the years to build confidence between Ossetians and Georgians, to work together with other international organizations to build up the economy and infrastructure, and to develop civil society were negated. Finally, the years of unsuccessful mediation had left the Mission exhausted and weakened. The appearances of the Finnish OSCE Chairman-in-Office and the Mission leadership failed to improve the Mission's standing. Russia was particularly critical of the lack of information provided. Ultimately, by recognizing the independence of South Ossetia and Abkhazia, Russia created a new status quo, and, by demanding two separate missions, attempted to have this accepted within the OSCE. Since no compromise with the other participating States was possible on this basis, the Mission's mandate expired on 31 December 2008.

Conditions on the Ground

The centre and the origin of the OSCE Mission to Georgia was the effort to support a political settlement of the Georgian-South Ossetian conflict. South Ossetia, which is roughly the same size as the English county of Essex, is situated on the southern face of the Greater Caucasus. The main ridge of this range divides the area from North Ossetia on the Russian side of the mountains. As a result of Russian and Soviet policy, as well as Georgian efforts to achieve independence, the Ossetian people came to be split, for administrative purposes, between the northern and the southern Caucasus. The conflict between Ossetians and Georgians is rooted in history.² At the same time, however, the two peoples had social and economic contacts and there had been many mixed marriages.³ Many Ossetians settled outside South Ossetia, while there were ethnically Georgian villages around the capital Tskhinvali, and in the eastern Akhalkori Valley. Furthermore, the mountainous landscape makes a clean division along ethnic lines difficult.

When South Ossetia declared its independence from Georgia during the collapse of the Soviet Union, war broke out. This conflict was brought to an end by a ceasefire agreement signed in Sochi on 24 June 1992 and mediated by Russia. Georgia and Russia agreed that the ceasefire would be monitored

2 Cf. Marietta König, *Der ungelöste Streit um Südossetien* [The Unresolved Dispute over South Ossetia], in: Marie-Carin von Gumpenberg/Udo Steinbach (eds), *Der Kaukasus* [The Caucasus], Munich 2010, p. 125; David Berdzenischwili, *Georgiens größtes innenpolitisches Problem* [Georgia's Largest Domestic Problem], in: Heinrich-Böll-Stiftung (ed.), *Diaspora, Öl und Rosen. Zur innenpolitischen Entwicklung in Armenien, Aserbaidschan und Georgien* [Diaspora, Oil, and Roses. Domestic Developments in Armenia, Azerbaijan, and Georgia], Berlin 2004, p. 45. During Georgia's first period of independence (1918-1921), a war with South Ossetia left several thousand people dead.

3 Author's interviews with residents of villages near South Ossetia from Perevi, Nikosi, Khurvaleti and Ergneti between 2008 and 2010. Cf. Thomas de Waal, *The Caucasus. An Introduction*, Oxford 2010, p. 224.

by a Joint Control Commission (JCC). The Commission initially included representatives of the conflict parties – South Ossetia and Georgia – and the mediators – Russia and North Ossetia. A Joint Peacekeeping Force (JPKF) with Russian, Ossetian, and Georgian troops in equal proportions was established to maintain stability in the conflict zone.

The Role of The OSCE

Against this background, in the summer of 1992, Georgia asked the OSCE⁴ to send observers. The Mission was finally launched on 3 December 1992 with a staff of eight. According to a decision of the Committee of Senior Officials of 6 November 1992, its task was to promote negotiations between the conflict parties aiming at a peaceful political settlement. In 1994, the Permanent Committee (today's Permanent Council) expanded and focused the Mission's mandate. Its tasks now included actively participating in the JCC, monitoring the activities of the JPKF, gathering information on the military situation, and examining breaches of the ceasefire. The OSCE was also supposed to be involved in seeking a solution to the question of the status of South Ossetia.

The Mission was further tasked with supporting efforts to resolve the conflict in Georgia's other separatist region of Abkhazia, which was primarily the responsibility of the United Nations Observer Mission in Georgia (UNOMIG). Additional aspects of the OSCE's role included helping Georgia to establish a democratic state under the rule of law, promoting the observance of human rights, and co-ordinating its work with other international organizations, such as the UN, the EU, and the Council of Europe.

In the years that followed, the Mission was continuously expanded. In 1999, following the war in the North Caucasus republic of Chechnya, it was given the task of carrying out patrols along the Georgian-Russian border. The mandate for this expired in 2004, and programmes to train border guards and border police began during the following year and were completed by 2007. At its greatest extent, in 2008, the Mission had 183 staff members, 137 of whom were local. The revised budget for 2007 was 9,217,200 euros.⁵

Initial Conditions for the Mission

A prerequisite for the mandate of the Mission was the application to Georgia of the principle of territorial integrity, which Russia also broadly supported.

4 Technically the CSCE (Conference on Security and Co-operation in Europe), which was renamed the OSCE on 1 January 1995.

5 Cf. Organization for Security and Co-operation in Europe, The Secretariat, Conflict Prevention Centre, *Survey of OSCE Field Operations*, SEC.GAL/183/10, 29 October 2010, pp. 82-87. For details of the budget, see: <http://www.docstoc.com/docs/50259902/DECISION-No-844-OSCE-2007-YEAR-END-UNIFIED-BUDGET-REVISION>.

The South Ossetian leadership also recognized that this was a condition when it agreed to the creation of the Mission an exchange of letters on 1 March 1993.⁶ However, from the very start, they demanded independence from Georgia and union with North Ossetia, which would also have meant that South Ossetia became part of the Russian Federation. A fundamental issue for the Mission was therefore the need to convince the South Ossetian side that its activity was neutral. At the same time, it had needed to be seen to take South Ossetian demands seriously without appearing to call the premise of Georgia's territorial integrity into question.

A second disadvantage for the OSCE Mission was its position in relation to the JCC, which it had only joined after the latter's establishment. While the Mission did initiate a number of JCC meetings, the Commission remained more or less tightly under Russian control. Thus, in Moscow on 31 October 1994, on Russia's initiative, Russia, North Ossetia, South Ossetia, and Georgia expanded the remit of the JCC to cover all aspects of conflict management. The Foreign Ministry in Moscow was initially only willing to consider a role for the OSCE Mission as a co-operation partner. Only when Georgia, alongside South Ossetia, insisted, was it eventually agreed that the OSCE Mission should actively take part in the Commission.⁷

Attempts at Mediation

The OSCE Mission launched its own initiatives independently of the JCC. In May 1994, for instance, it succeeded in bringing representatives of Georgia and South Ossetia to the negotiating table. In September 1994, the Mission presented its own draft on the future status of South Ossetia. It contained the proposal that South Ossetia be granted autonomous status within a Georgian federation. This proposal was rejected by South Ossetia, as was a further one put forward, largely under Russian guidance, in 1995. There was also much scepticism in Georgia regarding the suitability of a federal solution for the country.

Nevertheless, the situation in the conflict zone stabilized from 1992. There were no more interethnic clashes. Three meetings between the Georgian president, Eduard Shevardnadze, and the de facto president of South Ossetia, Lyudvig Chibirov, between 1996 and 1998 spoke for the growing level of trust that existed between the conflict parties. From 1997, a group of political experts, including OSCE representatives, drafted a document on a long-term resolution of the conflict. In 1999, they agreed on four basic principles for a "preliminary document". In 2000, this document was signed by both

6 Cf. OSCE, *Survey of OSCE Field Operations*, cited above (Note 5), p. 84.

7 Cf. Hansjörg Eiff, *The OSCE Mission to Georgia and the Status of South Ossetia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2008*, Baden-Baden 2009, pp. 35-43, here p. 39.

conflict parties in Baden, Austria. Representatives of Russia, North Ossetia, and the OSCE Mission were also present. This “Baden Document” is the largest single step so far taken towards resolving the conflict. While further meetings of the experts did take place, no more progress was made. The last meeting, held in Den Haag in 2003, was the first to end without the signing of a joint concluding document.

One reason for the cooling off in relations can be found in the results of the South Ossetian presidential elections of November and December 2001. The poll, which did not enjoy international recognition, was won by Eduard Kokoity, a businessman with Russian citizenship. He adopted a hostile approach to Georgia, and failed to act against smugglers.

This latter fact is significant because the economic structures prevailing within the conflict zone were partly responsible for the lack of substantial progress towards achieving a political resolution and resolving the status of South Ossetia during the years of relative peace between the end of the war and the start of the new millennium. On both sides of the conflict line, there was simply too much profit to be made from the smuggling of goods. For the population of economically devastated South Ossetia, in particular, the illegal trade in petrol and agricultural products became a key means of making a livelihood. A network developed between Russia, South Ossetia, and Georgia that, thanks to its criminal basis, was of questionable value for the security of the conflict region.⁸

During this period, it became clear that an international mission with limited means to impose sanctions or offer incentives has little chance of achieving any progress if the conflict parties are not willing to co-operate. Above all, it will have little chance of achieving anything as long as parties such as South Ossetia stand to gain from the continuation of the status quo, which sees them inching gradually towards de facto secession as the years pass. The South Ossetian leadership was thus not only blocking efforts to resolve the conflict, it had also learned to exploit differences between the various factions within the Russian leadership involved in Caucasus policy.⁹

Russia as Mediator and Actor in the South Caucasus

Russia was never merely a mediator. The Kremlin continues to consider Russia’s neighbouring states to constitute a sensitive zone in which it can assert its privileged interests. It has cast itself in the role of protector of separatist regions and aggressively pursues its security interests in the Caucasus. This

8 Cf., e.g. Roy Reeve, The OSCE Mission to Georgia and the Georgian-Ossetian conflict: An overview of activities, in: *Helsinki Monitor* 1/2006, pp. 57-68; Marietta König, The Georgian-South Ossetian Conflict, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 237-249, here: p. 244.

9 Cf. Eiff, cited above, (Note 7), p. 36; interviews with OSCE staff.

became clear during the war in Chechnya, for instance, when the Russian government strongly accused Georgia of harbouring Chechen rebels and Islamic extremists. Moscow pursued its demands for a joint military operation on Georgian territory forcefully, introducing a visa requirement for Georgian citizens in 2000, for instance.¹⁰ In 2002, Russia bombed the Pankisi Valley in north-east Georgia.¹¹ It is inhabited by Kists, a people related to the Chechens. Many Chechens took refuge there during the war. On the request of Georgia, the OSCE reacted by expanding its Mission: In December 1999, the Permanent Council established the Border Monitoring Operation (BMO) at the Chechen section of the Georgian-Russian border, which was later extended to take in the Ingushetian and Dagestani sections of the Georgian-Russian frontier. After Russia voted in 2004 in the OSCE Permanent Council against extending the BMO mandate, the Mission ran training programmes for Georgian border troops and border police.

In its status reports, the OSCE Mission succeeded in refuting many accusations put out by Russia. However, the leading OSCE expert Victor-Yves Ghebali criticized the Organization in 2004 for failing to react to the attempted intimidation by the then Russian President, Vladimir Putin, in 2002. He had threatened to apply “Russia’s legitimate right to self-defence” on Georgian territory. According to Ghebali, it was the determined opposition of the US government that ultimately stopped Russia from marching into Georgia, not the OSCE.¹²

Russian Military Bases on Georgian Soil

Ghebali criticized as similarly half-hearted the OSCE’s policy regarding the Russian troops that had remained in Georgia after the disintegration of the Soviet Union. Russia had agreed to a reduction of troops and equipment at the OSCE Summit in Istanbul in 1999. However, the relevant negotiations between Georgia and Russia became bogged down. The last Russian soldiers only finally withdrew from Georgian-controlled territory in 2007. The role of the OSCE Mission here was to offer both parties a forum for dialogue without taking sides itself. Projects implemented by the OSCE Mission that were aimed at the neutralization and decommissioning of Cold War remains such as rocket fuel and obsolete weapons were deemed a success.¹³

10 Cf. Hans-Georg Heinrich, OSCE Conflict Management in Georgia: The Political Context, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 211-215, here: p. 213.

11 Cf. Volker Jacoby, The OSCE Mission to Georgia, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 163-170, here: p. 165.

12 Cf. Victor-Yves Ghebali, The OSCE Mission to Georgia (1992-2004): The failing art of half-hearted measures, in: *Helsinki Monitor* 4/2004, pp. 280-292, here: pp. 288-289.

13 Cf. Jacoby, cited above (Note 11), p. 166.

In view of the fact that the OSCE has been engaged in a process of transformation since the end of the Cold War, and given that securing a consensus among 56 participating States is no easy matter, Victor Dolidze gives a positive evaluation of the work of the OSCE in the withdrawal of Russian troops from Georgian territory.¹⁴ Dolidze was Georgia's ambassador to the OSCE from 2005 to 2008. He also considers that the deployment of election observers was very helpful to Georgia.

The Role of the OSCE in the So-Called Rose Revolution

One of the most momentous elections in recent Georgian history was that of a new parliament on 2 November 2003. As a result of massive corruption, years of political stagnation, and deteriorating living conditions, President Shevardnadze found himself facing growing mistrust and criticism among the population. There was a widespread expectation that he and his party colleagues would use systematic fraud to retain power at least until the 2005 presidential election.

There was therefore great scepticism among international organizations and diplomats in Tbilisi as to whether the Georgian leadership under Shevardnadze could be persuaded to refrain from vote rigging. The OSCE's options for intervention were restricted by the fact that the Organization was in the country at the invitation of the Georgian government. Nonetheless, the possibility of creating a counterweight to the existing power structures by strengthening civil society was recognized, with the proviso that "while this may involve a certain amount of subversion, it is vital that it be carried out impartially".¹⁵ Civil society structures were already in existence: The small but powerful youth movement *Kmara* ("Enough") emerged in the spring of 2003. It was associated with Mikheil Saakashvili's United National Movement. In contrast to claims made by Shevardnadze's government, neither was funded by Russia, but by organizations such as George Soros's Open Society Institute (OSI), USAID, and the National Democratic Institute (NDI).¹⁶

On the day after the election, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) played a key role in the evaluation of proceedings.¹⁷ Its conclusions were unambiguous: Even though significant pro-

14 Interview carried out by e-mail on 16 April 2010.

15 Jacoby, cited above (Note 11), p. 169.

16 Cf. Lincoln A. Mitchell, *Uncertain Democracy. U.S. Foreign Policy and Georgia's Rose Revolution*, Philadelphia 2009; Matthew Collin, *The Time of the Rebels. Youth Resistance Movements and 21st Century Revolutions*, London 2007, pp. 61 ff.

17 Cf. Mitchell, cited above (Note 16), pp. 44-45, 147. According to Mitchell, the Open Society Institute contracted the US-based Global Strategy Group (GSG) to carry out election observation and conduct a follow-up survey (p. 57); USAID financed the independent Georgian International Society for Fair Elections and Democracy (ISFED) and the NGO Georgian Young Lawyers Association (GYLA), which also carried out election observation (p. 45). The entrepreneur Erosi Kitsmarishvili also paid for exit polls. Though numerous incidents were noted on polling day and official results differed considerably

gress could be observed in several aspects of the electoral process, a number of commitments attached to OSCE participation had not been fulfilled and nor had other international standards. Inaccuracies in the voter list had impinged upon universal and equal suffrage and lessened voters' confidence in the state authorities.¹⁸ After the bloodless revolution of 22 November 2003, the OSCE and its international partners needed to react quickly. Early presidential elections were called for 4 January, and a new parliament was set to be elected on 28 March 2004 – also ahead of schedule. The newly elected government under Saakashvili also set about implementing a programme of rapid reforms.

ODIHR observed that “notable” progress had been made at the presidential election in comparison to earlier elections, with “commendable” progress being observed at the parliamentary poll. In view of the situation after the events of November, however, the election observers' reports noted that the consolidation of the democratic electoral process could only be fully tested in later elections in which there was more political competition.¹⁹ That ODIHR was right to be sceptical became clear in the 2008 pre-term presidential and parliamentary elections. They showed that the opposition was at a disadvantage compared to the governing National Movement and President Saakashvili, as a result, for example, of the use of state funds.²⁰

After the regime change of 2003, the important thing was rather to support the implementation of democratic reforms, for which there was no longer a shortage of international assistance. Instead there was competition, which produced an increased need for co-ordination between the various

from those of independent organizations, Shevardnadze was not prepared to allow a recount or to make any other concessions. This made it possible for the opposition to mobilize enough people to bring about his peaceful overthrow (p. 61).

- 18 Cf. OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament, International Election Observation Mission, Parliamentary Elections, Georgia – 2 November 2003, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 3 November 2003, p. 1, at: <http://www.osce.org/odihr/elections/georgia/13138>.
- 19 Cf. OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament, International Election Observation Mission, Presidential Election, Georgia – 4 January 2004, *Statement of Preliminary Findings and Conclusions*, Tbilisi 5 January 2004, p. 1, at: <http://www.osce.org/odihr/elections/georgia/19598>; OSCE ODIHR/OSCE Parliamentary Assembly/Council of Europe Parliamentary Assembly/European Parliament International Election Observation Mission, Repeat Parliamentary Elections, Georgia – 28 March 2004, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 29 March 2004, p. 1, at: <http://www.osce.org/odihr/elections/georgia/27650>.
- 20 Cf. Council of Europe Parliamentary Assembly/OSCE Parliamentary Assembly/OSCE ODIHR/European Parliament/NATO Parliamentary Assembly, International Election Observation Mission, Georgia – Parliamentary Elections, 21 May 2008, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 22 May 2008, pp. 2, 4, at: <http://www.osce.org/odihr/elections/georgia/32017>; Council of Europe Parliamentary Assembly/OSCE Parliamentary Assembly/OSCE ODIHR/European Parliament, International Election Observation Mission, Georgia – Extraordinary Presidential Election, 5 January 2008, *Statement of Preliminary Findings and Conclusions*, Tbilisi, 6 January 2008, pp. 1, 5, at: <http://www.osce.org/odihr/elections/georgia/30206>.

international organizations.²¹ There was intense co-operation between the OSCE, the UNDP, the UNHCR, and the EU, the latter being the major donor institution in Georgia for economic rehabilitation projects in South Ossetia. At an OSCE donor conference in June 2006, during the Belgian Chairmanship, the participating States pledged ten million euros for technical aid projects.²²

The Deteriorating Situation in the Ossetian-Georgian Conflict Area from 2004

If the change of regime in Tbilisi initially led to hopes of an improvement in Georgia's democratic development, it soon became clear that tensions with the conflict regions were increasing under Saakashvili's government. In January 2004, before he was even sworn in as president, Saakashvili declared the restoration of Georgia's territorial integrity to be his life's goal, promising to do his "utmost".²³

After the government in Tbilisi had brought the region of Ajaria, which lies on the Black Sea coast, in the south-west of the country, under its control without violence, it turned its attention to the conflict in South Ossetia. Offering a considerable degree of autonomy, Tbilisi focused on dialogue and economic incentives as a way of combating the "Russification" of the region, which Russia had encouraged by waiving the visa requirement for South Ossetians, granting them Russian passports, and promising to pay pensions.²⁴

However, these attempts at tightening links were thwarted by the deployment of Georgian Interior Ministry troops in May 2004. They established checkpoints and blocked roads, which led to the collapse of the smugglers' market located between the Georgian village of Ergneti and the South Ossetian capital of Tskhinvali, which was run jointly by South Ossetians and Georgians. The South Ossetian reaction was violent, and the heaviest fighting since the start of the ceasefire broke out. The deployment, which the Geor-

21 Cf. author's interviews with staff of international organizations. Cf. also Levan Mikeladze, Georgia and the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 93-104, here: p. 93, 95; on co-operation with the UN in the Abkhazia conflict resolution process, see also Heidi Tagliavini, Conflict Prevention and Conflict Management in Georgia – The Activities of a Personal Representative of the OSCE Chair, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 201-210, here: pp. 208-209.

22 Cf., Marietta König, Not Frozen but Red Hot: Conflict Settlement in Georgia Following the Change of Government, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 85-96, here: p. 88.

23 Georgia Has a New President, in: *Civil Georgia*, 25 January 2004, at: <http://www.civil.ge/eng/article.php?id=6098>. Over the years, it became evident that Saakashvili's close leadership circle contained both reasonable politicians and hardliners and that the president was sometimes closer to one faction, sometimes to the other.

24 Cf. König, cited above (Note 8), p. 239.

gian government had initially declared was an attempt to generate stability and economic growth, was condemned by the South Ossetian leadership as “pure provocation” and by Russia as endangering efforts to resolve the conflicts in Georgia. As a consequence, regular shipments of military equipment began to be transported from North Ossetia into South Ossetia via the Roki Tunnel. This negated the successes of the small arms decommissioning programme run by the OSCE Mission together with the JPKF, which had offered funding for local microprojects in return for the relinquishment of such weapons. The tensions in the summer of 2004 also prevented the establishment of a South Ossetian-Georgian joint police centre in Tskhinvali. From this point on, explosions, gunfights, and abductions became regular occurrences.

On Russia’s initiative, a meeting of the JCC was held in Moscow on 30 June. Georgia called for the deployment of more OSCE military observers and the creation of an observation post at the Roki Tunnel to stop the runaway cross-border trade in arms. The latter proposal was not implemented in the lifetime of the Mission. Both the Georgian and the South Ossetian sides accused the OSCE of achieving nothing by relying on monitoring and reporting alone.²⁵ Nevertheless, in the summer of 2005, the OSCE Mission did succeed in persuading Georgia to close a training camp for reservists that had been established in the conflict zone in 2004.²⁶

In subsequent years, the situation in the Georgian-Ossetian conflict zone deteriorated, as did relations between Russia and Georgia. Georgia’s negotiation offers were treated with growing scepticism by both South Ossetia and Russia. While Georgian attempts to mediate, such as the overtures made by the then minister for conflict resolution issues, Giorgi Khaindrava, and then prime minister, Zurab Zhvania,²⁷ were welcomed, they were not taken seriously, as the principle actor was believed to be the Georgian Interior Ministry. Again and again, Georgian security forces were observed to be on the move in the conflict zone, disguised as tax or financial police. This was increasingly the case after Dmitry Sanakoev²⁸ established a separatist adminis-

25 Ibid. p. 248.

26 Cf. Reeve, cited above (Note 8), p 62.

27 This is also true of Irakli Alasania, who was responsible for relations with Abkhazia. He was, however, relieved of this task in June 2006 and sent to New York as Georgia’s permanent representative to the UN. Zhvania died in 2005 in an accident with a faulty gas heater, which has not been explained to this day. Khaindrava was deposed in July 2006. He later claimed that he had seen plans for a military campaign in the possession of the then deputy minister for security, Gigi Ugulava. Cf. de Waal, cited above (Note 3), p. 202. Minister for defence Irakli Okruashvili apparently also had plans for a military intervention in South Ossetia. Cf. Ronald D. Asmus, *A Little War that Shook the World: Georgia, Russia, and the Future of the West*, New York 2010, pp. 79-80, 172. Okruashvili resigned in November 2006 and is currently attempting to organize opposition to the government from Paris.

28 A presidential election was held in South Ossetia in November 2006. While Eduard Kokoity won in towns or villages inhabited by South Ossetians, the former South Ossetian prime minister, Dmitry Sanakoev, who had been asked to stand by the Georgian government, won the support of the Georgian villages in a parallel poll. Sanakoev resided

tration for the Georgian villages in South Ossetia in 2007. Abkhazia and South Ossetia were concerned at the fact that Georgia was spending more each year on arms and the security forces.

At the same time, it became ever clearer that the conflicts over Abkhazia and South Ossetia could not be separated from developments in the international arena. The positive reaction of many West European states and of the US to Kosovo's efforts to achieve independence had a particularly critical effect. One result was to damage the Abkhazian and South Ossetian conflict resolution processes with Russia and South Ossetia no longer recognizing agreements that had been negotiated previously.²⁹ Experts also consider the establishment of Georgian parallel governments in the Abkhazian Kodori Valley³⁰ and South Ossetia to be an attempt by the government in Tbilisi to make the recognition of the two territories by Russia more difficult.

Tensions were further ratcheted up as a result of Georgia's strongly pro-Western orientation, including its desire for NATO membership. The Georgian government exacerbated this by painting Russia in an anti-Western light. It believed that it had the support of the US government under George W. Bush, which was vehement in its support of Georgia's wish to join NATO. As a step towards NATO membership and in preparation for participation in operations in Iraq, Georgian troops were trained by the US army.³¹ For its part, Russia fanned the flames not only with words but also by moving steadily towards recognizing the independence of both Abkhazia and South Ossetia. Moreover, in the spring of 2008, Russia deployed additional troops in Abkhazia, and a number of incidents occurred that stoked fears of an open military confrontation. In retrospect, 2004 can be seen as the start of the escalation that ended in war in 2008.

The OSCE Mission under Pressure to Act

The initial escalation in South Ossetia and Abkhazia placed the OSCE under pressure and exposed the limitations of its freedom to act more starkly than in previous years. In the ever more heated atmosphere that prevailed in the

at the time in Kurta, a village a few kilometres north of the South Ossetian capital, Tskhinvali.

29 Cf. Marietta König, *The Effects of the Kosovo Status Negotiations on the Relationship Between Russia and the EU and on the De Facto States in the Post-Soviet Space*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 37-50, here: p. 44.

30 In 2006, in an operation targeting the leader of a criminal gang, Georgian security forces had occupied the upper Kodori Valley, which they designated a district of Georgia and renamed "Upper Abkhazia". The previously existing Abkhazian government in exile, which represented the Georgians that had fled Abkhazia, moved its seat there.

31 The first US soldiers came to Georgia on Shevardnadze's invitation as early as 2002 to train Georgian security forces, who carried out operations in the Pankisi Valley against alleged North Caucasian fighters and Islamic extremists. This was Georgia's reaction to Russian allegations that the government in Tbilisi supported terrorism.

spring of 2008, the Mission's primary task was to provide the best possible information on developments in the Georgian-South Ossetian conflict zone. For this purpose, the Mission could at the time deploy eight unarmed military observers – three in the office in Tskhinvali that had been opened in 1997, and five in the Georgian sector of the conflict zone. The OSCE agreed upon the deployment of an additional nine observers, but this was rejected by South Ossetia. The eight observers were faced with several hundred Russian, South Ossetian, and Georgian peacekeeping troops. The Russian and South Ossetian units had the advantage over the OSCE of being able to look down upon the plains around Tskhinvali and the Georgian villages on both sides of the border from the South Ossetian mountains. The OSCE observers carried out patrols within the conflict zone. They were, however, not allowed to travel north of Tskhinvali to the Roki Tunnel. When violent incidents occurred, the observers were generally invited by JPKF headquarters in Tskhinvali to take part in joint inspections. These usually took place hours later and were often already attended by mine clearance units. Co-operation with the Russian commander of the JPKF, Marat Kulakhmetov, functioned well, including in the exchange of prisoners between the conflict parties.

One problem that emerged was the growing difficulty, particularly after 2004, in distinguishing regular Georgian and South Ossetian members of the peacekeeping forces from other security forces. Both sides circumvented the regulations governing the permissible numbers and equipment of armed units within the conflict zone by declaring them to be police: militia members in the case of South Ossetia, financial and tax police in Georgia's case. This issue was raised by OSCE observers at JCC meetings, particularly during Roy Reeve's tenure as Head of Mission, but no agreement was ever reached. Russia wanted a package deal that included a declaration of non-violence from Georgia, but this ultimately proved unacceptable to the Georgian side. As a further consequence of the difficulty of distinguishing peacekeeping forces from other forces, particularly on the South Ossetian side, it must also be assumed that the peacekeeping troops were increasingly failing to perform their actual stabilizing function and were instead becoming ever more involved in the armed incidents. Georgian and South Ossetian peacekeepers are said to have been involved in firing incidents as early as the clashes of 2004.³² Similar events were reported in July 2008.³³ Georgia withdrew its personal from the JPKF's joint headquarters in Tskhinvali on several occasions, in the last instance immediately before the outbreak of open fighting on 7 August 2008. This was all the more serious given that JPKF headquarters was the last place where the conflict parties could meet. The Georgian government had left the JCC in early March 2008, as it was no longer willing to negotiate in a forum whose composition placed it at a disadvantage. Tbilisi

32 Cf. König, cited above (Note 8), p. 249.

33 Cf. OSCE Mission to Georgia, *Spot Report: Firing incident in Sarabuki in the zone of the Georgian-Ossetian conflict 31 July 2008*, SEC.FR/402/08, 1 August 2008 (restr.).

insisted upon a 2+2+2 format, with the inclusion of Sanakoev's Georgian parallel government in South Ossetia as a separate participant, together with the EU and the OSCE as negotiating partners, opposite the Russian and South Ossetian representatives. The South Ossetian side refused to talk with Temuri Yakobashvili, following the redesignation of his position in the Georgian government as "minister for reintegration", thus making clear that the goal of the Georgian government was the reintegration of Abkhazia and South Ossetia.

By the summer of 2008, therefore, the conflict resolution mechanisms negotiated in Sochi in 1992 were looking increasingly threadbare, and the OSCE Mission had lost a major factor underpinning its mediation activity. The situation was aggravated by the increasing hostility of the South Ossetian leadership towards the OSCE, as communicated by the RES press agency operated by the South Ossetian Press and Information Committee in Tskhinvali. In April 2008, the OSCE was accused, among other things, of having been directly involved in a fire fight.³⁴ Hand grenades were also thrown at OSCE vehicles in June 2008.³⁵ The OSCE Mission attempted to placate the South Ossetians' growing mistrust by arranging a number of events that would facilitate direct contacts. Yet the Georgian side was making life increasingly difficult for the OSCE, blocking, for instance, the transport of building materials to South Ossetia for use in infrastructure projects such as repairing schools, by insisting on proof that the material could not be misappropriated for military purposes. Nonetheless, this did not stop Yakobashvili, the reintegration minister, from describing the OSCE's infrastructure and economic projects in the conflict zone as successful in retrospect.³⁶

Intensification of Mediation Efforts in the Run-Up to War

In the midst of these growing tensions in the conflict zone, both the Russian side and the OSCE attempted to re-establish direct contact between the South Ossetian and Georgian conflict parties. The Finnish OSCE Chairmanship, Head of Mission Terhi Hakala, and Special Envoy Heikki Talvitie all tried to arrange a meeting of the conflict parties for July/August 2008 in Helsinki. But this was undermined by the South Ossetian side in particular, by means of requests for changes of venue and format.³⁷ In early July 2008, members

34 Cf. OSCE Mission to Georgia, Activity Report No. 07/04, 1-15 April, SEC.FR/185/08, 18 April 2008 (restr.).

35 "The OSCE cars were targeted deliberately already in June (with under barrel grenades), which happened for the first time." Terhi Hakala in an email interview with the author on 4 June 2010.

36 The comments were made at a working lunch held by the Bertelsmann Foundation in Berlin on 25 March 2010.

37 "We proposed every possible format and venue. The CiO [Chairman-in-Office] had invited the parties to Helsinki for informal talks in July/August 2008. None of these proposals were acceptable for the South Ossetian side." Hakala, cited above (Note 35).

of a number of OSCE delegations in Vienna spent several days in Georgia. On the invitation of Georgia's OSCE ambassador, Victor Dolidze, delegation specialists with responsibility for arms control also took part.

At the same time, an unusually large number of diplomatic efforts had been launched for a country as small as Georgia to try to cool down the heated atmosphere that had prevailed since the NATO summit in April. Among those who travelled to Georgia were the US secretary of state, Condoleezza Rice, and the German foreign minister, Frank-Walter Steinmeier. The latter presented a peace plan for Abkhazia and tried to win support for a meeting between Abkhazian and Georgian representatives in August in Berlin.

Towards the end of July, as tensions began to rise rapidly in the Georgian-South Ossetian conflict zone, international diplomatic efforts more or less came to a standstill. There are several explanations of why that was. One the one hand, it was widely and firmly believed that Georgia, in particular, had been warned in no uncertain terms against intervening militarily in the conflict regions and assured that it would receive no support if it did. This was stressed again and again by US diplomatic representatives, in particular, when they looked back on the run-up to the conflict. Nonetheless, the close personal ties between the Bush and Saakashvili administrations and the many informal channels linking Washington and Tbilisi made it difficult to communicate a clear and unambiguous US position.³⁸

Among those involved in mediation, there was a feeling of certainty that, after a break, the negotiation offers could be presented to the conflict parties again with greater prospects of success. In addition, in late July/early August, more attention was still focused on Abkhazia, where the most serious violence had occurred in the spring and early summer. The increasingly urgent warnings that were being given by the OSCE Mission and others³⁹ with regard to South Ossetia also appear to have failed to register against the background of months of mutual accusations by Russia, Georgia, and South Ossetia. Incidents at the South Ossetian border were commonplace at the time of year. Moreover, the summer period meant that many people were on

38 Cf. Alexander Cooley/Lincoln A. Mitchell, No Way to Treat Our Friends: Recasting Recent U.S.-Georgian Relations, in: *The Washington Quarterly* 1/2009, pp. 27-41, here: p. 35. According to Ronald D. Asmus, there was also a misunderstanding between US President George W. Bush and Georgia's President Saakashvili over the conditions for US military support, which had to be cleared up by Sweden's foreign minister, Carl Bildt, and US ambassador John Tefft; cf. Asmus, cited above (Note 27), p. 143. The US government did not comply with the wishes of the Georgian government, for instance, by delivering Stinger missiles; cf. *ibid.*, p. 151. Instead, Georgia strengthened its defensive capabilities with the help of Ukraine and Israel; cf. *ibid.*, p. 142.

39 The Russian and Georgian governments gave ever stronger warnings of the risk of a military conflict. Reports in Russian and South Ossetian media spoke ever more frequently of the likelihood of Russian troop deployment and Georgian military action. On 29 July, the OSCE warned that the situation was extremely tense, and the slightest provocation could lead to fighting, even among the peacekeeping troops. Cf. OSCE Mission to Georgia, cited above (Note 33).

holiday, often abroad, including leading Georgian politicians such as Chairman of the Parliament David Bakradze, Minister of Foreign Affairs Eka Tkeshelashvili, Deputy Foreign Minister Giga Bokeria and, until the start of August, President Saakashvili.

Did the Mission Provide the OSCE States with Adequate Information?

After the war, when it came to discussing the extension of the Mission's mandate, Russia was particularly critical of the OSCE. The Finnish Chairmanship was accused of negotiating weakly⁴⁰ and the OSCE Mission to Georgia of being too slow to pass all the information provided by the observers to the delegations in Vienna. The warnings given in the Spot Reports of 29 and 31 July and 4 and 7 August were clear, particularly on 4 August. On 1 August, five Georgian police officers were wounded in an explosion. In the next few hours, a number of people were killed or injured by snipers, in fire fights, and by artillery bombardment. The Mission described these events as the most serious outbreak of violence since 2004. The reports also noted the evacuation of villages of both ethnicities. The Mission warned of an escalation of the situation if the political dialogue between the conflict parties was not rapidly reconvened.⁴¹ On 7 August, the Mission reported a further deterioration in the situation. Starting the previous day, there had been exchanges of fire along nearly the entire line of contact between South Ossetia and Georgia, which had included the use of grenade launchers and artillery. On that same day (7 August), the Mission confirmed the movement of considerable numbers of Georgian troops towards the town of Gori, to the south of the conflict zone. Further troops and equipment were stationed near the conflict zone to the north of Gori. The Georgian peacekeepers had also left JPKF headquarters during the afternoon.⁴² During the night of 7-8 August, the three OSCE observers had to take shelter in the cellar of the OSCE office in Tskhinvali, which came under fire. From that position, they registered artillery, grenade launcher, and exchanges of fire during the night. They were evacuated from Tskhinvali the following day.⁴³

40 For instance, Thomas de Waal writes that Finland's foreign minister, Alexander Stubb, sealed the fate of the JCC without any prospect of a new format when he stated that "I am concerned that the existing negotiating format in the South Ossetian conflict has not been conducive to the resolution of the conflict. It is time to explore possibilities for a new negotiating format that would be acceptable to the parties to the conflict." Cited in de Waal, cited above (Note 3), p. 210.

41 Cf. OSCE Mission to Georgia, *Spot report: Latest developments in the zone of the Georgian-Ossetian conflict*, 4 August 2008, SEC.FR/406/08, 4 August 2008 (restr.).

42 Cf. OSCE Mission to Georgia, *Spot Report: Update on the situation in the Georgian-Ossetian zone of conflict*, 7 August 2008, SEC.FR/420/08, 7 August 2008 (restr.).

43 Controversial statements made by OSCE observers and printed in the New York Times on 6 November 2008 (<http://www.nytimes.com/2008/11/07/world/europe/07georgia.html>) questioned the Georgian government's portrayal of events. Tbilisi had claimed that, following the declaration of a unilateral ceasefire by President Saakashvili at 7 p.m. on

The reports of the military observers were initially processed by the political officers in Tbilisi before being forwarded to Vienna, where they were distributed to the delegations. As well as distributing the Spot Reports, the OSCE Mission gave regular briefings to diplomats in Tbilisi, and answered telephone inquiries. Nor was the OSCE the only international actor to register the developments in Georgia. For instance, US army trainers noted that the Georgian soldiers did not appear for instruction on the morning of 7 August as arranged.

Despite the growing escalation in the conflict zone, attempts to mediate continued on 7 August: The Russian special envoy Yuri Popov met Yakobashvili in Tbilisi. Though Yakobashvili failed to meet with the South Ossetian leadership on that day, a meeting was arranged to take place in Tskhinvali the next. In the evening, the OSCE Head of Mission, Tehri Hakala, contacted the South Ossetian leadership, and the OSCE Chairperson-in-Office, Finland's foreign minister, Alexander Stubb, spoke with the Georgian foreign minister, Eka Tkeshelashvili.⁴⁴ Hence, while there was much concern at the situation in the conflict zone, there was also some confidence that things would calm down once again. The Georgian troop deployment was considered a bluff that aimed to force the South Ossetian side to make compromises at the negotiation table. In rational terms, the command to attack Tskhinvali, which was given by Mikhail Saakashvili on 7 August, was considered impossible. It was clear that the Georgian forces would not be able to withstand a Russian response.

Negotiation Efforts: Trailing in the EU's Wake

On 9 August, several OSCE representatives travelled to Tbilisi, including Special Envoy Talvitie and Head of Mission Hakala. On the following day, both Finland's foreign minister, Alexander Stubb, and France's foreign minister, Bernard Kouchner, arrived in the Georgian capital. The OSCE was involved in the efforts to secure a ceasefire agreement between Russia and Georgia. However, the leadership role in this initiative was assumed by France, which held the EU Presidency. The Russian side preferred to negotiate with the EU rather than the OSCE, of which it had been consistently critical. On 19 August, the OSCE Permanent Council decided to raise the num-

7 August, the villages of Zemo-Nikosi, Prisi and Tamarasheni had come under bombardment from South Ossetian forces. The official Georgian view was that the Georgian army had intervened to protect the villages. In the OSCE observers' version of events, from their position in a cellar, they had heard no explosions prior to the start of the Georgian operation at 11:35 p.m., although the villages mentioned lie very close to Tskhinvali. The Spot Report covering this period states that the ceasefire lasted for several hours, until a further exchange of fire was again reported at 10 p.m. Tskhinvali came under heavy fire shortly before midnight, probably including Grad rockets. The OSCE office was among the buildings hit.

44 Source: Interview with Hakala, cited above (Note 35).

ber of military observers to 100, and 20 were dispatched immediately.⁴⁵ They were, however, not permitted to patrol within South Ossetia. To the end of 2008, the number of observers remained no higher than 28. Following its recognition of the independence of South Ossetia and Abkhazia, Russia demanded the establishment of separate missions for South Ossetia and Georgia. While it proved possible to reach minor agreements in negotiations on the question of the format, Russia nonetheless ultimately insisted on a strict separation between the missions and limited freedom of movement for the observers. That was unacceptable to the majority of OSCE participating States, and to Georgia in particular. Furthermore, by revoking the Sochi Agreement of 1992, Georgia effectively removed the Mission's mandate, which promptly expired on 31 December 2008, and the last staff members finished their work on 30 June 2009.

What Remains?

Under its Greek and Kazakh Chairmanships, the OSCE has continued to make an effort to establish a new presence in Georgia, which would be desirable above all in view of domestic developments. The Georgian government is also open to the idea of a new presence.⁴⁶ So far, however, there have been only regular visits by OSCE staff to Georgia. Many former OSCE Mission Members moved to the newly established EU Mission (European Union Monitoring Mission, EUMM), which patrols on the Georgian side of the Administrative Boundary Line (ABL) and took over the monitoring of the conflict regions. In July 2010, some 26 former OSCE staff members were employed at EUMM headquarters in Tbilisi alone. Their great experience and, above all, their knowledge of how the conflict appears from the South Ossetian side of the conflict zone are of enormous value to the new mission.

Even if Russia, South Ossetia, and Abkhazia refuse to allow the EUMM to patrol in the separatist regions, it still has advantages over the OSCE Mission, which exhausted itself and lost the prestige it once had in its many years of ultimately futile efforts to resolve the conflicts. It was the EU that first succeeded in persuading Saakashvili to give an assurance – at least to the Union – on the renunciation of violence in 2008.⁴⁷ In additional Memoranda

45 Cf. OSCE Permanent Council, *Decision No. 861, Increasing the Number of Military Monitoring Officers in the OSCE Mission to Georgia*, PC.DEC/861, 19 August 2008.

46 As stated by reintegration minister Temuri Yakobashvili at a working lunch held by the Bertelsmann Foundation in Berlin on 25 March 2010, cited above (Note 36).

47 At the EU Parliament in Strasbourg on 23 November 2010, Saakashvili gave Russia his assurance that he did not intend to use violent means to regain control over South Ossetia and Abkhazia. He stated that letters containing corresponding statements would be sent to the EU, the OSCE, and the UN. A declaration of the renunciation of violence has been a topic at the Geneva Discussions for a considerable while (see below). But while Russia has insisted that Georgia enter into an agreement of this kind with Abkhazia and South Ossetia, Georgia has not been willing to recognize the territories' independence by doing so.

of Understanding with the Georgian Interior Ministry and Defence Ministry, it was agreed that a corridor along the ABL with South Ossetia would be established in which Georgia would refrain from stationing heavy military equipment. This makes monitoring the boundary line easier, and serves to defuse accusations made by the South Ossetian and Russian side. Via the deployment of 250 monitors and three field offices in Mtskheta, Gori, and Zugdidi, the EUMM has been able to send out larger and more frequent patrols than the OSCE. With the support of the EUMM and the OSCE, the conflict parties meet near the boundary line at irregular intervals, as they did on 28 October in Ergneti near the South Ossetian border line. These meetings take place as part of an Incident Prevention and Response Mechanism, within the scope of which it was also agreed to establish telephone hotlines for the exchange of information.

Apart from that, the stability of both conflict regions can be attributed to post-war exhaustion and the monitoring of the Abkhazian and South Ossetian sides of the borders by troops of the Russian ministry of foreign affairs.

Together with the EU and the United Nations, the OSCE has taken part in the Geneva discussions on long-term conflict settlement between Russia, Georgia, Abkhazia, and South Ossetia. Here, too, the OSCE contributes a wealth of experience gained in many years of negotiations. The EU Special Representative for the crisis in Georgia, Pierre Morel, stated that there was benefit to be gained from the experiences of the OSCE and UNOMIG.⁴⁸ While little has so far been achieved beyond determining the format for negotiations, the conflict parties are at least sitting at the negotiation table again and addressing each other's accusations directly. The presence of the OSCE and the United Nations in the talks may help to ensure that mistakes already made in the conflict resolution process will not be repeated and that the whole process does not ultimately run up another dead end.

48 Interview on 18 January 2010 in Brussels.

Damaged Prospects/Damaged Dialogue in Ukraine and Crimea: The Current Situation in Ukraine and Future Co-operation with the OSCE

The opportunities and requirements for co-operation between the OSCE and Ukraine are largely determined by the latter's domestic situation. This situation, the result of the events of the last five years, can be described in terms of four essential elements. *First*, a deep political disaffection among the public following the abandonment of the democratic goals of the 2004-2005 Orange Revolution. *Second*, ongoing attempts to formulate a concept of Ukrainian identity that would unite the multiethnic country by including both the Ukrainian titular nation and the non-Ukrainian ethnic minorities. Ukraine remains riven by deep ethnic divides. Denominational differences between and within the ethnic groups strengthen this. In some regions, such as Crimea, the problem is particularly clear. *Third*, poor governance and corruption, which have been exacerbated by the economic and financial crises since 2008 and the country's dependence on foreign trade, particularly the import of energy and raw materials. These factors have conspired to rob Ukraine temporarily of the prospects of a democratic, European renewal and an economic revival. *Fourth*, these problems implicitly endanger the security of the Ukrainian state. Ukraine is extremely sensitive to both internal and external uncertainties. In the period up to early 2010, domestic instability and unpredictability also damaged Ukraine's potential for external – European and Eurasian – development. The election of a new government in early 2010 created some movement in this frozen picture, particularly with regard to foreign policy.

Damage to Domestic Prospects following the Orange Revolution

The Orange Revolution, which spanned the end of 2004 and the start of 2005, was the defining political event in Ukraine since independence. The damage that has since accrued to its democratic values has led to a lasting disenchantment in intellectual circles and among the country's minority elites. Observers have spoken of a loss of Ukraine's internal potential for renewal.

Note: The author was the deputy head of the OSCE Mission to Ukraine from 1996 to 1999 in which function he represented the Mission in the Autonomous Republic of Crimea. The current contribution was written following a four-week research visit to Kyiv and Simferopol in October 2009, during which around 80 interviews were conducted, and follow-up visits to Kyiv and Lviv in early 2010. The key content of the interviews is presented in the following text.

Furthermore, both the country as a whole and regions such as Crimea are now said to lack a consolidated elite. According to journalists, the kind of independent media that could have contributed to the powers of renewal does not exist. Although freedom of speech and media freedom have improved since 2005, the media landscape has been taken hostage by commercial concerns and corruption. There is almost no serious journalistic analysis or investigative journalism. Discussions with Ukrainian insiders reveal a feeling that the opportunity for political renewal has been missed, and that there will not be another chance for at least two or three legislative periods, i.e. until the current generation of politicians has retired. Present-day elites are utterly discredited. The replacement of Victor Yushchenko as president by Victor Yanukovich was not expected to bring about a renewal of the disrupted democratization process – at least not on the eve of the elections – though the latter was expected to set new accents in foreign policy.

The Unsuccessful Search for National Identities

The unofficial but nonetheless real search for identity on the part of Ukraine's largest ethnic groups has been politically instrumentalized and emotionally charged more thoroughly in recent years than under Ukraine's first two presidents, Leonid Kravchuk (1991-1994) and Leonid Kuchma (1994-2005). The rigid Ukrainianization policy pursued by the central government under President Yushchenko (2005-2010) served to polarize the ethnic camps rather than bring them together. In nearly two decades of independence, Ukraine has failed to develop an image of Ukrainian identity or national myth that could unite ethnic Ukrainians and the country's minorities as a single nation. On the contrary, ethnic Ukrainians have insisted on maintaining their linguistic and cultural dominance. Ukrainian elites have resorted to traditional policies – particularly restrictive measures – to ensure their predominance in areas such as language, media, education, and administration. Together with incredibly polarizing gestures such as the veneration of controversial figures from Ukrainian history such as Symon Petliura (1879-1926) and Stepan Bandera (1909-1959)¹ or the campaign for international recognition of the 1932/1933 famine (Holodomor) as a deliberate act of anti-Ukrainian genocide perpetrated by Moscow, their main effect has been to create distance between ethnic Ukrainians and Ukraine's other nationalities.

¹ During a visit to Paris in 2005, President Yushchenko laid a wreath on the grave of Symon Petliura. Stepan Bandera was declared a "Hero of Ukraine" by President Yushchenko in January 2010, leading to much heated debate, though the declaration was ruled illegal in April.

A Rigid Policy of Ukrainianization

The inflexible policy of Ukrainianization pursued first under President Kuchma and then even more vigorously under President Yushchenko has served rather to turn minorities away from any possible Ukrainian national idea, if any such thing can be said to have existed in the current period. Important minorities such as the Russians and Crimean Tatars refuse to see themselves as part of a Ukrainian nation, which they believe does not offer them a respectable place in nation building. While they accept Ukrainian statehood and the Ukrainian citizenship of members of their ethnic groups, they often simultaneously regard themselves as belonging to the larger East Slavic people, the Russians, or, in the case of the Crimean Tatars, stress their autochthony. The minorities marginalized by the central government's Ukrainianization policy include more than eight million Russians (ca. 17 per cent of the total population and 58 per cent of the population of Crimea) and some 250,000 Crimean Tatars (ca. twelve per cent of the Crimean population).² Minority representatives describe the situation of their people as "discontented" at best.

Antagonistic Ethnic Identities

The existence of antagonistic ethnic identities has come to be one of Ukraine's central domestic problems. They are particularly critical in areas densely settled by minorities. Such identities develop in separate spheres of perception and are nourished by separate media realities. In this way, post-Soviet Ukraine has become strongly polarized along ethnic lines. This has also had a powerful effect on Ukraine's foreign relations, and has been influenced by countries abroad. It will continue to be easy to manipulate in the future. Key ethnic groups project their special topics (e.g. status, language, the Crimea question) onto foreign policy issues such as NATO membership or relations with Russia, or derive the former from the latter.

The Ukrainians' Unclear Self-Image

For members of the Ukrainian ethnic group in particular, Ukraine's necessary self-definition as an independent Eastern Slavic state, separate from, if influenced by Russia, is essential to maintaining the distinction between Ukraine and Russia. In this connection, the view, common in nationalist circles in Russia, according to which Russians, "White Russians" (Belarusians), and "Small Russians" (Ukrainians) all belong to an original "Great Russian" people, ultimately challenges both Ukrainian statehood and independence from Russia. The external ethnopolitical pressure that this places on Ukraine

2 Cf. State Statistics Committee of Ukraine, *All-Ukrainian Population Census 2001*, at: <http://www.ukrcensus.gov.ua/eng>.

from the east requires it to give its multiethnic citizens a convincing explanation of what is specifically Ukrainian.

On the other (western) side, Ukraine's loose identification with Europe has barely brought it closer to its European neighbours. Contrary to what is commonly believed, the tension between Eastern Slavic and European elements in Ukrainian identity is not wide enough to lead to a fundamental east-west split. Commentators have claimed that this issue first entered Ukrainian political life from abroad in 2004.

Poor Governance, Political Paralysis

The poverty of governance in Ukraine has recently taken on threatening dimensions. The process of coming to terms with the past that President Yushchenko promised his followers at Kyiv's Independence Square during the Orange Revolution, specifically with regard to the alleged criminal tenure of his predecessor Leonid Kuchma – to whom he personally owed his political career – not only failed to be implemented, there is general agreement that President Yushchenko's wholesale replacement of political and administrative personnel disastrously undermined public administration at all levels. (Moreover, aspects of this policy were also illegal.) Furthermore, president, parliament, and government were locked in a stalemate from 2005, which prevented any of the necessary political or administrative changes being made before the 2010 elections.

None of the major political camps possesses either the will or the other necessary prerequisites to overcome Ukraine's new nepotism and corruption. On the contrary, the corruption of President Yushchenko's regime triggered social and political apathy on a scale that is remarkable even for Ukraine. The regime appeared barely able to deal with basic interethnic, interdenominational, social, economic/administrative, and ideological problems. A number of commentators who have long spoken of precarious statehood and the danger of state collapse do not see President Yanukovich as a significant alternative.

Foreign Policy Prerequisites for Co-operation with Ukraine

Among Ukrainian elites, there is currently much discussion of what they describe as the "loss of European prospects". This refers to the country's relations with the European Union and with NATO, which are entirely different in character.

In discussing the EU, Ukrainian observers note not only that Ukraine's wish to become a member of the Union was rejected by the existing members as late as 2004/2005, but also that no feasible proposal of how Ukraine could take significant steps towards EU convergence has been formulated that could be presented to the Ukrainian public. While the European Union stresses that domestic renewal is the only way towards such convergence, Kyiv counters that no such changes can be undertaken until the prospect of membership and a concomitant roadmap can be presented to the Ukrainian public. There are also those who campaign on the basis of what they see as the slight resulting from the obvious comparison of Ukraine with Romania and Bulgaria, or even Turkey, Albania, and Serbia. Yet this leaves out not only the increasing formalization of relations between the EU and Ukraine achieved via the European Neighbourhood Policy, the Eastern Partnership, the EU-Ukraine Action Plan (2005), and the negotiations over an EU-Ukraine Association Agreement that began in 2007, but also the EU's long-standing willingness to work together with Ukraine to draft a detailed agenda for political association and economic integration. Here, substance and symbolism were (or still are) opposed. Expert observers say that the absence of a promise of membership is equivalent to the absence of a European vision for the country, which leads to discomfort, and makes practical steps more difficult. They claim Ukrainians feel they are being asked to gradually adopt the EU *acquis* without concurrent integration into EU institutions or a proper strategy. While public debate focuses on the headline stories of energy security and the visa regime, there is clearly a lack of willingness and other preconditions for significant change in Ukrainian domestic politics. Instead, departing president Victor Yushchenko continued to formulate anti-EU allegations, as delivered, for example, at the EU-Ukraine Summit in December 2009.

Regardless of the mood in Ukraine, the EU is attempting to enter into constructive, substantive dialogue with the new Ukrainian leadership. President Yanukovich also appears to be keen on more profitable relationships. The Ukrainian foreign minister, Kostyantyn Gryshchenko, explained the new government's basic approach in this area: "European integration remains the primary track of our internal and foreign policy. Integration to the European Union is an important driving force for Ukraine's ambitious domestic reforms."³ The EU has made Ukraine a "priority partner country within the European Neighbourhood Policy". In April 2010, in the midst of the political polemics, the proposal was made that the negotiations on the EU-Ukraine Association Agreement could now be completed in as little as twelve

3 Permanent Mission of Ukraine to the OSCE, *Statement by the Minister for Foreign Affairs of Ukraine H.E. Mr. Kostyantyn Gryshchenko at the Special Permanent Council Meeting of the OSCE*, PC.DEL/618/10, Vienna, 22 June 2010.

months.⁴ The List of the EU-Ukraine Association Agenda Priorities for 2010 outlines the co-operation activities of both sides on 78 items in detail.⁵

Damaged Prospects in NATO Relations

Ukraine's prospects of NATO membership have suffered even more clearly. On this question, there is not even a national consensus: The question of NATO splits public opinion along emotionally charged lines, and the alliance's two rounds of enlargement so far have only served to revive ideological reservations. Among the Russian minority, NATO's armed intervention in Serbia to resolve the case of Kosovo is being widely discussed. The most public demonstration of opposition on the part of Ukraine's Russian minority – and of the Russian Federation – is directed at NATO's presence in the Black Sea area and regularly takes place during the joint "Sea Breeze" manoeuvres.

Ukrainian leadership circles assume that the agreement in principle to Ukraine's membership of NATO that was given in Bucharest in 2008 will remain valid in the long term. (The wording of the statement was "We agreed today that these countries [Ukraine and Georgia] will become members of NATO."⁶) However, neither in Kyiv nor in the major European capitals is there any sign of the necessary political will. Soon after taking office, President Yanukovich announced that he was opposed to NATO membership. In April 2010, in an act whose symbolism was obvious, he dissolved the inter-ministerial commission tasked with preparing Ukraine's NATO membership as well as the National Center for Euro-Atlantic Integration, which was headed by the prominent politician Volodymyr Horbulin. He did, however, also declare that he was in favour of continuing co-operation with NATO. Under President Yanukovich, NATO accession is no longer on the agenda. Speaking in Vienna in June 2010, Foreign Minister Gryshchenko stressed Ukraine's bloc neutrality: "Ukraine is a European non-bloc State that implements transparent foreign policy and strives for cooperating with all interested partners, avoiding dependence on any State, groups of States or international structures."⁷

4 Cf. Ahto Lobjakas, Radio Free Europe/Radio Liberty, *EU Official Says Ukraine Association Talks At Crucial Juncture*, 8 April 2010, at: http://www.rferl.org/content/EU_Official_Says_Ukraine_Association_Talks_At_Crucial_Juncture/2006323.html.

5 Cf. European Commission – External Relations, *List of the EU-Ukraine Association Agenda priorities for 2010*, at: http://ec.europa.eu/external_relations/ukraine/docs/2010_association_agenda_priorities_en.pdf.

6 *NATO, Bucharest Summit Declaration – Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008*, Section 23.

7 Permanent Mission of Ukraine to the OSCE, *Statement by the Minister for Foreign Affairs of Ukraine H.E. Mr. Kostyantyn Gryshchenko at the Special Permanent Council Meeting of the OSCE*, PC.DEL/618/10, Vienna, 22 June 2010.

NATO has nonetheless continued actively to pursue dialogue with Ukraine, publicly stating that co-operation has not been disrupted: “Under President Viktor Yanukovich’s current government, Ukraine is not presently seeking membership of the Alliance, though this has had no practical impact on cooperation with NATO.”⁸

Ukraine’s failure to find a place in either NATO or the Collective Security Treaty Organisation (CSTO) has, to some extent, left it bloc-free but lacking security guarantees. In Ukrainian public discourse, it has long been observed that the only real reference to security guarantees for the country is found in the document known as the Budapest Memorandum (signed in 1994 in connection with Ukraine’s abandonment of the nuclear weapons it had inherited from the Soviet Union), though that document is not binding under international law.⁹ It is also noted, moreover, that Ukraine is hardly in a position to ensure its own military security.¹⁰ Most experts consider Ukraine’s military forces to be in a disastrous condition. Most weapons and equipment are outdated, and the military-industrial complex is uncompetitive. Service personnel are also said to be demoralized. Several serious technical incidents in recent years have demonstrated low levels of training, failures in command structures, and problems with infrastructure. Whether to seek to join NATO or to attempt to maintain neutrality has been a topic of debate in Kyiv for some time.

Damaged Prospects in Relations with Russia

On the other geopolitical side, years of increasing tension in Ukraine’s relations with Russia have also damaged the prospects of co-operation in that direction, even if Moscow is always ready to intensify its relations with Ukraine at a moment’s notice. However, the ethnic Ukrainian elites tend to see Russia primarily as a threat, a factor that calls into question the existence of the Ukrainian state and the Ukrainian nation. This view clearly influenced President Yushchenko’s leadership. Under President Yanukovich, by contrast, Ukraine’s relations with Russia have undergone a shift, not least because he has the support of the majority of Ukraine’s ethnic Russian voters. In June 2010, Foreign Minister Gryshchenko announced to the OSCE that “Our strat-

8 North Atlantic Treaty Organization, *NATO’s relations with Ukraine*, at: http://www.nato.int/cps/en/natolive/topics_37750.htm.

9 Cf. USA, Russia, United Kingdom, *Memorandum on Security Assurances in connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons*, Budapest, 5 December 1994; France, *Statement by France on the Accession of Ukraine to the NPT*, Budapest, 5 December 1994.

10 See Vladimir Gorbulin/Valentin Badrak, *Konkvistador v pantsire zheleznom* [Conquistador in Iron Armour], in: *Zerkalo Nedeli* No. 34, 12-18 September 2009, at: <http://www.zn.ua/1000/1550/67168>, and Vladimir Gorbulin/Aleksandr Litvinenko, *Evropeiskaya bezopasnost: vozmozhnyi put oslabit vyzovy i ugrozy* [European Security: A Potential Way to Mitigate Challenges and Threats], in: *Zerkalo Nedeli* No. 43, 7-13 November 2009, at: <http://www.zn.ua/1000/1600/67675>.

egic partnership with Russia is gaining momentum in all spheres of mutual interest.”¹¹

The Situation in Crimea

Contrary to widespread media speculation, following the events in Georgia in 2008, at a potential crisis in Crimea, the situation on the peninsula is stable, at least superficially. There are no significant political powers in the region that would seek to bring about a sudden destabilization of the internal situation. On the other hand, the Ukrainian government does appear to be presenting the outside world with a sanitized picture of the Ukrainian domestic situation as a whole, and the situation in Crimea in particular. There is quite clearly a desire to avoid foreign political intervention in the country, although the activity of national and international agencies and organizations in the country can be seen to be increasing.¹²

The conflict-prone nature of the peninsula means that its stability is permanently endangered from within as well as susceptible to external influences. Escalations in tension can easily be provoked at any time. It is a simple matter for influences from the Ukrainian mainland, but also from Russia, Turkey, the Arab region, Europe, and the USA, to disrupt the situation in Crimea. This, at least, is how the major political and ethnic powers on the peninsula see the situation. The capacity that the central government still retained under President Kuchma to act as a stabilizing counterbalance to the splintered elites of Crimea no longer exists.

The Trivialization of the Crimean Situation by the Ukrainian Government

In the official view promulgated by Kyiv, Crimea is considered to be stable. This is also the picture that is presented to the OSCE.¹³ The image portrayed to the outside world even stresses the progress made towards integration and admits of only social and economic problems caused by the ongoing economic and financial crisis. While it is conceded that the situation is influenced by regional development gaps, social disintegration, and the increasing isolation of social strata from one another, the peninsula is said to enjoy a culture of tolerance and an absence of any tradition of domination by one

11 *Statement by the Minister for Foreign Affairs of Ukraine H.E. Mr. Kostyantyn Gryshchenko at the Special Permanent Council Meeting of the OSCE*, cited above (Note 7).

12 For instance, an EU Joint Cooperation Initiative in Crimea (JCIC) for 2010-2011 was agreed upon in early 2010.

13 “One doesn’t see significant differences between the situation there few years ago and at present. On the contrary, there have been some positive developments.” Volodymyr Yelchenko, Delegation of Ukraine to the OSCE, *Statement in response to the report of the OSCE High Commissioner on National Minorities Ambassador Knut Vollebaek*, PC.DEL/469/09, Vienna, 19 June 2009.

ethnic group. In various contexts, the government of Ukraine has made abundantly clear that it is opposed to any special consideration of the Crimea question by international organizations such as the OSCE.

Entrenchment of the “Balance of Conflict” in Crimea

Crimea is nonetheless subject to the same interethnic tensions that predominated at the time of the closure of the OSCE Mission in 1999. It could be said that the conflict situation has become entrenched. Strategic goals, perceptions, political slogans, and even the range of day-to-day topics of disagreement between the major ethnic and political camps have shifted only marginally, if at all. At the same time, a gradual escalation of the situation can be observed. This is confirmed by the most recent observations of the OSCE High Commissioner on National Minorities (HCNM), which speak of “increasing radicalization and xenophobia on the peninsula”.¹⁴

Antagonistic Goals of the Ethnic Groups

The strategic goals of the major ethnic groups in Crimea remain incompatible. Russians and Ukrainians continue to struggle for predominance more tangibly than in other administrative regions of Ukraine. Other ethnic groups are also drawn into this inter-Slavic conflict. As always, the Crimean Tatars play the role of a third party between the two sides. They regularly share the views of the Ukrainian central government, and have even supported Ukrainian nationalists in electoral coalitions. They favour European integration and with it a greater distance between Ukraine and Russia.

Also a constant is the Crimean Tatars’ insistence on the transformation of the Autonomous Republic of Crimea into a national-territorial autonomous entity. The Declaration of National Sovereignty made by the Crimean Tatar *Kurultai* in June 1991, states that “Crimea is the national territory of the Crimean Tatar people, on which they alone possess the right to self-determination [...] The political, economic, spiritual, and cultural revival of the Crimean Tatar people is only possible within a sovereign nation state. [...] The land and soil as well as the natural resources of Crimea [...] are the basis for the national prosperity of the Crimean Tatar people and the source of the wealth of all inhabitants of the Crimean peninsula.”¹⁵

The goal of establishing national-territorial autonomy is a central unifying factor for the Crimean Tatar people. It necessarily clashes with the support of Russians and Ukrainians for the preservation of the Autonomous Re-

14 Knut Vollebaek, OSCE HCNM, *Statement to the 765th Plenary Meeting of the OSCE Permanent Council*, HCNM.GAL/7/09, Vienna, 18 June 2009.

15 Kurultai Krymsko-Tatarskogo Naroda, *Deklaratsiya o Natsionalnom Suverenitete Krymsko-Tatarskogo Naroda*, [Kurultai of the Crimean Tatar People, Declaration on National Sovereignty of the Crimean Tatar People], 28 June 1991, at: <http://kro-krim.narod.ru/LITERAT/TATARI/tatdekl.htm> (author’s translation).

public of Crimea as a territorial autonomous entity without ethnic attributes and for maintaining East Slavic predominance – in ethnic terms currently Russian; in terms of statehood, Ukrainian – on the peninsula in the long term.

Kyiv's Ukrainization strategy, on the other hand, is contrary to both the interests of the Russian population in seeing their identity preserved and, in the long term, to the Crimean Tatars' goal of achieving a national revival. The Crimean Tatars are seeking to ensure the return to Crimea of as many of their kinsfolk as possible while fighting nationally and internationally for recognition of their – contentious concept of – autochthony, a matter that is closely related to their demands for national-territorial autonomy.¹⁶ This leads the Crimean Tatars into strategic conflicts of interest with Ukrainians and Russians as well as non-Slavic minorities, such as the Krymchaks and Karaims, who are few in number but also consider themselves to be autochthonic.

Decline of Interethnic and Interdenominational Dialogue

There has been a perceptible decline in dialogue between ethnic and religious groups in Crimea, even if this has not been acknowledged by official sources – quite the contrary. Observers note, however, that the dialogue formats that have existed in Crimea since the 1990s have, for various reasons, either been dismantled or have become trivialized.

Decline of Interethnic Dialogue

Looking at the current interethnic situation in Crimea, it can be seen that a number of formats for interethnic dialogue that were still a feature of the political landscape on the peninsula a decade ago have disappeared.¹⁷ The formats for social dialogue established by the government in the meantime, including the Public Council in the Office of the Chairman of the Council of Ministers or the UNDP-sponsored Human Security Council under the Chairman of the Supreme Soviet of Crimea, cannot replace the interethnic exchange that used to take place, even while it is certainly possible to conceive of ethnic topics being included in a broader public conversation.¹⁸

16 The Ukrainian constitution of 28 June 1996 mentions indigenous peoples under Article 11, but lacks specific detail. The topic remains open. Ukraine abstained on the vote to adopt the UN Declaration on Indigenous Peoples on 13 September 2007.

17 The Association of Ethnic Societies and Communities of Crimea has, for financial and organizational reasons, ceased to exist. There is a successor organization, but it does not appear to be very active. The Interethnic Council of Crimea was dissolved by the authorities and replaced by a Public Council.

18 It is worth noting that a Council of National Minorities' Organizations does exist at state level in which 43 organizations and the State Committee for National Minorities and Religions are currently represented. Analogous bodies exist in all Ukraine's administrative areas (*oblasti*), with the exception of three, including Crimea. A similar council also exists as part of the presidential apparatus, where its role is to communicate government policy to the national minorities.

A number of analysts believe that the reason for the dissolution of these dialogue structures lies in the commercialization of the political discourse on ethnic affairs. There is much interest in “ethno-business” and established ethnic leaderships are concerned primarily with ensuring their own legitimacy. From this point of view, the recent revival of clashes between Crimean Tatars and Slavs is no coincidence. Acts of violence described in detail in the media, such as the demolition of illegally erected Crimean Tatar restaurants on the highest mountain on the peninsula, Ai Petri, street fighting over a market in Crimean-dominated Bakhchisaray, or the appearance of Russian Cossacks, trigger major public disquiet and provide opportunities to make political capital.

Decline of Interdenominational Dialogue

In comparison to interethnic dialogue, interdenominational dialogue in Crimea remains remarkably lively. (At national level, there is also a dialogue within the All-Ukrainian Council of Churches and Religious Organizations, a platform currently shared by 19 denominations.) Discussion between denominational leaders in Crimea has had a moderating effect on escalating political situations on various occasions over the years. However, it must also be noted that the Crimean Interdenominational Council, the highest meeting of leaders of religions held to be historically established in Crimea, whose slogan is “Peace is the Gift of God”, has had no permanent Muslim member for nearly a decade, but had to make do with the sporadic attendance of Mufti Emirali Ablav. The Mufti, who, along with Orthodox Metropolitan Lazarus (Ukrainian Orthodox Church of the Moscow Patriarchate, UOC-MP), was the most important member of this body, explained his resignation in 2000 as a protest against the alleged call for a thousand crosses to be erected on the peninsula to celebrate the Christian Millennium festival and the failure to allow the representative of the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP) to join the Council, which the representative of the Moscow Patriarchate apparently opposed.¹⁹ The council is intended for interdenominational discussion and for conversation with the relevant organs of state. It has a charter, but is not registered with the authorities.

At least as far as the official image it presents to the outside world is concerned, the government in Kyiv believes that major interdenominational conflicts in the country, including Crimea, have largely been overcome. Such is the opinion, for example, of representatives of the State Committee on National Minorities and Religions, which is responsible for these matters. However, this view does not take into account the canonical dispute between the Moscow and Kyiv Patriarchates or other differences between Christian de-

19 From the point of view of the Moscow Patriarchate, the key precondition for admission is absent – the canonical recognition of the UOC-KP by the community of autocephalous and autonomous churches around the Ecumenical Patriarchate of Constantinople, in which the Russian Orthodox Church plays a special role.

nominations. Nor does it acknowledge the growing tensions between the Christian and Muslim sections of the population, and divisions within the Muslim population (see below). A number of commentators even believe that there is currently a displacement of tension going on, from the interethnic to the interdenominational sphere.

It should also be noted that many religious communities are still concerned to ensure the return of property confiscated from them by the Soviet authorities, above all their places of worship. In Crimea, that is true of most of the major denominational communities – from Christians to Muslims to Karaims. Representatives of the affected communities, however, tend to stress that these issues of restitution, over which negotiations have been ongoing for many years now, though key questions, are not irresolvable.

Compared to the restitution issue, the erection of a number of new places of worship, many of them in prominent civic locations, is a matter of great controversy. Muslims are critically observing the building of churches in many areas. At the same time, Christian Slavs have long been sceptically regarding the building of mosques, which has been strongly financed by donations from the Arab world. The officially recognized, quasi-state parallel administration of the Crimean Tatars, the *Mejlis* of the Crimean Tatar People, and the Muftiat under the above-mentioned Mufti Emirali Ablaev are involved in a long-running dispute with Simferopol municipal authorities over the planned erection of a central mosque in Simferopol, whose construction is said to have already been approved. Like many other affairs, this dispute has symbolic significance, and has garnered a great deal of publicity.

Dialogue Between Christian Denominations

Although it has a fairly religious, largely Christian population, Ukraine has no unifying national Christian church. At least five major Christian denominations are involved in disputes of greater or lesser intensity. The government of Victor Yushchenko, with its nationalist tendencies, gave its greatest support to the institutional autonomy of the two most important of the Orthodox churches that are independent of the Moscow Patriarchate – the self-designated UOC-KP under Filaret II, which split from the Moscow Patriarchate during the 1990s, and the Ukrainian Autocephalous Orthodox Church, which is particularly important in the west of the country. (Alongside them, the Ukrainian Greek-Catholic Church, which owes allegiance to Rome, is also significant, also particularly in the west of the country.) The canonicity of the first two is disputed, as they are not recognized by the Orthodox churches of the Byzantine tradition.²⁰ They are opposed by the canonically recognized UOC-MP under Metropolitan Volodymyr. The UOC-MP enjoys a

20 The mutual recognition of canonicity by the Orthodox churches (or their congregations) extends to full communion, which includes joint celebration of the Eucharist, mutual recognition of sacraments, ordained clergy, and ministries, and the exchange of clergy.

particularly influential position, even though, thanks to its historical and canonical links with Russia, it has little connection to the Ukrainian national renaissance. On the contrary, it is often seen by ethnic Ukrainians as opposing the revival of an ethnic Ukrainian identity. Gestures like the blessing of President Yanukovich at his inauguration on 25 February 2010 by Kirill I, Patriarch of Moscow and All Russia in the Kyiv Monastery of the Caves (Pechersk Lavra) – “whence the Rus’ once went out”²¹ (Kirill) – will thus have had a powerful symbolic significance for them.

On the other hand, during the crisis of values that followed the collapse of the Soviet Union, the UOC-MP, like the other Orthodox churches, gave a focus to the lives of many Ukrainians. Moreover, the church has recently enhanced its work in Crimea to promote Christian values in education and with young people and families, as well as its involvement in combating alcoholism and drug addiction. The building of churches and prayer houses, as mentioned above, is visible in the cities and towns of Crimea, where new monasteries are also being constructed. Some Christian adherents of the Kyiv Patriarchate as well as a number of Muslims consider this to be expansionistic, just as for many Ukrainians events like the visit of Patriarch Kirill to Kyiv, Donetsk, western Ukraine, and Crimea in August 2009 served only to deepen the differences between the Orthodox churches in Ukraine.

The dialogue between the Ukrainian Orthodox churches of the Moscow and the Kyiv Patriarchates that first began in 1994 was taken up again in October 2009. Each party established a commission to run their side of the discussion. The government has commented that rapprochement would certainly be desirable, particularly given the increasing influence of recently arrived foreign churches.

Division among the Crimean Tatars

Divisions have been growing in the secular Crimean Tatar movement since the 1990s, and this has recently taken on a denominational dimension as well. Equally, Islamic organizations that previously had no presence in Ukraine and Crimea have been establishing structures there for some time.

Secular Division among the Crimean Tatars

The role of the *Mejlis* as the secular leadership of the Crimean Tatars has been continually challenged ever since the Crimean Tatars returned to the peninsula in the 1990s, for instance by the National Movement of the Crimean Tatars (NMCT). The opposition, however, has never had much political influence. Since 17 *Mejlis* delegates left as a body in 1997, however,

21 Cited in: RIA Novosti, *Ukraine: Moskauer Patriarch und Kiewer Metropolit beteten für neuen Präsidenten* [Ukraine: Moscow Patriarch and Kyiv Metropolitan Pray for New President], 25 February 2010 (German edition; author’s translation), at: <http://de.rian.ru/postsowjetischen/20100225/125243279.html>.

several independent and politically effective organizations have come into existence. And while the *Mejlis* remains the leading representative institution of Crimean Tatars, it nonetheless feels forced to take action to arrest its declining influence, for instance, by organizing the first World Congress of the Crimean Tatars, which was held in May 2009. At the same time, opposition movements such as *Milli Firka* are growing. They accuse the *Mejlis* of lacking transparency and democracy, corruption, and failing to implement the Crimean Tatars' strategic demands, as detailed above, at whose centre lies the establishment of a Crimean Tatar national-territorial autonomous entity. This also involves a rhetorical radicalization, at the very least. In *Milli Firka's* declarations, the leaders of the *Mejlis* are described as traitors, and the *Kurultai*, the representative body that elects the *Mejlis*, as illegitimate.²² The opposition claims that the current *Mejlis* represents only around a third of enfranchised Crimean Tatars.

Denominational Division among the Crimean Tatars

Turkish Islam, which is considered relatively liberal and tolerant, was particularly influential on Ukraine and Crimea in the early 1990s, but it has been gradually replaced by Arab-influenced Islam since the early 2000s. This is confirmed by the Department for Religious Issues of the State Committee on National Minorities and Religions in Kyiv.

It has also been confirmed in Crimea itself. The *Mejlis* has observed significant growth in the popularity of conservative Salafi and Wahhabi forms of Islam, which take their guidance from early Islamic traditions, which they claim represent authentic Islamic teaching. They are understood to be opposed to globalization, to Ukraine's European integration, but also to rapprochement with Russia. Commentators have also observed *Hizb ut-Tahrir* ("Party of Liberation") gathering strength on the peninsula. Though it has yet to achieve major influence it has had a significant effect in terms of values and is slowly beginning to establish its own structures. Its growing activity in the political sphere is also being felt. *Hizb ut-Tahrir* is not banned in Ukraine, as it is in countries including Germany and Russia. Various government sources rather vaguely estimate the strength of its support in Crimea as lying between 4,000 and 10,000 individuals. Other sources suggest that total support in the whole country amounts to no more than 10,000 to 15,000.

Islam, which was a factor in the ethnic cohesion of the Crimean Tatars as they returned to their ancestral homeland is gradually losing this property. The *Mejlis*-sponsored Muftiat under Mufti Emirali Abulaev lacks the necessary Koranic scholarship skills and integration in the wider Islamic world to compete with the new movements in terms of doctrine and religious practice.

There have even been physical confrontations between followers of the Mufti and supporters of *Hizb ut-Tahrir*, which indicates substantial problems

22 Cf. Milli Firka Press Service, *The Crimean Tatars declared leaders of Milli Medzhlis traitors of the people*, at: http://www.milli-firka.org/?mod=article_read&article=3246.

in confessional relations. A case has been reported of the *Mejlis* acting on its own initiative in closing down a mosque whose attendees had grown too close to *Hizb ut-Tahrir*.

At the same time, as a result of denominational differences and a sense that they are competitors, the *Mejlis* and the Muftiat under Mufti Emirali Ablaev have deliberately avoided contact with the Kyiv-based Religious Administration of Ukrainian Muslims under Mufti Shaykh Ahmad Tamim. The latter is considered part of the Habashi movement, which originated in Lebanon, and appears to be the most influential of the four Ukrainian Muftiats outside Crimea.

According to the responsible government agency, alongside 340 Muslim communities that accept the authority of the *Mejlis*-sponsored Muftiat, Crimea was, in late 2009, home to 47 independent Muslim communities, 28 of which can be categorized as adhering to “new Islamic movements”. As the *Mejlis*-sponsored Muftiat points out, five influential communities can be described as belonging to new Islamic movements.

The government finds it just as hard as the Islamic authorities to position itself with regard to the new Islamic movements. The Crimean Republican Committee on Religious Affairs in Simferopol has complained that it is legally obliged to register even politically questionable organizations and sects. The authorities claim that there are no practically applicable laws. They also certainly lack the expert knowledge of religious affairs necessary to evaluate the activities of religious communities and their political connotations. Their uncertainty in dealing with new religious movements has led the authorities in Crimea initially to adopt a defensive posture, and no new registrations have been granted since 2007. Some cases are said to have been decided in the courts, while others are pending.

The Agenda of the Crimean Tatars

As well as the long-term goal of establishing a national-territorial autonomous entity in which the Crimean Tatars are the titular nation, the political agenda of the Crimean Tatars also includes the demand for legal protection as an indigenous people. They oppose the lack of constitutional recognition of Crimean Tatar as an official language, the neglect of their language in education, literature, and the media, their under-representation in political bodies and the civil service, state-sponsored employment discrimination, the destruction or inadequate restoration of their built cultural heritage, and the Russification (since 1945-1948) and increasing Ukrainianization of their toponomy (naming of land features, settlements, streets, etc.).²³ In their most serious allegation, the Crimean Tatars accuse the Ukrainian government of

23 Cf. *ibid.*

practising cultural genocide or ethnocide.²⁴ The Crimean Tatars call for legislation to support the integration and compensation of formerly deported persons (FDPs) as a matter of collective rights and reject individual settlements.

Illegal Land Seizures by Crimean Tatars

The illegal seizure of land in Crimea, which is still going on after two decades, is an explosive issue. During the current wave of land seizures, the third of its kind, the descendents of deported Crimean Tatars have joined together to take possession of buildings and land in the towns of their ancestors, where restitution and compensation had generally been ruled out by legislators. For their part, Crimean Tatars speak of having their land stolen from them. They complain about major land confiscations (according to their own figures, 80,350 houses and their contents, as well as 78,455 plots of land in 1944, the year of deportation), the settlement of non-Tatars in their former homelands, the rejection of their demands for restitution and compensation, and their exclusion from the land privatization campaigns of the 1990s.²⁵ While Crimean officials state that, as of autumn 2009, only 1.5 per cent of Crimean Tatar families – ca. 4,000 households – are still looking for somewhere to live, some 10,000 Crimean Tatar property claims are outstanding. Since there is no register of returnees or formerly deported persons who continue to live abroad (mostly in Uzbekistan) and their descendents, there is no way of knowing how many applications will be received in the future, a fact that hangs over the political scene like a threat.

A comprehensive resolution of the land question would be possible, but is apparently being pursued systematically by neither the government nor business nor by the Crimean Tatars. Although the land register of Crimea has been in preparation for more than a decade, it has still not been brought into use. There is no means of proving that a plot of land is illegally occupied. The recent legalization of the trade in real property has led to an escalation in the level of conflict. Slavic commentators have remarked that the illegal acquisition of land appears to have become an acceptable business model.

Russians Turn their Backs

Among the ethnic Russians in Crimea, an ongoing disengagement with Ukraine as a political entity is evident. On the whole, they have been disappointed by nearly two decades of Ukrainian independence, the country's economic decline, and the constant ethnic insults they have had to face from the

24 Cf. Ayder Mustafayev, *Protect us from discrimination – help us restore our rights! – Appeal of Crimean Tatar People to the Organization for Security and Co-operation in Europe*, PC.NGO/19/07, Bucharest, 8 June 2007.

25 Cf. *Ibid.*

central government. “We do not want to belong to a loser nation,” is typical of the comments made by Crimean Russians. They perceived the Orange Revolution, among whose targets was the pro-Russian future prime minister and current president, Victor Yanukovich, to be anti-Russian. They felt confirmed in this belief by the policies subsequently pursued by President Yushchenko, which set back their cause in terms of language, education, and the media – at least as portrayed by their political and media representatives. The forced Ukrainization of their personal names was and remains a humiliation for ethnic Russians. The ministerial decree issued in 2009 that required the use of Ukrainian in schools, even outside the classroom, as well as for university entrance exams outraged ethnic Russians. In the light of these events, there are those who claim that anti-Ukrainian sentiment has become a permanent feature of the Crimean Russians’ world view. Kyiv’s ongoing pattern of restrictive lawmaking has even been invoked to justify civil disobedience. However, there is currently no evidence of activities that could lead to the dissolution of Ukraine, as there was up to the mid-1990s.

Effects of the Georgia Crisis

The 2008 Georgia crisis did more to make the Ukrainian public aware of the influence of Russia on the country than earlier bilateral disputes, such as the various gas-transit conflicts. Following the events in Georgia, the ethnic Russian camp appears to be consciously exercising restraint. Indeed, the Georgia crisis has had a strong influence on political thinking in Ukraine generally, and Crimea in particular. In the view of Ukraine’s minorities, Russia has returned to the stage as an actor with the power to transform political realities. Perceived as a response to Kosovo, the Georgia crisis has given a clear indication of Russia’s sphere of influence as well as its readiness to seek military solutions in the post-Soviet area. The peace accords between Moscow and Grozny that ended the Second Chechen War were viewed in the same light from the perspective of Crimea.

Perception of the Withdrawal of the Russian Fleet 2017/2042

In the aftermath of the Georgia crisis, the presence of the Russian Black Sea Fleet in Sevastopol is considered by ethnic Russians to be even more important as a stabilizing factor in Ukraine’s domestic politics. For ethnic Ukrainians, the opposite is true. For President Yanukovich, the agreement he negotiated with Russia soon after assuming office, which coupled a long-term reduction in the price of Russian gas with an extension of the deadline for withdrawal of the Black Sea Fleet from 2017 to 2042, brought economic and political advantages. It strengthens his country’s links with Russia and, by ensuring the presence of the Russian fleet, reinforces the Russian element in

Ukrainian domestic politics. For the ethnic Russians in Crimea, it has had a profound morale-boosting effect.

In addition, local politicians in Sevastopol have long drawn attention to the employment problems the city faces as a result of the lay-off of military and civilian personnel, as well as the immense challenges of converting military infrastructure and cleaning up contaminated sites. They believe that the historic military base will throw up further controversial topics, including the accommodation and employment problems faced by Russian citizens, the ongoing task of unravelling military and non-military property, and the possible integration of the Sevastopol administrative area – whose independence is anchored in the constitution, and which encompasses the towns of Sevastopol, Inkerman, and Balaklava, as well as 60 villages and settlements – in the Autonomous Republic of Crimea.

The OSCE Project Co-ordinator in Ukraine

While, during 2009 and 2010, the government of Ukraine has intensified its efforts to secure the Chairmanship of the OSCE, it also appears to be seeking to wind down the activities of the OSCE Project Co-ordinator in Ukraine. In doing so, it again positions itself in opposition to established forms of European security co-operation, as it did once before, in 1999, when it forced the closure of the OSCE Mission to Ukraine, thereby creating a precedent for the closure of OSCE field operations.

The Project Co-ordinator on His Own Activities

The Project Co-ordinator claims that he himself defines no specific focus areas or target groups for his work. Nor does he focus on specific regions, as Kyiv is not in favour of having the country's east-west divide or the issue of Crimea addressed individually. The Co-ordinator prefers to take no position on political topics such as the situation of minorities or the language question. His office's local knowledge, contacts, and collective memory make it a vital resource for the central OSCE institutions.

The work of the OSCE Project Co-ordinator is expressly restricted to project activities. Political monitoring of the kind previously carried out by the OSCE Mission is no longer undertaken in any shape or form. His regular progress reports are also limited in scope to the projects assigned to him by the Ukrainian Ministry of Foreign Affairs and other government agencies. The exclusive right of the MFA to initiate and approve projects is acknowledged by all sides, including the Project Co-ordinator himself. Nonetheless,

the 1999 Memorandum of Understanding does not exclude the possibility of a more active role for the Project Co-ordinator in planning projects.²⁶

According to its own figures, the office of the Co-ordinator in Kyiv currently has a staff of four international and 51 national members. At the end of 2009, the office's eight or nine units were responsible for between 25 and 27 projects, which employed further national staff in their turn. No data is available on the total number of project staff. The Project Co-ordinator has a regular budget of 2,752,300 euros in 2010 (2009: 2,758,500 euros).²⁷ No source could provide full details of all extra-budgetary funds available to the Project Co-ordinator. The office's plans for 2010 include projects on electoral legislation; the electoral register; promoting civil society and the media; combating human trafficking, domestic violence, and torture and other cruel treatment; police training; tolerance and non-discrimination; promotion of human rights; administrative law and citizens' complaints; the integration of former military personnel; enhancing border security; and alternative energy sources.²⁸

The *mélange* project, which is the responsibility of the OSCE Secretariat, will continue to be implemented. The first phase of this project, which was due to end in November 2010, involves the disposal of 3,168 tonnes of rocket fuel. It is the OSCE's most high-profile project in Ukraine at present. A call has been issued for extra-budgetary funding for the second phase of the project, which the Secretariat describes as a "priority task" for 2010. The cleanup of explosive remnants of war will also continue. Successful projects of this nature have been carried out in Crimea – in Kerch and near Sevastopol – and in mainland Ukraine in Bila Tserkva. They are objectively necessary and their profile has been enhanced following several disastrous accidents at the ammunition dumps in Novobogdanivka in Zaporizhia Oblast.

The work of the Project Co-ordinator to enhance border security is carried out in co-operation with the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) along the 1,222 km long Moldovan-Ukrainian border, which therefore also has implications for Transdnistria. The aim of the EU programme is to ensure Ukraine's border regime conforms to Schengen standards by 2015. The Co-ordinator's willingness to take on the cost of providing expensive technical equipment has been criticized by a number of delegations.

26 Cf. *Memorandum of Understanding between the Government of Ukraine and the Organisation for Security and Co-operation in Europe (OSCE) Concerning the Creation of a New Form of Co-operation*, Vienna, 13 July 1999, Article 1, points 2 and 3, Article 2, point 3.

27 OSCE Permanent Council, Decision No. 923, *Approval of the 2010 Unified Budget*, PC.DEC/923, 22 December 2009, p. 6.

28 Cf. *2010 OSCE Programme Outline*, SEC.GAL/74/09, 20 May 2009.

Ukrainian Sensitivities Regarding the Project Co-ordinator

The Ukrainian government appears to have envisaged the step-by-step reduction of the Project Co-ordinator's activities and their replacement with direct co-operation with central OSCE institutions for some time. It seems that their ultimate – long-term – goal is the removal of the Co-ordinator from Ukrainian soil altogether, though government representatives say they are not thinking in terms of closure at present. As things stand, they would initially like to see the Project Co-ordinator concentrate on a small number of projects – reducing the current number of 25 or 27 to just two or three in the future. They say the aim of co-operation should be to seek to hand projects over to Ukrainian partners. Interpreted strictly, this would mean that each individual project would need to come with an exit strategy, though Kyiv does not wish to impose time limits on this either.

The Ukrainian side does not seem to have a coherent concept of what topics the Co-ordinator should deal with and what formats his work should take. A number of discussions revealed no unifying point of view. On the whole, no specific topics were identified, apart from maybe energy security. Here one could conceive of a special role in the implementation of EU measures for the Ukrainian energy sector, according to the joint declaration of March 2009.²⁹ At the same time, topics such as support for legislative analysis in the context of Ukraine's growing closeness to the EU have been mentioned, as have aforesaid items of the Project Co-ordinator's activities.

As things stand, Kyiv is strongly insisting that the activities of the Project Co-ordinator are again closely tied to the Ministry of Foreign Affairs. It is argued that direct co-operation with other state authorities would escape the co-ordinating function of the MFA to negative effect. Kyiv further insists that the Project Co-ordinator's activities should not duplicate the activities of other international organizations and need to demonstrate tangible social and economic effects.

Ukraine's 2013 OSCE Chairmanship

Discussions of Ukraine's co-operation with the OSCE in general, and the Project Co-ordinator in particular, must necessarily be put in the context of Ukraine's 2013 OSCE Chairmanship. In explaining their motivations for applying for the Chairmanship, the Ukrainian side gave three key arguments:³⁰ First, chairing the OSCE would provide Ukraine with opportunities for

29 Cf. European Commission/Government of Ukraine, *Joint Declaration, Joint EU-Ukraine International Investment Conference on the Modernization of Ukraine's Energy Transit System*, at: http://ec.europa.eu/external_relations/energy/events/eu_ukraine_2009/joint_declaration_en.pdf.

30 Cf. Delegation of Ukraine to the OSCE, *Statement on the bid of Ukraine for the OSCE Chairmanship in 2013*, PC.DEL/802/09, 16 October 2009.

greater closeness to the European Union. In the second instance, Ukraine could genuinely achieve something. (“Ukraine can make some difference.”) Third, Ukraine wishes to profile itself as a European leader and, after all, it has never held the OSCE Chairmanship. Ukraine also gained vital experience in multilateral co-operation as a result of its membership of the UN Security Council in 2000-2001. The Ukrainian foreign minister, Kostyantyn Gryshchenko, personally underlined the case for the Ukrainian bid at a special meeting of the OSCE Permanent Council on 22 June 2010.³¹

Despite its forthcoming Chairmanship, the Ukrainian government makes a clear distinction between the contribution it expects the OSCE to make to Ukrainian security, and the activities of the Organization in Ukraine. In other words, the benefits of the Organization are seen primarily in terms of its external rather than its internal contributions. The value of the OSCE consists, it is stressed, in giving Ukraine an equal voice in the European security dialogue, and currently, therefore, in the Corfu Process. At the same time, there is scepticism about the Organization’s effectiveness together with a desire – based on an argument that remains questionable – for more balance between the OSCE’s three dimensions. According to Ukrainian sources, the OSCE’s specific activities in Ukraine are in the process of becoming superfluous, as the country’s political context is increasingly being shaped by the EU rather than the OSCE.

Conclusions and Recommendations

The situation in Ukraine is characterized by a singular ambiguity. On the one hand, there are no signs of an open crisis within either domestic or foreign policy. On the other, Ukraine demonstrates a plethora of vulnerabilities in both areas, which could easily be taken advantage of given the underlying weakness of the state.

This snapshot corresponds to the broader picture: On the one hand, major progress has been made, thanks to the Orange Revolution, in that murder and other forms of physical violence are no longer employed as means of resolving major political disputes, there is a degree of media freedom, and elections are obviously no longer subject to massive fraud. However, there is an enormous sense of helplessness and a lack of prospects regarding both domestic and international affairs, and the current financial and economic crisis is serving to further deepen the moral morass.

In this situation, it is of great importance that both the general public and the elites of Ukraine grasp that vital aspects of progress cannot come primarily from outside but must, first of all, result from the implementation

31 OSCE Press Release, *OSCE role in conflict prevention and resolution should be enhanced, says Ukrainian Foreign Minister*, Vienna 22 June 2010, at: <http://www.osce.org/pc/69466>.

of a Ukrainian agenda. Forms of co-operation with Ukraine in general, and between the country and the OSCE in particular, need to take account of this overriding goal.

The following approaches to co-operation and topics for projects are recommended in particular:

1. *Dialogue on the way to Ukraine's 2013 Chairmanship.* It is recommended that full use be made of Ukraine's preparations for the 2013 OSCE Chairmanship.³² Discussions should be held with members of the Ministry of Foreign Affairs and other government departments dealing with foreign and internal affairs on the political priorities for 2013. This would also provide opportunities for detailed discussions with academics and representatives of minorities on issues such as the role of Ukraine in the European security landscape or the expectations Ukraine has of the OSCE in the domestic sphere.
2. *Continuation of the work of the OSCE Project Co-ordinator.* The continuation of the work of the OSCE Project Co-ordinator in Ukraine should be insisted upon. The closure of this field operation would send the wrong signals to the Ukrainian public, and the effect would also be deleterious to other important field presences. It is barely conceivable given Ukraine's current domestic political situation.
3. *A thematic OSCE field presence in Ukraine.* Consideration should be made of reviving a former Ukrainian proposal for the establishment of a long-term OSCE presence on a thematic basis in Ukraine. The establishment of a centre for ethno-political research under the aegis of the HCNM or the Secretary General was originally proposed in 1999. The idea has since been abandoned, yet it offers a conceptual starting point for future activities.
4. *Promoting dialogue.* It is recommended that the Project Co-ordinator and the HCNM intensify their promotion of dialogue between the key ethnic groups in Ukraine at both central and regional levels. This could be accomplished by means of events organized in conjunction with the national, regional, and local government bodies responsible for inter-ethnic relations and the appropriate parliamentary committees. At the same time, the HCNM, in particular, should intensify contacts with the state authorities responsible for inter-denominational affairs and consultative bodies, such as the All-Ukrainian Council of Churches and Religious Organizations and the Crimean Interdenominational Council.
5. *Flagship projects, but no reduction.* It is recommended that this proposal of the Ukrainian side be taken up by defining a number of flagship projects within the Co-ordinator's work. However, this should not lead to a significant reduction in the activities of his office. Potential flagship

32 The application can be found in MC.DEL/31/05, CIO.GAL/145/07, MC.DEL/87/07, PC.DEL/802/09, MC.DEL/12/09, and PC.DEL/618/10.

projects include supporting the improvement of the national register (background: the 2012 census), the continuation of election-related cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and the second phase of the *mélange* project in collaboration with the OSCE Secretariat. The Ukrainian side is likely to have further requests regarding the cleanup of explosive remnants of war.

Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges

Observing Elections in “Long-Standing Democracies”: Added Value or Waste of Money?

Introduction

Election observation has been the signature activity of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) since its establishment in the early 1990s. ODIHR has sent experts and observers to over 200 electoral events during the past two decades. The presence of international observers serves to increase the transparency of election processes, deter fraud, identify shortcomings, and provide recommendations on improvements.

Initially, election observation focused on the new democracies that emerged in Central and Eastern Europe, South-eastern Europe, and on the territory of the former Soviet Union in the early 1990s. In fact, the development of the instrument of election observation by the OSCE’s participating States was intrinsically linked to the historic transition processes in this region. The presence of international election observers was considered an important component of domestic and international efforts to advance democratic reforms. Given the region’s legacy – a decades-long submergence under bogus “people’s democracies” or outright dictatorships – the initial geographic focus responded to the needs on the ground and was uncontroversial at the time.

But more recently – and largely unnoticed by the broader public – ODIHR has also sent observers to an increasing number of countries with longer democratic traditions in Western and Southern Europe and North America. As of August 2010, ODIHR had been engaged in various types of election assessments in a staggering 52 out of 56 participating States.¹

Recognizing that democracy and institution-building are processes devoid of finality in all countries, the deployment of monitoring missions² to what is generally referred to as “long-standing” democracies has in the meantime become routine. Nevertheless, it still raises eyebrows among polit-

Note: This article reflects the authors’ opinions and not necessarily those of the OSCE or the Office for Democratic Institutions and Human Rights (ODIHR).

1 This includes needs assessment missions, the assessment of European Parliament elections at the national level, and other forms of assessment. No election activity of any sort has so far taken place in the following participating States: Andorra, Monaco, San Marino, and the Holy See. For a list of all election reports published, see <http://www.osce.org/odihr/elections/43772>.

2 The terms “observation” and “monitoring” are generally used in a broader sense in this article, encompassing all forms of activities aimed at observing or assessing electoral processes. For a discussion of the different formats used by ODIHR and the related terminology, see the section of this contribution on *Methodological Developments*.

icians, the media, and the general public in some of the countries that find their election processes subjected to international scrutiny.

For example, the first-ever deployment of an ODIHR election mission to Austria in the spring of 2010 sparked heated debate in the Austrian media. A prominent columnist for the country's most-read newspaper asked: "Do you, OSCE, believe our functioning Austria is a post-communist filthy mess, a banana republic of south-American character, a central-African pseudo-republic of dull machinations and corruption whose citizens and functionaries need you to conduct a clean presidential election?"³ Although such strong reactions are the exception, the columnist expressed sentiments that in various forms have occasionally surfaced in conversations, comments, and media reports on international observers in "established democracies".

The questions most often asked are: Why is it necessary to send observers to assess elections in countries where democracy is already firmly rooted? Where is the added value? Does this not infringe on national sovereignty? Is it really, as one commentator put it, "one way of de-funding ODIHR by forcing it to spend limited resources on unnecessary missions"?⁴

This article aims to give answers to these questions by probing more deeply into the rationale for observing elections in "long-standing democracies". The assessment of the 2009 *Bundestag* elections in Germany will serve as a case study.

Normative Basis

The 1990 CSCE Copenhagen Document established a set of election-related commitments, obliging participating States to follow certain rules of conduct and to support, protect, and promote individual rights necessary for achieving democratic elections. The consensus of Copenhagen, inspired by the political changes of 1989, aimed at creating democratic conditions across the whole continent within the foreseeable future. Democratic elections were framed as a function of legitimate government – "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government"⁵ – and democracy was, in the same year, confirmed as "the only system of government of our nations".⁶ This almost-complete triumph of the democratic method in the northern hemisphere may have been among the most profound events of the twentieth

3 Post von Jeannée, *Kronen Zeitung*, 31 March 2010, p. 12 (author's translation).

4 Vladimir Socor, Moscow Prepares OSCE "Reform" Proposals for the Summit in Kazakhstan, in: *Eurasia Daily Monitor*, 4 August 2010.

5 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Arie Bloed, (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 439-465, here: p. 444 (para. 6).

6 Charter of Paris for a New Europe, Paris, 21 November 1990, A new Era of Democracy, Peace and Unity, in: *ibid.*, pp. 537-566, here: p. 537.

century. It was, in the words of Thomas Franck, “the unanswerable response to those who have said that free, open, multiparty, electoral parliamentary democracy is neither desired nor desirable outside a small enclave of western industrial states”.⁷

The Copenhagen Commitments require states to periodically conduct genuine elections that are free and fair, based on universal and equal suffrage, and in which the secrecy of the ballot is ensured.⁸ The then 35 CSCE/OSCE participating States took a historic step in Copenhagen, agreeing on a set of criteria for democratic elections that at the time were more advanced than any undertaken by any other intergovernmental agreement.⁹ It represented a yardstick for measuring the quality of electoral events, consisting of clear principles against which to evaluate an electoral process regardless of its ultimate outcome. The Copenhagen Document thus crystallized the evolution of an international system that defined the minimal prerequisites of an electoral process capable of validating the exercise of power.

The Copenhagen Document also introduced the notion of monitoring compliance with the novel rule system: The participating States agreed to invite international observers to assess their elections.¹⁰ At the 1994 Budapest Summit, the participating States specified that ODIHR should play an enhanced role in election monitoring “before, during and after elections”.¹¹ At the 1999 OSCE Istanbul Summit, the participating States specifically committed themselves to invite ODIHR to observe their elections. Recognizing that observation of elections is not an end in itself but is designed to lead to improved electoral practices, they added another important new commitment, namely the commitment to “follow up promptly the ODIHR’s election assessment and recommendations”.¹²

These commitments, voluntarily undertaken by all OSCE participating States, are not limited in terms of geography, history, socio-economic trajectory, or cultural specificities. They apply to all participating States equally and without exception. This means that all participating States – new and “long-standing democracies” alike – are bound by the same election-related

7 Thomas M. Franck, *The Emerging Right to Democratic Governance*, in: *American Journal of International Law* 1/1992, pp. 46-91, here: p. 49 (para. 5).

8 Copenhagen Document, cited above (Note 5), paras 6, 7.

9 For a comprehensive collection, see: ODIHR, *Existing Commitments for Democratic Elections in OSCE Participating States*, Warsaw 2003, which gives an annotated inventory organized along the different stages of an electoral process.

10 Cf. Copenhagen Document, cited above (Note 5), para. 8; Organization for Co-operation and Security in Europe, *Charter for European Security*, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 433 (para. 25).

11 Organization for Security and Co-operation in Europe, *Budapest Document 1994*, Budapest, 6 December 1994, in: Arie Bloed, (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1993-1995*, The Hague 1997, pp. 145-189, here: p. 177 (para. 12).

12 Charter for European Security, cited above (Note 10), p. 433 (para. 25). See also the ODIHR discussion paper *Follow up on the Implementation of OSCE/ODIHR Recommendations*, 24 May 2007.

standards and are obliged to accept international scrutiny of their electoral processes. The CSCE/OSCE participating States thus clearly linked the recognition by governments of a democratic entitlement to the validity of their right to govern, implying the illegitimacy of regimes that deny their citizenry basic democratic rights.¹³ As a consequence, the new commitments created expectations on the part of citizens that looked to an international organization to guarantee their democratic entitlement.

Observation-Related Issues in the International Constitutional Conversation

International organizations regularly serve as platforms for what has been termed the “international constitutional conversation”.¹⁴ They interpret norms and promote their implementation by states that have consented to them. A state, on the other hand, evaluates the interpretation of norms under its internal constraints and agrees – or disagrees – with the interpretation offered. In ideal circumstances, a domestic agreement results in a change of behaviour in conformity with the norm; in the vernacular employed by international organizations, behavioural change of this kind is termed “follow-up”.

As part of an international organization mandated to observe elections across the northern hemisphere, ODIHR promotes norms of democratic governance agreed by all of its members, and can therefore be understood as falling within the definition of “norm entrepreneur”. It conducts election observation as a form of assistance to bring states’ laws and practices in line with the norms to which they themselves have agreed. ODIHR’s mandate was conceived around the objective of linking international and domestic norm tables – a process which has been described as “norm cascades”.¹⁵ Election observation can, and has, set in motion such norm cascades in a way that domestic decision-making becomes positively linked to the recommendations of international experts. In order to ensure that norms continue to “cascade”, co-operation between the domestic and the international levels is crucial.

This, in a few words, summarizes the rationale behind election observation and ODIHR’s assistance work. The pattern of international constitutional conversation between the country holding elections and the organization observing them indicates a strong positive correlation between norm promotion by election observation bodies and domestic change. Although primarily a benign compliance tool lacking any enforcement role, election observation

13 See Copenhagen Document, cited above (Note 5), para. 6.

14 Andraž Melanšek, *Election observation in Europe: A case of the impact of implementation procedures on norm development*, M. Phil Thesis on file with the University of Cambridge, July 2007, p. 22.

15 Martha Finnemore/Katharyn Sikkink, International Norm Dynamics and Political Change, in: Peter J. Katzenstein/Robert O. Keohane/Stephen D. Krasner (eds), *Exploration and Contestation in the Study of World Politics*, pp. 247-277, Cambridge, Mass., 1999, here: pp. 262-264.

turned out to employ the mechanics of “legitimacy pull” for the spread of human rights, hence impacting upon the substance of norms of democratic governance themselves.¹⁶

Two decades into norm promotion, ODIHR has collected a robust repertoire of practices and norm interpretations, and developed a wide array of observation formats to fit almost every aspect of an election process,¹⁷ ranging from the review of legal frameworks of elections, mostly in co-operation with the Venice Commission of the Council of Europe, via observation of the vote count and tabulation, to following complaints and challenges to election results. ODIHR offers concrete advice for improving a given state’s electoral performance (“change of behaviour”) through targeted recommendations in the following areas:

- effective protection of fundamental freedoms, such as the freedoms of association, peaceful assembly, and expression;
- effective protection of the civil and political rights of candidates and voters, as well as of election workers and journalists;
- compilation of accurate and up-to-date voter lists;
- equal opportunities for candidates to campaign in a free environment;
- equitable access to the media for all candidates;
- unbiased coverage by the media, especially state-controlled media;
- unhindered access for international and domestic election observers;
- effective representation and participation of women;
- inclusion of national minorities;
- access for disabled voters;
- honest and transparent counting and tabulation of votes;
- effective complaints and appeals processes through an independent judiciary;
- overall transparency and accountability that instils public confidence;
- development and application of new voting technologies in a manner that is transparent, accountable, and in line with OSCE commitments.

These component parts of an electoral cycle have been thus disaggregated to enable the systematic determination of whether key rights are ensured and whether the performance of an election management body is in line with OSCE norms.¹⁸ Broadly speaking, these issues represent the topics of an “international constitutional conversation” in the context of an election as-

16 Cf. *ibid.*, pp. 77, 81.

17 For an entirely new format employed to observe an electoral event in the 27 member states of the European Union see OSCE Office for Democratic Institutions and Human Rights, *Elections to the European Parliament, 4-7 June 2009, ODIHR/OSCE Expert Group Report 11-30 May 2009*, Warsaw, 22 September 2009, available at: <http://www.osce.org/odihr/elections/eu/38680>.

18 Cf. Jørgen Elklit/Andrew Reynolds, Analysing the impact of election administration on democratic politics, in: *Representation* 1/2001, pp. 3-10, here: p. 8.

assessment. When ODIHR deploys a mission, each issue defines an area through which norm interpretation is communicated to a state; the state, in turn, responds to critiques, remarks, and recommendations, either rejecting or accepting ODIHR's specified assessment of compliance with OSCE norms, which sometimes results in the reform of domestic law and/or changes to administrative practice.

Origins of Election Observation in "Long-Standing Democracies"

In the years following the creation of ODIHR in 1991, countries undergoing democratic transition were the natural focus of election observation. This reflected the assumption that the need for independent observation was greatest in states with limited experience and capacity to organize democratic elections. In contrast, "long-standing democracies" with their highly developed and differentiated systems of governance and effective horizontal accountability mechanisms were deemed able to effectively resolve the problem of leadership succession without turmoil and without extraordinary discontinuities in policy and political organization; their elections were hence not eligible for priority observation.

The argument was not always self-evident. Indeed, a large canon of literature on democratic overload posits that democracy engenders costly and destabilizing power-struggles among subgroups – particularly in countries with unresolved minority issues.¹⁹ But given that the institutionalization of power in developed democracies is closely linked to the establishment of the rule of law, it was automatically assumed that an election process and its results would either not be subject to contestation, or that any dispute that did arise would necessarily be resolved in a peaceful and equitable manner. Election resources, including access to money, the media, and voters, were also presumed to be allocated in a fair manner, thus apparently making the effort of observation in "long-standing democracies" pointless.

Two major developments led to a departure from a practice that saw OSCE's observation activities focusing exclusively on elections in countries that emerged from a non-democratic past in the early 1990s, and to a revision of the earlier assumptions underlying the operationalization of election observation. First, the contested 2000 presidential election in the United States revealed numerous shortcomings, particularly in Florida, and thus made clear that elections in "established democracies" are by no means immune to severe problems. Second, a number of participating States began to argue more forcefully that in order to avoid double standards, ODIHR should observe elections not only in one particular subregion, but across the entire OSCE

19 Cf. e.g., Michael Crozier/Samuel Huntington/Joji Watanuki, *The Crisis of Democracy*, New York 1975; Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict*, New York 2000.

area. At a minimum, they argued, “long-standing democracies” should not be shielded from an objective assessment of, and regular check-ups on, the state of their democracy, and particularly the state of their election-related procedures and practices. Excluding one group of countries by default from election-related scrutiny would run against the principle of sovereign equality of all states enshrined in the 1975 Helsinki Final Act.²⁰

These arguments were convincing. The OSCE, priding itself on the quality of its systematic political dialogue, could not engage in “norm entrepreneurship” and “constitutional conversation” in a geographically biased manner. The assumption that “long-established” democracies regularly employ well-tested practices that enjoy the overall confidence of their electorates was challengeable.

Since the early 2000s, ODIHR has therefore gradually expanded its activities to follow electoral developments in a much broader range of participating States. The first time ODIHR conducted an election assessment in a longer-standing democracy was in Cyprus in the spring of 2001. A small *technical mission* visited Cyprus to assess the pre-election environment in light of OSCE commitments. On the basis of this assessment, the mission recommended that no *election observation mission* be deployed.²¹ In the following year, ODIHR sent *election assessment missions* to France (for the 21 April presidential election), Turkey (for the 3 November parliamentary elections), and the United States (for the 5 November general elections).²² These missions consisted of small teams of up to a dozen election experts who stayed in the country for about a week around election day. Unlike standard election observation missions, which provide a comprehensive assessment of the entire electoral process, these early assessment missions focused on selected issues and aimed at highlighting good practices. For example, the mission to the United States was tasked to “assess the measures the authorities and civil society had undertaken to address the challenges of the 2000 presidential election and to learn from any examples of good practice that may

20 Criticism of ODIHR observation activities began after its assessments of the Duma and Presidential elections in the Russian Federation in 2003 and 2004, and its reporting on fraud in the Georgian parliamentary elections of 2 November 2003, and was reflected in the CIS Summit Document of June 2004 which claimed that ODIHR’s election observation activities were politically motivated. Criticism towards ODIHR has largely focused on its election observation mandate and methodology, rather than on the substantive findings of its reports. Calls for more transparency and accountability, combined with allegations that ODIHR applies “double standards” – i.e. a lack of “geographic balance” or “equal treatment of participating States” in regard to election observation – continue. For a recent account see Frank Evers, OSCE Election Observation. Commitments, Methodology, Criticism, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden 2010, pp. 235-255.

21 Cf. OSCE Office for Democratic Institutions and Human Rights, Republic of Cyprus, Parliamentary Elections, 27 May 2001, *Report of OSCE/ODIHR Technical Mission, 13-16 March, 2001* Warsaw, 6 April 2001.

22 The relevant reports can be found at: <http://www.osce.org/odihr/elections/43772>.

have been put in place.”²³ It focused on Florida, given the problems that occurred there in 2000, but also visited federal institutions and representatives of civil society in Washington, DC.

The reports on the missions to Turkey and the United States explicitly state that ODIHR accepted the invitation to send observers “in line with its new program of assessing electoral practices in established democracies in addition to observation missions deployed in countries in transition”.²⁴

From 2002 onwards, the assessment of elections in longer-standing democracies has become a routine exercise. During the following years, assessment missions were deployed to an increasing number of countries falling in this category.

Methodological Developments

In parallel to the expansion of its monitoring activities, ODIHR adjusted and developed its election observation methodology in order to be able to respond appropriately to the needs identified in specific circumstances, including those typically connected with elections in countries with longer democratic traditions. The results of this process were described for the first time in the fifth edition of ODIHR’s Election Observation Handbook, published in 2005, and further developed in the Handbook’s sixth edition, which was published in June 2010.²⁵ In addition to traditional full-scale *election observation missions* (EOMs) with core teams of experts and long-term and short-term observers, the ODIHR standard methodology was expanded to include various other assessment/observation mission formats. Most prominent among these are *limited election observation missions* and *election assessment missions*.²⁶

The development of new formats was necessary as the standard EOM – the tool developed in the 1990s for the specific needs of countries in transition – turned out to be of limited use in other contexts. For example, in a country with high levels of public confidence in the electoral process, a credible domestic observation effort, effective checks and balances, and little concern about possible irregularities during voting and the vote-count, a large-scale observation mission with the presence of hundreds of short-term observers on election day is not needed.

In order to determine which format may be most useful for a specific national context, ODIHR developed the *needs assessment missions* (NAMs)

23 OSCE Office for Democratic Institutions and Human Rights, United States of America, General Elections, 5 November 2002, *OSCE/ODIHR Election Assessment Mission Report, Implementation of Election Reforms*, Warsaw, 15 January 2003, p. 1, available at: <http://www.osce.org/odihr/elections/usa/16362>.

24 *Ibid.*, p. 2.

25 OSCE/ODIHR, *Election Observation Handbook*, fifth edition, Warsaw 2005, sixth edition, Warsaw 2010, available at: <http://www.osce.org/odihr/elections/68439>.

26 Other formats include expert support teams and ad-hoc formats for specific electoral events such as European Parliament elections.

as an important element of its expanded methodology. In the run-up to an election, ODIHR sends a small team of experts to the country in question to assess the overall electoral framework and advise on the usefulness and scope of observation. In making its recommendation, the NAM takes the following criteria into account:

- the extent to which recommendations from previous ODIHR election observation activities have been implemented;
- the pre-election environment, including the extent to which human rights and fundamental freedoms, as they relate to the upcoming election, are respected by the state;
- the legal framework for elections, including any amendments made since the last election;
- the composition and structure of the election administration, the status of its preparations for the election and the extent of public and political confidence in its impartiality, independence, efficiency, and professionalism;
- the level of political pluralism and whether the field of candidates and parties expected to contest the elections represents a genuine choice for voters;
- the status of the media and their expected role in the elections;
- the existence of effective check-and-balance mechanisms, such as pluralistic and independent media, access to effective legal remedies, a vibrant civil society, and domestic observation;
- any election-related concerns expressed by election stakeholders and other issues of particular relevance, such as voter registration, the candidate/party registration process, the participation of women, the participation of minorities;
- the degree to which interlocutors believe that ODIHR election-observation activity can serve a useful purpose and add value; and
- the overall security situation.²⁷

The systematic use of NAMs to determine observation needs across the entire region marked the end of the exclusive post-Cold War focus on elections in “transition countries”. It institutionalized, on a sound methodological basis, the broadening of the geographic scope of election observation. In a political environment characterized by significant sensitivities surrounding the issue of election observation, this new approach was also meant to dispel concerns about regional bias or “double standards”. As the NAMs base their recommendations on a set of objective and transparent criteria that are applied to all OSCE countries equally, irrespective of whether they are “new” or “old” democracies, the decision on where to observe and what format to apply is made

27 Cf. *Election Observation Handbook*, cited above (Note 25), pp. 27-28.

in response to real needs (rather than by default on the basis of categories of countries).

On the basis of their findings, NAMs generally recommend the use of one of the three main formats foreseen in ODIHR's methodology.²⁸ Full-scale EOMs are deployed in cases where the NAM identifies limited confidence among election stakeholders in the election administration, the long-term process, and election-day proceedings, and where the presence of observers could enhance public trust in the process. EOMs are the most frequent and comprehensive form of ODIHR observation activity. An EOM assesses the conduct of elections for their compliance with OSCE commitments, other international standards for democratic elections, and national legislation. It also offers concrete recommendations for possible improvements. A standard EOM is composed of a core team of analysts, long-term observers, and short-term observers. It is usually deployed from six to eight weeks before election day and follows all key aspects of an electoral process: the legislative framework, candidate and voter registration, the campaign, the role of the media (including comprehensive media monitoring), the election administration, election dispute resolution, participation of women and national minorities, and the voting, counting, and tabulation process on election day, as well as post-election complaints and appeals. An EOM issues *interim reports* before election day and a *statement of preliminary findings and conclusions* immediately afterwards. A comprehensive *final report* is issued approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

A *limited election observation mission*, or LEOM, may be deployed where the NAM determines that serious and widespread problems on election day at the polling-station level are unlikely, but that observation of the entire long-term process throughout the country might still produce useful recommendations. LEOMs do not include short-term observers, as there is a high level of public confidence in election-day activities and little concern about systematic election-day problems. Conversely, the decision to deploy an LEOM may be made when the NAM has concluded that conditions have not been established for a meaningful election-day process and that the deployment of short-term observers will not bring any added value. However, the electoral process may nonetheless benefit from a comprehensive assessment and subsequent recommendations, especially where there is political will to engage in a post-election dialogue about recommendations for improving the general conduct of elections. LEOMs consist of a core team of analysts in the capital and long-term observers deployed across the country. While LEOMs do not conduct systematic election-day observation, the duration of the mis-

28 For the following, see *ibid.*, pp. 29-32.

sion, the composition of the core team, and other aspects follow the model of a standard EOM.

Unlike an EOM or an LEOM, an *election assessment mission*, or EAM, does not observe the entire election process, but focuses on specific issues identified by the NAM. An EAM does not draw an overall conclusion about the compliance of an election with OSCE commitments, other international standards, and national legislation, but assesses selected issues based on these standards and provides recommendations for improvements. An EAM is normally deployed in situations where election stakeholders express full confidence in the election process and the impartiality and transparency of the election administration, and where political pluralism, respect for fundamental freedoms, effective democratic institutions, free, independent media, and a vibrant civil society are noted by a NAM. Although there may be no added value in a long-term presence or the deployment of short-term observers, there may still be issues worth examining. This could include the legal framework for elections, the media environment, minority rights, campaign finance, the use of new technologies in voting and counting processes, and election dispute resolution. Conversely, an EAM can also be deployed in a situation where there is a willingness to engage in co-operation, but where the current political spectrum does not offer the electorate a genuine choice between competing political alternatives, where previous OSCE/ODIHR recommendations remain unaddressed, where there is no progress in bringing the legal framework closer in line with OSCE commitments, or where observation activities, even of limited nature, are unlikely to add any significant value. An EAM generally consists of a team of around a dozen analysts, who visit a country and some of its regions for approximately two weeks, including election day. However, the format and the scope of an EAM are issue-driven, so the size, composition, and duration may differ from mission to mission. Team members are generally deployed in pairs for several days outside the capital to collect information, and to assess election preparations and the conduct of the campaign at the regional level. Team members also visit a few polling stations on election day but do not conduct any systematic and comprehensive election-day observation. An EAM, due to its limited scope and shorter duration, does not attempt to comment on an election process in the same comprehensive manner as an observation mission. An EAM does not issue interim reports or a public statement immediately following election day, nor does it hold press conferences. An EAM does, however, issue a final report approximately two months following the completion of the election process. The final report provides concrete recommendations for improving the process.

The assessment of the September 2009 parliamentary elections in Germany can serve as an illustration of how ODIHR's expanded methodology works in practice.²⁹

In conformity with Germany's OSCE commitments, on 9 January 2009, the government – through its delegation to the OSCE – invited ODIHR to monitor the elections. Following the receipt of the invitation, ODIHR conducted a NAM in Germany from 15 to 17 July 2009. The NAM was composed of one ODIHR staff member and two external election experts. The mission met with representatives of the structures responsible for organizing the elections as well as with representatives of political parties and the media to assess the pre-election environment and the preparations for the elections.

In a report published on 5 August, the NAM noted a “high level of confidence in the overall integrity of the electoral process”³⁰ among all interlocutors and concluded that the legal framework “appears to provide a sound basis for the conduct of democratic elections”.³¹ According to the report, political parties confirmed that they are able to compete on a level playing field and have equitable access to the media. However, the report also highlighted that campaign financing is left unregulated by the election legislation, with no ceilings on total campaign expenditure and no restrictions on sources of income. It also stated that while a number of legal provisions emphasize the public nature of the electoral process and do not preclude election observation by any interested parties, the electoral legislation does not contain explicit provisions for the presence of observers. The NAM further reported that interlocutors welcomed the possibility of an observation activity, stating that such an activity would underscore the overall transparency of the process and would present an opportunity to review the existing electoral practices in Germany.

Based on these findings, the NAM recommended the deployment of an election assessment mission, saying that the mission should focus particularly on the legal framework, administration of elections, campaign financing, postal voting, and access for observers. Given that none of the interlocutors expressed any concerns related to the conduct of election day itself, the NAM concluded that comprehensive and systematic observation of election day was not necessary.

29 See also Hans-Jörg Schmedes, *Wählen im Blick Europas. Die Beobachtung der Bundestagswahl 2009 durch die OSZE [Voting under Europe's Gaze, The Observation of the 2009 Bundestag Elections by the OSCE]*, in: *Zeitschrift für Parlamentsfragen* 1/2010, pp. 77-91.

30 OSCE Office for Democratic Institutions and Human Rights, *Federal Republic of Germany, Elections to the Federal Parliament (Bundestag), 27 September 2009, OSCE/ODIHR Needs Assessment Mission Report, 15-17 July 2009*, Warsaw, 5 August 2009, p. 2, available at: <http://www.osce.org/odihr/elections/germany/38397>.

31 *Ibid.*, p. 1.

The decision to send an election mission to Germany for the first time received significant attention from the German public. The decision coincided with a debate in Germany about the exclusion of a number of small parties from the elections. Several media reports tried to establish a link between the two issues, implying – incorrectly – that the controversial exclusions triggered ODIHR’s decision to send observers to Germany.³² This episode raised public awareness of the presence of international observers in the country and brought about a level of media interest in the work of the mission that is unusual for countries where ODIHR deploys EAMs. Due to their small size, their technical nature, and the fact that there is no public statement immediately after election day, EAMs generally receive little public attention.

During the following weeks, ODIHR recruited a team of 15 election experts from 13 OSCE participating States. The mission, led by the former ODIHR Director and Swiss diplomat Ambassador Gérard Stoudmann, commenced work on 13 September and remained in the country until 1 October. During these two-and-a-half weeks, the experts analysed the electoral legislation and met with all key stakeholders in the election: representatives of the election administration at all levels, the judiciary, political parties, and the media. Regional experts visited all 16 states (*Länder*).

The final report, published on 14 December, concluded that the elections “confirmed a solid experience in conducting democratic elections”.³³ The mission noted that the elections demonstrated an “open, pluralistic and competitive process, founded on the respect for fundamental freedoms, equitable conditions for all contestants, the efficiency and professionalism of the election administration as well as a high level of public confidence in the overall integrity of the electoral process”.³⁴

While it confirmed that the legal framework is comprehensive and provides a sound overall basis for the conduct of democratic elections, the report highlighted some aspects that could benefit from revision.

In particular, the mission expressed concern that the legislation does not provide for the judicial review of decisions made by the election administration before election day. Final decisions by courts on complaints pertaining to the election are only possible *after* the election, at which point the only course of action available to rectify a mistake or violation identified would be to invalidate the results of the election and repeat the polling. The report con-

32 See, for example: OSZE-Wahlbeobachter prüfen Nichtzulassung von Parteien zur Bundestagswahl [OSCE Election Monitors Examine Exclusion of Parties from Bundestag Election], in: *Financial Times Deutschland*, 10 August 2009; Parteien-Zulassung: OSZE schickt Wahlbeobachter nach Deutschland [Admission of Parties: OSCE Sends Observers to Germany], in: *Spiegel Online*, 9 August 2009, at: <http://www.spiegel.de/politik/deutschland/0,1518,641353,00.html>.

33 OSCE Office for Democratic Institutions and Human Rights, *Federal Republic of Germany, Elections to the Federal Parliament (Bundestag), 27 September 2009, OSCE/ODIHR Election Assessment Mission Report*, Warsaw, 14 December 2009, p. 1, available at: <http://www.osce.org/odihr/elections/germany/40879>.

34 Ibid.

cluded that this diminishes the access of citizens to timely and effective remedy as prescribed by OSCE commitments and other international standards, and recommended revising the appeals arrangements so that at least certain types of complaints, in particular those related to the eligibility of parties and the registration of candidates and voters, could be adjudicated by a judicial body before the election.

The mission also commented on provisions for the registration of political parties, saying that the existing criteria are formulated in overly general and merely descriptive terms, and do not set specific and measurable requirements. In addition, the body in charge of party registration is composed largely of party nominees, making the process essentially a “peer review” in which members of established parties make decisions affecting their competitors. The report noted that this arrangement is not immune from conflicts of interest, and recommended the elaboration in law of a set of precise, objective, and measurable criteria to determine which parties and associations are eligible to participate in elections.

Furthermore, the experts found that there are no specific legal provisions regulating campaign financing and no limits on campaign expenditure. The report recommended introducing requirements for the immediate publication of information on large donations and the speeding-up of the publication of parties’ annual reports.

Although in practice there are no restrictions on observers following the election process, the mission recommended amending the election legislation so as to explicitly provide access for international and domestic non-party observers to all stages of the electoral process.

The 26-page final report, which includes a total of twelve recommendations, was submitted to the German authorities and made public. There was some coverage of the report in the German media, mostly focusing on the mission’s recommendations on party financing.³⁵ In early January 2010, the German interior minister confirmed in a letter to ODIHR that the German authorities would take the report’s recommendations into account in the context of a planned electoral reform initiative.

The mission’s findings and recommendations as well as the German authorities’ positive reaction and the strong interest exhibited by the media represent an example of the usefulness of election assessments in countries with a tradition of democratic elections. The example shows that the presence of international experts can indeed lead to the identification of areas where improvements may be warranted, and that the experts’ analysis and recommendations can initiate or renew the momentum on electoral reform efforts.

35 See, for example, OSZE bemängelt Transparenz von Parteispenden [OSCE Complains at Lack of Transparency in Party Donations], in: *Zeit Online*, 15 December 2009, at: <http://www.zeit.de/wirtschaft/unternehmen/2009-12/parteispenden-transparenz>.

Concluding Observations

The importance of elections for human rights and security is indisputable. If held in line with international standards, elections are vital expressions of the exercise of key human rights and fundamental freedoms; they grant legitimacy to government and thus contribute to ensuring stability and security. Within the OSCE system, it has been understood that the imposition of undemocratic electoral processes upon a people by their government is to be regarded as a violation of commitments and not beyond the purview of international institutions. Yet election observation has never been an end in itself; it serves as a tool to identify shortcomings and weaknesses and assist states with improving processes in line with commitments.

Observing over 200 electoral events over the past two decades has undoubtedly made a contribution to developing, strengthening, and securing democratic processes across the OSCE region. In addition to identifying weaknesses and shortcomings, it has allowed the identification of good electoral practice for the global community. Furthermore, this process enabled the development of a professional methodology for observations. Overall, these observations have helped to ensure peaceful transition processes from communist totalitarian pasts in a number of countries; they have also contributed to improving the legal frameworks and administration of elections, and to creating public awareness of electoral challenges.

This article has framed these activities as part of an international constitutional conversation through which points of reference for electoral reform are identified and followed up by an international organization mandated to observe and assist, upon request. While the underlying commitments on democratic elections have always been shared by all OSCE participating States, and have always applied to all equally, the contribution has explained the extent to which institutional mechanisms designed to monitor their implementation were initially focused on the region deemed to have by far the greatest needs for election observation.

Meanwhile, the acceptance of observers has evolved from a voluntary practice on the part of states to a customary means of satisfying the democratic entitlement of citizens within the OSCE region. It has occurred through incremental steps and adaptations of the observation methodology, and has ceased to be focused on one group of countries. The expansion of the geographic scope of the ODIHR's activities has not been an artificial exercise undertaken for purely political reasons. Rather, it has been a logical consequence of the nature of the new security challenges the OSCE is facing across the board. The OSCE, and ODIHR as its main institution in the "human dimension", could not survive as an organization focusing only on a few subregions. Indeed, the challenges of terrorism, trafficking in human beings, and the proliferation of intolerance and hate crimes pose a threat to all societies across the entire region, and not just to one particular part of it.

Yet most importantly in the present context, dozens of election missions undertaken by ODIHR have confirmed that “long-standing democracies” are not immune from election-related problems. As Philippe Schmitter has recently observed, “communism’s collapse and democracy’s spread have not brought an ‘end of history’ rooted in democracy’s insuperability. Far from enjoying a smooth sailing, today’s really existing democracies face storms of criticism from many directions.”³⁶

The almost exclusive monitoring focus employed by the OSCE (and indeed other international organizations, such as the Council of Europe) towards its eastern periphery in the 1990s implied in essence that societies in longer-standing democracies had arrived at a “point of no return” in the establishment of stable and transparent laws and institutions, and were beyond the need for monitoring. Yet as we know from painful episodes in recent European history, democratic progress has a reverse gear and can suffer setbacks. Democracy does not necessarily improve with age; it needs constant care and maintenance.

An international security co-ordination framework such as the OSCE is motivated not only by individual state interest but, to a large extent, by a collective interest in preserving and promoting the system as a whole.³⁷ For those states fortunate enough to have lived under democratic constitutions for longer than two decades, these propositions require them to fully embrace the OSCE as an organization working in countries throughout the entire region, including their own. Should those “long-standing democracies” wish to encourage commitment-abiding behaviour throughout the region, they should be ready to submit their own practices to the scrutiny of an impartial and professional international body, and to peer-review.

Notwithstanding considerations of sovereign equality in the application of rules, this contribution has attempted also to emphasize that different sets of tools need to be employed to observe elections in different contexts. Applying the same tools to countries with vastly different needs would not serve any useful purpose and would be a wasteful use of resources. The needs identified – using a standardized methodology and in a non-politicized manner – must be the basis for the selection of the most suitable election observation activity.

On a practical level, in the field of election observation, the realization that “long standing democracies” should submit their practice to international scrutiny has not yet completely sunk in. When ODIHR has in the past requested the secondment and deployment of observers, both long-term and short-term, e.g., to European Union member states or the United States, its calls have been met by these states with a wall of silence. Indeed there

36 Philippe C. Schmitter, *Twenty-Five Years, Fifteen Findings*, in: *Journal of Democracy* 1/2010, pp. 17-28, here: p. 21.

37 Cf. Jonathan Charney, *Universal International Law*, in: *American Journal of International Law* 4/1993, pp. 529-551, here: p. 532.

seems to be a silent understanding among EU member states not to second observers to each others' electoral events. Election observation, it seems, has not yet become a coherent and utterly normal manifestation of the "universal democratic entitlement".

In the specific multilateral context of the OSCE, this observable reluctance has negative consequences on system-wide norm promotion. Given the continuing tendency by "longer-established democracies" to call for engagement by others while appearing impenetrable to advice on improving aspects of their own electoral practice, charges of double standards risk becoming substantiated. If one country or a group of countries disregards the recommendations offered by one international institution while, at the same time, insisting on the transfer of good practices to other countries, one can reasonably speak of a process of politicization that undermines the co-operation and trust among international partners. As has been pointed out in this contribution, the equal adherence of all parties to OSCE commitments is key to maintaining a collective system of security that aspires to legitimacy; as a corollary, rules that only apply to some will cease to be credible and will thus lose their legitimacy pull.

While ODIHR has made progress in recent years in widening the geographic scope of its activities with regard to the observation of electoral practices, "long-standing democracies" will have to demonstrate greater readiness to undergo the level of scrutiny and follow-up to recommendations that they expect from their peers that, only two decades ago, liberated themselves from the authoritarian yoke. Only if monitoring and electoral assistance evolves into a system-wide practice will the OSCE be a coherent and fully effective asset in Europe's security order.

External Strategies for Post-Conflict Democratization: Bosnia and Herzegovina, Kosovo, and Macedonia

Introduction

Can countries emerge from civil wars as democracies? And, if they can, to what extent and by what means can external actors support this transition? A research project on post-war democratization being hosted by the Free University of Berlin (FUB) is investigating these questions.¹ It focuses on post-conflict environments and examines how external actors can support or hamper democratization. The researchers relied on a qualitative comparative approach, using evidence from nine case studies.² This contribution provides an overview of the findings of all nine cases, with a focus on the three South-eastern European states of Bosnia and Herzegovina, Kosovo, and Macedonia. Compared to the other six cases, these stand out by the fact that two of them (Bosnia and Herzegovina and Kosovo) have hosted very large peace missions of long duration, and all three are in the direct neighbourhood of the European Union. We will, throughout the text, use evidence mainly from those three cases and refer to the overall results from the nine cases to put them into context.

Analyses of these case studies reveals that external democracy promotion in post-conflict states is rarely effective. Three common strategies pursued by external actors were examined, none of which was found to have an observable impact on democratization per se. The three strategies are: peace missions, democratization aid, and neighbourhood effects. While large-scale peace missions are successful at guaranteeing security, they tend to produce hybrid regimes rather than functioning democracies.³ Similarly, the massive amounts of democratization aid given by bilateral and multilateral donors contribute to building states' capacities, but not democracy. The only strategy that does seem to make a difference in terms of democratization – if only in the South-eastern European states – is that of “neighbourhood effects”, specifically in relation to the prospect of EU integration. Our research finds that the most important factor in explaining successful post-conflict democratization is not the level of external assistance but the internal demand for democracy.

1 The project website can be found at: <http://aix1.uottawa.ca/~czurcher/czurcher/Transitions.html>.

2 Macedonia, Bosnia, Kosovo, Mozambique, Namibia, Rwanda, Afghanistan, Tajikistan, and Timor-Leste. The project has since gone on to also study Haiti, but the results of that research have not been taken into account here.

3 Cf. Larry Diamond, Thinking about Hybrid Regimes. Elections Without Democracy, in: *Journal of Democracy* 2/2002, pp. 21-35.

Promoting democracy in post-conflict states is not an easy task. Firstly, the process of democratization itself is inherently conflictual: The opening of the domestic political space in the early stages of a democratic transition intensifies the competition between incumbent elites and challengers, while viable mechanisms to regulate political competition are not yet in place. In light of such arguments, scholars focusing on the relationship between war and democracy have argued that the process of democratization itself increases the risk of interstate and civil wars.⁴

Secondly, it is unclear whether external actors can initiate or steer domestic democratization processes, and, if so, how. The means they have used to attempt do so range from classic diplomacy, via foreign aid (with or without political conditionalities), to various forms of direct intervention.⁵ But from the perspective of those studying transitions from authoritarianism towards democracy, these transitions are clearly internal processes with not much of a role for external actors and influences.⁶

Thirdly, democratization is even more problematic in countries emerging from civil war. Post-conflict settings may offer special opportunities for democratization where the conflict has broken up vested interests and ended with a change of leadership or altered elite preferences.⁷ But post-conflict states usually lack the robust institutional mechanisms necessary to prevent electoral competition from turning into violent competition.⁸ Societies emerging from civil war are also often highly polarized and divided, which risks turning elections – one of the major elements of democracy – into a winner-takes-all contest and a competition for the ownership of the state.⁹

4 Cf. Edward D. Mansfield/Jack Snyder, Democratization and the Danger of War, in: *International Security* 1/1995, pp. 5-38; Edward D. Mansfield/Jack Snyder, Democratization and the Danger of War, in: Michael E. Brown (ed.), *Debating the Democratic Peace*, Cambridge, MA, 1996, pp. 301-335; Edward Mansfield/Jack Snyder, Democratic Transitions, Institutional Strength, and War, in: *International Organization* 2/2002, pp. 297-337; Jack Snyder, *From Voting to Violence. Democratization and Nationalist Conflict*, New York 2000; Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places*, New York 2009; Havard Hegre/Tanja Ellingsen/Scott Gates/Nils Peter Gleditsch, Toward a Democratic Peace? Democracy, Political Change, and Civil War, 1816-1992, in: *American Political Science Review* 1/2001, pp. 33-48.

5 Cf. Peter Schraeder, The State of the Art in International Democracy Promotion: Results of Joint European-North American Research Network, in: *Democratization* 2/2003, pp. 21-44.

6 Cf. Charles T. Call/Susan E. Cook, On Democratization and Peacebuilding, in: *Global Governance* 2/2003, pp. 233-246; Guillermo O'Donnell/Philippe C. Schmitter, *Transitions from Authoritarian Rule*, Baltimore 1986; Schraeder, cited above (Note 5).

7 Cf. Lisa Chauvet/David Collier, What Constrains Turnarounds in Fragile States? in: Marianne Beisheim/Gunnar Falke Schuppert (eds), *Staatszerfall und Governance* [State Failure and Governance], Baden-Baden, 2007, pp. 223-235.

8 Cf. Roland Paris, *At War's End. Building Peace after Civil Conflict*, Cambridge 2004.

9 Cf. Timothy D. Sisk/Carnegie Commission on Preventing Deadly Conflict, *Power Sharing and International Mediation in Ethnic Conflicts*, Washington, D.C., 1996; Arend Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, Berkeley 1975; Philip G. Roeder/Donald Rothchild, *Sustainable Peace. Power and Dem-*

And finally, since stability and democracy are sometimes conflicting goals, external democracy promoters are faced with a range of difficult choices if they wish to introduce the latter without risking the renewed outbreak of violent conflict.¹⁰ These include the dilemma of choosing between holding early elections – which might foster instability – and postponing elections – which may hamper the legitimacy of the regime – and the need to balance the desire for efficacy with an acknowledgement that too much international pressure as opposed to full local ownership actually undermines the legitimacy of the very institutions international actors are building.¹¹

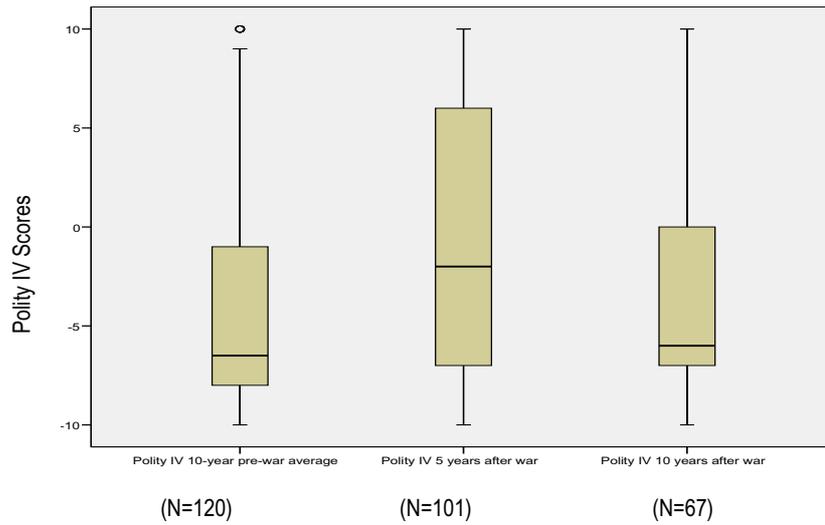
In any case, the record of democratization after civil war is modest at best. Looking at the overall population of countries that have experienced a civil war since the end of the Second World War and using the Polity IV index as a measurement of democracy, one finds that most war-affected countries do not emerge from war as democracies.¹² Polity scores five years after the end of a civil war are, on average, some 3.1 points higher than five-year averages before the war, but these gains in democracy turn out to be temporary and partly driven by the floor effect of a few outlier cases with very low pre-war democracy scores. When comparing ten-year averages before and after a civil war, one finds that average post-conflict polity scores plunge back to their levels ten years before the war (see Figure 1).

The findings of the post-war democratization project largely confirm these broad trends. While the large variance among the nine cases in terms of democratic qualities urges caution against too broad generalizations, some similarities can be identified: The typical post-war state is characterized by low participation, little or no political competition, weakly institutionalized rule of law, a high dependence on external actors, and a medium to low level of democracy in general. Post-war transition states create a façade of democratic structures, but rarely is there democratic substance behind the appearance. The table below classifies the case studies according to the various indicators of democratic and economic performance (see Table 1). Looking specifically at the three South-eastern European countries, we find that Macedonia, Bosnia and Herzegovina, and Kosovo are relatively stable five years after the start of the peacebuilding mission, only Macedonia displays a very high Polity IV score; all three are rated as partly free by Freedom House.

ocracy after Civil Wars, Ithaca, NY, 2005; Sid Noel (ed.), *From Power Sharing to Democracy. Post-Conflict Institutions in Ethnically Divided Societies*, Montreal 2005.

- 10 Cf. Anna Jarstad/Timothy D. Sisk, *From War to Democracy: Dilemmas of Peacebuilding*, Cambridge 2008; Paris, cited above (Note 8); Roland Paris, Understanding the “coordination problem” in postwar statebuilding, in: Roland Paris/Timothy D. Sisk (eds), *The Dilemmas of Statebuilding. Confronting the Contradictions of Postwar Peace Operations*, New York 2008, pp. 53-78; Timothy D. Sisk/Andrew Reynolds, *Elections and Conflict Management in Africa*, Washington, DC, 1998.
- 11 Cf. Larry Diamond, Promoting Democracy in Post-Conflict and Failed States: Lessons and Challenges, in: *Taiwan Journal of Democracy* 2/2006, pp. 93-116.
- 12 All data is taken from Michael W. Doyle/Nicholas Sambanis, International Peacebuilding: A Theoretical and Quantitative Analysis, in: *American Political Science Review* 4/2000, pp. 779-801.

Figure 1: Democracy Levels of Conflict Cases before and after the War



What explains the modest outcomes of post-war democratization efforts? External actors have considerable means at their disposal for engaging in post-conflict states: They deploy troops to guarantee stability and civilian staff to assist in reconstruction and institution building, and they bring in financial aid for emergency assistance, for development, and also specifically for democratization. Neighbouring states can also exert influence in many ways, including by offering the prospect of regional integration.

In what follows, the article will examine each of these three strategies in detail and explain why they failed to produce the desired outcome. The last section will argue that the local demand for democracy is more conducive to post-conflict democratization than any external efforts per se.

Table 1: Classification of Cases under Study

	Namibia	Macedonia	Timor-Leste	Mozambique	Bosnia and Herzegovina	Afghanistan	Kosovo	Tajikistan	Rwanda
Time period – five years after intervention start	1989-1993	2001-2005	1999-2003	1992-1996	1996-2000	2002-2006	1999-2003	1997-2001 ¹	1993-1997
Freedom in the World score ²	2.5	3	3	3.5	4.5	5	5	6	6.5
Polity IV score ³	6	9	6	6	-66 (foreign interruption)	-66 (foreign interruption)	no data	-1	-6
Stability ⁴	1	2	3	2	2	5	3	2	4
Real GDP per capita, year of intervention start ⁵	2,595	1,941	404	226	1,039	234	743	195	442
Peacekeeping troops, peak strength ⁶	4,439	3,500	6,281	6,625	54,000	33,250	40,000	25,636 ⁷	5,200
Peacekeeping troops per 1000 inhabitants	3.0	1.7	7.2	0.5	15.5	2.7	21.1	4.0	0.9
Intrusiveness of intervention ⁸	Low	Low	High	Low	High	High	High	Low	Low
Aid per capita ⁹	143	122	168	77	312	76	271	4 ¹⁰	86
Democracy aid ⁸	No data	44	66	No data	7	No data	52	1	3
	Democratic				Hybrid			Autocratic	

- 1 The UN Mission in Tajikistan (UNMOT) started in December 1994, and there was a substantial number of CIS peacekeeping forces in the country. However, substantial peacebuilding activities took off only after a peace agreement had been signed in June 1997.
- 2 Freedom in the World; measured in the fifth year after intervention start; <http://www.freedomhouse.org/template.cfm?page=25&year=2008>.
- 3 Polity IV Annual Time-Series 1800-2007; measured in the fifth year after the intervention start; Integrated Network for Societal Conflict Research at <http://www.systemicpeace.org/inscr/inscr.htm>.
- 4 Scale from 1 (stable) to 5 (relapse into war); combined score based on cases study assessments, UCDP conflict intensity levels, COSIMO conflict intensity scores, and the Political Terror Scale; measured in the fifth year after the start of intervention.
- 5 Data from the UN Statistics Division, National Accounts Main Aggregates Database. The data provided there is in current prices in US\$. We converted it to 2006 constant US\$ for comparability with the aid data.
- 6 Data provided by the case study authors.
- 7 CIS/PKF. UNMOT: only observers.
- 8 Data taken from the case studies. "Intrusiveness" is a composite variable with dichotomous values. It is based on the formal and informal competencies that the external actors took on in executing their mandate, such as whether they assumed some or most legislative power for a certain time, whether they decisively shaped the new constitution and/or the legal codex, whether they assumed some or most of the executive powers, whether they decisively shaped economic policies, and whether they participated in executive policing.
- 9 Data provided by the case study authors; five year post-war averages; in 2006 constant US\$ per capita.
- 10 Aid data for Tajikistan refers to the nine main donors only.

The Impact of Peacebuilding

The results of our research suggest that peacebuilding missions generally do not achieve the kind of societal change that would transform a post-conflict state into a model democracy. Although it can be shown that peace missions have become bigger, longer lasting, and more expensive over the last twenty years, the policy assumption that more is always better seems not to be warranted.¹³ While robust and heavy-footprint peace missions are successful at guaranteeing security and preventing a relapse into war, the nine case studies reveal that bigger missions do not in fact lead to more democracy, but most often produce hybrid regimes.

Table 2: *Outcome and Level of External Support*

	Stable and democratic (Polity IV score 6 or higher)	Stable and undemocratic	Unstable and undemocratic
High external support	East Timor	Bosnia and Herzegovina Kosovo	Afghanistan
Low external support	Namibia Macedonia Mozambique	Tajikistan Rwanda	

Three of the four most democratic post-war polities – Namibia, Macedonia, and Mozambique – received light-footprint missions (the mission in Timor-Leste was substantially more intrusive; see Table 2 above). These cases show that targeted, tailor-made support by a moderate peacebuilding mission can provide the extra fuel needed to keep a peace process going. This, however, seems to be largely independent of the policies pursued by the peacebuilders, but rather to depend on internal factors. In Macedonia, for instance, the peacebuilders never assumed executive power. The task of the military missions and later European police forces was to monitor, mentor, and advise Macedonian state institutions, and domestic sovereignty was never suspended. However, the Ohrid Framework Agreement and EU accession process provided a stringent framework for reforming Macedonian state institutions. NATO, the OSCE, and the EU facilitated and monitored the implementation of the Ohrid Framework Agreement. Because its implementation

13 Cf. Nora Roehner, *Mission Intrusiveness and Democratic Outcomes*. APSA 2009 Toronto Meeting Paper, Toronto 2009; available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1451595.

effectively became linked to the fulfilment of the Copenhagen Criteria, as required for EU accession, the incentives for implementing the agreement were high. It should also be noted that democratic structures were already in place in Macedonia before the conflict, and the Ohrid Agreement merely made them more inclusive.

Very comprehensive, heavy-footprint missions were deployed in Bosnia and Herzegovina and Kosovo. In Bosnia and Herzegovina, the Office of the High Representative (OHR) exercised executive and legislative powers. 54,000 troops supported the mission, and an estimated 22 billion US dollars had been spent by 2000.¹⁴ In Kosovo, UNMIK took on the complete range of state functions, the mission was supported by 50,000 troops, and an estimated three billion US dollars in official development assistance (ODA) was spent.¹⁵ The track record of these highly intrusive, high-cost missions is mixed. With the exception of Afghanistan, the large missions in our sample brought an end to large-scale violence, although instances of small-scale violence in Kosovo prompted the peacebuilders to adjust their agenda. But despite these achievements with regard to security, none of these states is a self-sustaining liberal democracy. In both Kosovo and Bosnia and Herzegovina, the massive engagement of the international community over many years may have pushed the countries from violent conflict back to stability, but the regimes seem to be locked in hybridity, because the international community has assumed administrative control, leaving little space for further democratization. Furthermore, “ethnicized” politics are an obstacle to progress, as are corruption, a weak legislature, and organized crime.

The case studies also reveal that peacebuilders are rarely prepared to use the considerable leverage they have, because they are faced with a trade-off between stability and democracy. Peacebuilders are often willing to compromise on their noble goals and settle for an outcome that leaves the immediate post-war status quo largely intact. This may perpetuate a non-democratic mode of governance.¹⁶ They do this because they have to produce a secure and stable environment and because they are highly dependent on domestic actors whose co-operation is essential for the smooth and stable implementation of the many peacebuilding projects. This explains why peacebuilders embark upon peacebuilding missions with noble visions of liberal, multiethnic, and democratic societies but may quickly be willing to compromise and settle for far less ambitious goals. In Bosnia and Herzegovina and Kosovo, the peacebuilders’ vision of a democratic and multiethnic polity

14 Cf. Kristie Evenson, Bosnia and Herzegovina: Statebuilding and Democratization in the Time of Ethnic-Politics and International Oversight, in: *Taiwan Journal of Democracy* 1/2009, pp. 127-162; available at: <http://www.tfd.org.tw/docs/dj0501/093-126-Kristie D. Evenson.pdf>.

15 Cf. Jens Narten, Assessing Kosovo’s Postwar Democratization: Between External Imposition and Self-Government, in: *Taiwan Journal of Democracy* 1/2009, pp. 127-162; available at: <http://www.tfd.org.tw/docs/dj0501/127-162-Jens Narten.pdf>.

16 Cf. Michael Barnett/Christoph Zürcher, The peacebuilders contract. How external statebuilding reinforces weak statehood, in: Paris/Sisk, cited above (Note 10), pp. 23-52.

soon proved to be unfeasible. The tremendous resources that they brought to Bosnia and Herzegovina and Kosovo were not enough to overcome the main obstacle to a democratic peace: ethnic politics. The ethnic parties in Bosnia and Herzegovina continued to treat their territory as a fiefdom and were unwilling to defer authority to the central government. In Kosovo, the riots of March 2004 prompted the international community to grant Kosovo independence, thereby abandoning the “standards before status” doctrine, which foresaw that Kosovo would receive more autonomy as it progressed in providing good governance. In both countries, the peacebuilders continue to support de facto ethnic separation.

The case studies thus suggest that peacebuilders seem not to be successful at pushing the regimes towards moderate or high levels of democracy, even with large and intrusive peace missions. The barriers posed by external tutelage and the limited willingness of the interveners to use their leverage effectively when faced with domestic opposition appear to account for this outcome. This was certainly the case in Bosnia and Herzegovina and Kosovo. Macedonia serves as a good example of a modest and targeted peace mission that provided additional support for a democratization process that was already ongoing.

Democratization Aid

Similarly to peace missions, foreign aid does not seem to have a large impact on democratization. Aid appears to be important for building state capacities, but one cannot detect a direct effect on democratization in the nine case studies, and Bosnia and Herzegovina, Kosovo, and Macedonia are no exception in that respect. Additionally, despite the fact that many countries are highly aid dependent, democratic conditionality is rarely applied. In most of the nine cases that the project investigated, aid accounted for around 30 per cent or more of gross national income (GNI) in at least the first years following the conflict.¹⁷ In most cases, however, this was not used by donors to tie aid to democratic reforms.

Figures 2 and 3 below provide an overview of average aid levels five years after each conflict ended, one based on data gathered by the project and the second on OECD-DAC data for comparison.¹⁸

17 Cf. Rachel Hayman/Carrie Manning, *Fostering Stability or Democracy? Aid for democracy promotion in post-conflict countries*. Paper prepared for the American Political Studies Association Annual Meeting, Toronto, 2009; available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1451594. These numbers are based on the World Bank Development Indicators (WDI).

18 The tables present the five-year averages of external aid. The data is taken from the case studies. The UN Mission in Tajikistan (UNMOT) opened in December 1994. However, substantive peacebuilding activities took off only after a peace agreement had been signed in June 1997. For that mission, therefore, 1997 was chosen as the starting year. All aid data is in 2007 constant U.S. dollars. Differences compared to the data presented in previ-

Of the nine cases, overall aid levels were highest in Bosnia and Herzegovina, East Timor¹⁹ and Kosovo. The amount of aid earmarked for democratization has typically not been large, although the share of democracy aid has been growing over time – a trend that might be driven more by fashions within the development community rather than proven effectiveness.

Fifteen years after the intervention, Bosnia and Herzegovina is a hybrid regime despite the massive amounts of aid spent. Most resources were initially focused on reconstruction, humanitarian aid, and reviving the economy. Only later did the focus shift to institution building, and from there to aid for democratization. The level of democracy aid per capita was moderate until 2003 (between seven and 14 US dollars in most years). While overall aid decreased, democracy aid increased drastically after 2002 to 22 US dollars per capita in 2003, 36 dollars in 2004, and 28 in 2005.²⁰ Bosnia and Herzegovina is the only case in which aid conditionality was a key component of the international community's policies: Some aid programmes were made conditional on compliance with the Dayton Agreement, while, most significantly, the US made any international financial institution (IFI) decisions dependent on cooperation with the process of war crimes prosecution. Overall, conditionality has been most effective as a punitive rather than an incentivizing tool.

ous versions are due to changes in the available OECD data, and the conversion of all data from 2006 to 2007 constant U.S. Dollars. Table 1 refers to data collected by the case study authors. Here, data for Mozambique refers only to the years from 1992-1994. Data on democracy aid for Rwanda refers only to the years from 1995-1997. Aid data for Tajikistan refers to the nine main donors only. Data for Timor-Leste refers to 2000-2003, and data for that country for the years 2000-2002 includes only funds channelled via the UN administration. Table 2 reports data provided by the Aid Activity database of the OECD Development Assistance Committee (DAC), which is available at: http://www.oecd.org/document/0/0,2340,en_2649_34447_37679488_1_1_1_1,00.html. No DAC data is available for years prior to 1995. For Mozambique, therefore, data refers only to the years 1995 and 1996, and for Rwanda to 1995-1997. For both, aid figures per capita are based on population data provided by the World Population Prospects, 2008 Revision, Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat; available at: <http://esa.un.org/unpp>. Democracy aid includes the following sub-categories: 1) Elections and the political process, 2) Rule of law, accountability, anti-corruption, human rights, and minority rights, 3) Institutional infrastructure, 4) Civil society, media, civic education, empowerment, and 5) Civil-military relations, disarmament, demobilization, and reintegration (DDR), security sector reform. Other categories refers to any aid that was not classified by the project as either emergency aid or democracy aid.

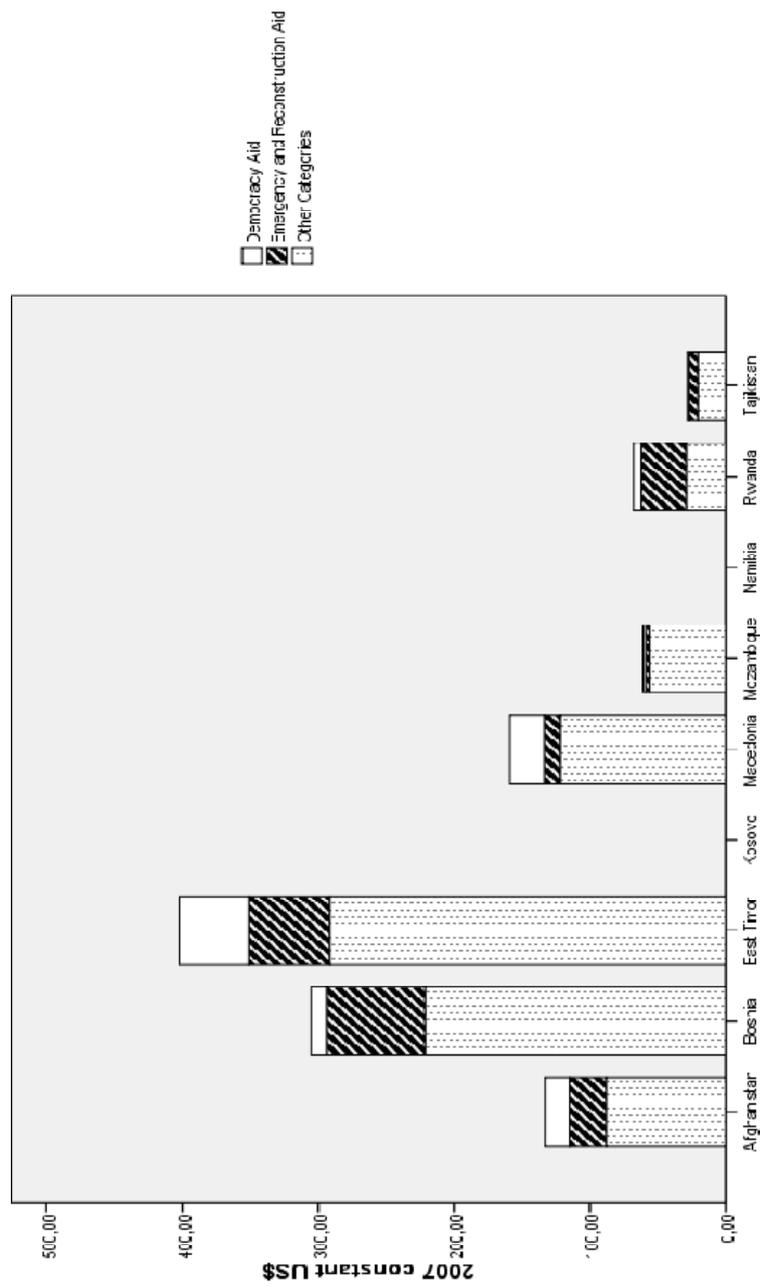
19 The aid data collected on East Timor by the project unfortunately includes only funds channelled via the UN administration for 2000-2002. The overall amount is thus likely to be somewhat higher.

20 This and the following paragraphs refer to the aid data collected by the project.

Figure 2: Aid per capita, average for the first five years after conflict, project data



Figure 3: Aid per Capita, Average for the first Five Years after Conflict, OECD-DAC data



Aid per capita in Kosovo in the first five years was almost as high as in Bosnia and Herzegovina (280 US dollars per capita on average, compared to 321 in Bosnia and Herzegovina). As the level of emergency and humanitarian aid – and with them overall aid – decreased from 2002 onwards, democracy aid started to play a larger role within the aid portfolio. The overall amount of democracy aid decreased after 2002 as well, but in relation to overall aid, democracy aid accounted for below 20 per cent until 2002 and then gradually increased to 42 per cent in 2005. Conditionality was applied in Kosovo in very general terms in the form of the “standards before status” policy, which included an extensive list of criteria to be fulfilled before a decision would be made on Kosovo’s final status. This policy was formulated in 2002 and dropped in the aftermath of the 2004 riots, as it had led to increased elite and public resistance at that time.²¹

The overall level of aid to Macedonia was moderate at an average of 132 US dollars per capita in the first five years. At an average of 36 per cent, democracy aid accounted for a large share of overall aid. This, however, also reflects the relatively low level of emergency and reconstruction aid after a fortunately very short and largely bloodless conflict. Since Ohrid, the main focus of external aid has been on strengthening state capacity, and the EU pre-accession programmes have become the main sources of funding. Aid conditionality in Macedonia mainly comes in the form of EU conditionality, which included the implementation of components of the Ohrid Framework Agreement.²²

In summary, we find that aid plays an important role in rebuilding state capacities but seems to have little impact on democracy. It seems that peacebuilders are reluctant to use the leverage of aid dependence to push for reform.

*Neighbourhood Effects*²³

The nine case studies do not reveal a clear pattern of how neighbourhood factors affect either peace or democracy. Regional influences are important in many cases, especially in Bosnia and Herzegovina, Macedonia, and Kosovo. The conflicts in South-eastern Europe that occurred as part of the break-up of Yugoslavia were all inter-related and thus need to be seen in a regional con-

21 Cf. Narten, cited above (Note 15), p. 144.

22 Cf. Tome Sandevski, *External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies: Macedonia*, 2008; available at: http://aix1.uottawa.ca/~czurcher/czurcher/Transitions_files/Final%20Report%20Macedonia.pdf.

23 Large parts of this section are based on an analysis by Kristie Evenson, *External Democracy Promotion in Post-Conflict Zones: Bosnia*, 2010; available at: http://aix1.uottawa.ca/~czurcher/czurcher/Transitions_files/Final%20Report%20Bosnia.pdf. This paper is part of the research project at the Free University of Berlin and examines the effects of neighbourhood factors on the interaction of peacebuilders and domestic elites in the nine cases.

text. Neighbouring states therefore continue to be important in the post-conflict period. In contrast to the other cases in the analysis, regional integration processes, in the form of EU integration, did play a role in the three Balkan states that were studied. Within the framework of the “Stabilization and Association Process” that was launched in 1999 specifically for the countries of the Western Balkans, the EU slowly started to take over as a lead agency, and conditionality attached to the process of qualifying for EU accession started to replace (or was intended to replace) the imposition of reform. The prospect of EU accession greatly facilitated reforms in Macedonia, while the picture is more mixed with respect to Bosnia and Herzegovina and Kosovo.

Macedonia provides the clearest example of how prospective EU membership may have a positive impact on democratization. EU integration was seen by elites and the public as highly beneficial because of the economic opportunities and the security guarantees it offers. Macedonia implemented a process of decentralization and public sector reform that aimed at improving the capacity and democratic quality of state institutions and was supported by international aid as a move towards meeting the Copenhagen Criteria. As a result, the EU granted Macedonia the status of candidate country in late 2005.²⁴ In Bosnia and Herzegovina and Kosovo, standards and approaches previously attached to peacebuilding and stabilization were only later incorporated into the EU strategy, when the focus shifted from post-war stabilization to European integration. The issue of EU integration dominates the political discussion and has arguably influenced elite preferences to some degree. However, the effects of EU conditionality have been less clear-cut. In Bosnia and Herzegovina, from 2002 onwards, two parallel processes took place: First, the EU slowly started to take over as the lead agency for peace implementation (a process that is still not completed),²⁵ and, second, EU integration started to be used as a means to overcome the overly complex political structure created at Dayton. This approach has shown some results on the formal level (a Stabilization and Association Agreement was signed in 2008), yet no substantive progress appears to have been made.²⁶ In Kosovo, the prospects of EU membership and NATO co-operation were attractive and did

24 Cf. Sandevski, cited above (Note 22), pp. 2-3.

25 The OHR has also fulfilled the role of EU Special Representative (EUSR) since 2002. In 2003, the UN-led police mission was transferred to the EU, as was the NATO-led military mission in December 2004. The full transition of OHR to the EUSR is still subject to major debate and political struggles. Cf. ICG, *Bosnia's Dual Crisis*, Sarajevo 2009; available at: <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/b057-bosnias-dual-crisis.aspx>; ICG, *Bosnia's Incomplete Transition: Between Dayton and Europe*, Sarajevo 2009; available at: <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/198-bosnias-incomplete-transition-between-dayton-and-europe.aspx>; Stefano Recchia, *Beyond international trusteeship: EU peacebuilding in Bosnia and Herzegovina*, Paris 2007.

26 Cf. ICG, *Bosnia's Incomplete Transition*, cited above (Note 25) Vedran Džihčić, *Dilemmata im Prozess der "Europäisierung" Bosniens* [Dilemmas in the Bosnian "Europeanization" Process], Geneva 2007; available at: http://www.ceis-eu.org/publications/working_papers/2007/ceis_wps_no1.pdf.

serve as an incentive for democratization to the domestic elites. However, the EU's policy of making democratic standards a condition for the prospective EU integration of Kosovo and, potentially, Serbia was only effective in the case of the Kosovo Albanians. The prospect of EU membership could not overcome ethnic segregation in post-war Kosovo.

Local Demand for Democracy and Adaptation Costs

Of greater significance than any external factors in explaining the outcome of post-conflict democratization processes is local demand for democratization, both on the part of the domestic elites and among the general population. In the past, scholars and practitioners have by and large assumed that it is the lack of local capacities – economic and social difficulties – that hinder the emergence of democracy. But lack of capacity need not be the only explanation for democratic failures. Analysis has revealed that the constraining factor is political will (or motivation) rather than capacity (or structure). Democratization stands a better chance when there is real demand for it among the elites and the population, and when the adaptation costs for the regime are low.

The underlying assumption of this thesis is that local elites in post-war countries might not want democracy for a number of reasons and would thus have to bear the costs of adapting to the new system. For one thing, introducing democratic principles endangers the grip on power of the militarily strongest party, as it may well lose in elections what was won in battle. Moreover, liberal peace brings with it norms and rules of good governance that restrict the ability to arbitrarily reign, extort, and expropriate, while also jeopardizing the gains of war. Finally, democratic procedures and good governance threaten patron-client networks, which are the very foundation of authority of most regimes in post-conflict states.

The evidence from the sample suggests that there are two situations in which adaptation costs are atypically low and demand for democracy atypically high. The first is in the context of a war for independence, when democracy comes bundled with independence. Elites and populations as a whole are prepared to accept the adaptation costs of democracy because they desire independence. Struggles for independence tend to build high elite coherence and considerable popular support for the leadership. Both are prerequisites for state-building processes and increase the chances of there being a successful democratization process. When elites enjoy widespread support from the population, this further reduces the costs of a democratic transition because elites can safely assume that they will prevail in elections. Second, the adaptation costs of introducing democracy are also low when democracy offers a way out of a destructive stalemate. If the parties to a war are convinced that neither can win on the battlefield, they might be inclined to accept the costs

that are associated with the adoption of democratic ground rules. By contrast, adaptation costs are high and demand low if previous experiences with democracy were unsuccessful, if there are deep divisions between different groups, and if democracy does not offer a solution to the pressing needs of either elite or population, but rather threatens the survival of a regime that is dependent on its capacity to rule by patronage.

The democratic champions of the sample – Namibia, Timor-Leste, Mozambique, and Macedonia – show high elite and popular demand for democracy as well as low adaptation costs, whereas neither elites nor populations demanded democracy in Afghanistan, Tajikistan, Rwanda, or Bosnia and Herzegovina. Only the hybrid regime of Kosovo, where there was strong local demand for democracy coupled with independence, diverges from this pattern.

In Kosovo, demand for democracy was derivative of local demands for independence. With the ultimate objective of independence, the Kosovo-Albanian national elites unanimously and vigorously pushed for an acceleration of the transfer of powers from the UNMIK administration to national institutions. International actors initially attempted to repel local demands for independence by pursuing a strategy of maximum intrusiveness, but were later forced to give in to the demands of the increasingly frustrated Kosovo Albanians in order to secure stability and relative peace in Kosovo. Apart from these momentary security pressures, the national elites generally demonstrated a compliant attitude towards the international presence and a collective willingness to take part in the democratization process in exchange for independence. However, independence was a Kosovo-Albanian project, as was the democratization process attached to it. The Serb minority in Kosovo boycotted the independence and democratization process, but it was too weak to effectively veto it, even with considerable support from Belgrade. Kosovo Serbs remain largely excluded from the political process, which severely limits the quality of democracy.

The main issue for the elites of all parties to the Bosnian war was ethnicity, not democracy. Consequently, the ethnicity-based system that was part of the Dayton Peace Agreement was acceptable, as it guaranteed the positions of those ethnicity-based parties that dominated during the war. The power-sharing guarantees that were attached to “democracy” lowered adaptation costs considerably. Among elites, there was thus a substantial interest in *limiting* democratic competition, as exemplified by the enormous difficulties of “moving beyond Dayton” by reforming the ethnicity-based constitutional principles. The role of the international community in some ways actually worked against local interest in democracy. With the OHR as a last-stop executive, it was often far more rational for domestic political actors to leave unpopular decisions for the international community. While opportunities for participation and competition technically exist, there are few incentives to use them. The ethnicity-based system that largely entrenched the dominant pos-

ition of the wartime elites, and the overruling power of the “internationals” significantly impeded initiatives to use these democratic spaces. Additionally, the existence of the Bosnian state itself was the result of a compromise, and of substantial international pressure. Identification with the Bosnian state as a whole remains low.

Finally, in the case of Macedonia, the Ohrid Agreement that ended the armed conflict between the Albanian rebels and the Macedonian security forces set the groundwork for improving the rights of ethnic Albanians, especially with regard to language policy, education, and communal self-government. This required some concessions from the Macedonian majority. But because many Ohrid provisions were part of the EU accession process anyway, which was the strategic objective of both Macedonians and Albanians, the adaptation costs for the regime were relatively low.

Despite the often praised virtues of democracy for the people, the research found that the post-war democratic process is rarely accompanied by mass mobilization. This is perhaps not surprising – the population in war-affected countries is first and foremost preoccupied with survival. Participation in politics is not high on their agenda. Mass mobilization occasionally flares up around “founding” elections (for example, Afghanistan’s first presidential elections) or in the context of a struggle for independence (for example, around Kosovo’s parliamentary elections in 2004 and 2007). In general, however, public participation in the political process is very low. This is not so much a result of limitations actively being imposed on political spaces, but rather of a population having other priorities, of weak civil society foundations, and of a largely disconnected and marginalized rural population. The only countries that actively and massively limit political participation are Tajikistan and Rwanda. These overall low participation rates are in contrast with the high participation rates usually associated with democratic transitions in countries without violent conflict.

Conclusion

Over the last 20 years, external actors have increasingly invested in post-conflict democratization. This contribution has presented findings of the research project on post-conflict democratization hosted by the Free University of Berlin and concludes that the strategies applied by external actors for initiating and fostering democracy after civil war are generally not very effective. Peacebuilding missions, even those that are highly intrusive and bring in massive resources and manpower, are successful at building security and preventing a renewed outbreak of war, but they are not conducive to democratization. Likewise, the large amounts of aid that flow into post-conflict societies do not bring about fully fledged democracies, although they do to some extent contribute to (re)building state institutions. Neighbourhood factors

may matter, but only under exceptional circumstances: One positive effect that could be detected is the facilitation of democratic reforms in Macedonia and, to some extent, also in Kosovo and Bosnia and Herzegovina by the prospect of EU integration.

Despite external assistance for democratization, all nine cases under study were characterized by generally medium to low levels of democracy, low participation, little or no political competition, weakly institutionalized rule of law, and a high overall dependence on external actors. Those post-conflict states that were put under external tutelage came out as hybrid regimes, like Kosovo and Bosnia and Herzegovina, where the main issue of ethnic separation remains unresolved. In the light of the empirical evidence, we are tempted to conclude that external democratization strategies have little effect when there is no domestic demand for democracy. Commitment to democracy by the population and the domestic elites, who have to adapt to democratic rules and norms, seems to be the key factor in explaining successful post-conflict democratization processes.

Countering Terrorism while Protecting Freedom of the Media: A Crucial Balance for Governments

Since the terrorist attacks in the United States in 2001, many of the OSCE participating States have revised their legislation and policies relating to fighting terrorism. New laws have been adopted, old laws have been revised, and policies and practices have been changed. Most of these revisions have expanded the powers of governments to fight terrorism and related crimes.

As with all new legislation in democratic societies, a vigorous debate accompanied the legislative process, the core question of which concerned the extent to which new measures would undermine civil liberties, including freedom of expression and freedom of the media. The role of the Office of the OSCE Representative on Freedom of the Media is to help safeguard the right to free expression while striking a balance with the legitimate aims of governments to protect their citizens.¹

Media professionals bear special responsibilities when addressing the question of terrorism, and must exercise care in the judgments they make. The spread of public terror depends largely on the images and messages carried by media reports. Even with objective reporting, this outcome may be unavoidable. But sensationalist reporting can contribute to terrorists' objectives. People who work in the media should be aware that terrorists try to use their channels in order to reach the widest possible audience and have the strongest possible impact on the public. The use of new media – the internet in particular – to raise funds and spread terrorist propaganda is well known.

However, a free media should not just be seen as a tool that may assist terrorists in achieving their goals, but as essential to fighting the threat. The media can help save lives by spreading information of public interest. It can show the true face of terrorism by engaging in investigative reporting. It can raise awareness of the danger of terrorism and of efforts to combat it. Finally, it can counter the objective of terrorists – to destroy societies' basic human rights, including the right of free expression.

Note: The views expressed in this article are those of the author and do not necessarily represent the official position of the OSCE.

1 For a critical assessment of the effects of legislation on civil liberties, see David Banisar, *Speaking of Terror*, Council of Europe 2008, at: http://www.coe.int/t/dghl/standardsetting/media/doc/SpeakingofTerror_en.pdf.

The role of the Office of the OSCE Representative on Freedom of the Media is to ensure that the fight against terrorism is not used as a pretext to restrict media freedom.²

As a collection of democratic nations, the OSCE participating States must guarantee the security of their citizens, but they must also remain committed to universal rights, of which the right to free expression is the touchstone of all liberties.

As a result, governments must find a balance between ensuring the security of their people and protecting free expression. This need is well reflected in various international documents adopted by the OSCE participating States.

At the December 2001 Bucharest Ministerial Council, the participating States mandated the OSCE Representative on Freedom of the Media to “co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information”.³

At the December 2002 Porto Ministerial Council, the participating States recognized “the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism”.⁴

They also agreed to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments.

As early as November 2004, the Representative on Freedom of the Media was specifically included to assist in monitoring laws that could infringe basic free-media commitments:

The OSCE Representative on Freedom of the Media will continue an active role in promoting both freedom of expression and access to the Internet and will continue to observe relevant developments in all the participating States. The Representative will advocate and promote

2 For a comprehensive overview of media-related OSCE commitments, see: Organization for Security and Co-operation in Europe, The Representative on Freedom of the Media (ed.), *Freedom of expression, Free flow of information, Freedom of Media: OSCE/OSCE Main Provisions 1975-2007*, Vienna 2007, at: <http://www.osce.org/fom/13881>.

3 *Decision No. 1, Combating Terrorism*, MC(9).DEC/1, *The Bucharest Plan of Action for Combating Terrorism*, Annex to MC(9).DEC/1, in: Organization for Security and Co-operation in Europe, Ninth Ministerial Council, 3 and 4 December 2001, MC.DOC/2/01, Bucharest, 4 December 2001, pp. 7-13, here: p. 12.

4 *OSCE Charter on Preventing and Combating Terrorism*, in: Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, 6 and 7 December 2002, MC.DOC/1/02, Porto, 7 December 2002, pp. 9-11, here: p. 11.

OSCE principles and commitments. This will include early warning when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views.⁵

Further, at the December 2004 Sofia Ministerial Council Meeting, participants issued a statement saying they would “exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat, *while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression*”.⁶

The December 2006 Brussels Ministerial Council resolved as follows: “Remaining gravely concerned with the growing use of the Internet for terrorist purposes [...] reaffirming [...] *the importance of fully respecting the right to freedom of opinion and freedom of expression* [...] the Ministerial Council] invites participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes [...] while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law”.⁷

The role of the OSCE Representative on Freedom of the Media is to carry out the mandate given it by the Bucharest Ministerial Council in 2001. Since that time, the Office has been monitoring new media laws and regulations relating to terrorism and has consistently reported examples of instances where new measures unduly restrict the rights to free expression and free media.⁸

5 Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 633, Promoting Tolerance and Media Freedom on the Internet*, PC.DEC/633, 11 November 2004.

6 *Decision No. 3/04, Combating the Use of the Internet for Terrorist Purposes*, MC.DEC/3/04 of 7 December 2004, in: Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, 6 and 7 December 2004, MC.DOC/1/04, Sofia, 7 December 2004, p. 19 (emphasis added).

7 *Decision No. 7/06, Countering the Use of the Internet for Terrorist Purposes*, MC.DEC/7/06 of 5 December 2006, in: Organization for Security and Co-operation in Europe, Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006, Brussels, 5 December 2006, pp. 26-28, here: pp. 26-27 (emphasis added).

8 Published Reports of the OSCE Representative on Freedom of the Media to the Permanent Council can be found at: <http://www.osce.org/fom/documents>.

The most significant challenge arises from the creation of new criminal penalties for speech that is seen to encourage terrorism, either directly or indirectly. Restrictions have expanded from existing prohibitions on incitement to much broader and less defined areas such as the “glorification” of and “apology” for terrorism.

Examples abound throughout the OSCE region. As stated in a Council of Europe report, laws in the United Kingdom prohibit the direct or indirect encouragement of terrorism. A relevant section states: “For the purposes of this section, the statements that are likely to be understood by members of the public as indirectly encouraging the commission or preparation of acts of terrorism or Convention offences include every statement which (a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and (b) is a statement from which those members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.”⁹

Similarly, the 2006 Anti-terror law in Russia criminalizes, as a terrorist activity, the “popularisation of terrorist ideas, dissemination of materials or information urging terrorist activities, substantiating or justifying the necessity of the exercise of such activity”.¹⁰ Organizations, including media organizations that are found liable under the Act, can be liquidated. A second statute amended the mass media laws in 2006 to prohibit “distributing materials, containing public appeals to exercising terrorist activity or justifying terrorism publicly, other extremist materials”.¹¹ The law also prohibits journalists from discussing counter-terrorism operations.

Other nations have adopted laws that go further, criminalizing not just incitement to terrorism but also statements and acts that may be considered to offend the victims of terrorists.

Concerned about the proliferation of anti-terrorism laws, three international *rapporteurs* on Freedom of Expression (the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the Special Rapporteur on Freedom of Expression of the Organization of American States, OAS) adopted in December 2005 a Joint Declaration, which states that:

While it may be legitimate to ban incitement to terrorism or acts of terrorism, *States should not employ vague terms such as “glorifying” or*

9 *Terrorism Act 2006*, section 1 para. 3, at: <http://www.legislation.gov.uk/ukpga/2006/11/section/1/enacted>.

10 Federal Law No. 35-FZ, 6 March 2006, *On Counteraction of Terrorism*, Article 3 para. 2f, at: <http://www.legislationline.org/documents/action/popup/id/4365>.

11 *Law of the Russian Federation on Mass Media*, as amended on 24 July 2007, Article 4, at: <http://www.russland.no/filestore/Massmedia.htm>.

“promoting” terrorism when restricting expression. Incitement should be understood as a direct call to engage in terrorism, with the intention that this should promote terrorism, and in a context in which the call is directly causally responsible for increasing the actual likelihood of a terrorist act occurring.”¹²

It is the duty of the OSCE Representative on Freedom of the Media to ensure the free flow of information, including information about terrorism issues. Freedom of expression and information encompasses the right of the public to be informed on matters of public concern, including terrorist acts and threats, as well as the response to them by states and international organizations.

Various reports and interventions show that the media have increasingly been placed under pressure in many jurisdictions by means such as the detention and prosecution of journalists and the closure of newspapers. There have been several cases where new laws designed to protect national security have limited journalists’ ability to access information.¹³

In the United Kingdom, Neil Garrett of *ITV News* was arrested in October 2005 and detained on several other occasions under the Official Secrets Act after publishing internal police information on the mistaken shooting of Jean Charles de Menezes in a counter-terrorism operation. The story revealed that the police had misled the public about de Menezes’ actions in an effort to deflect criticism.

Police were forced to pay damages after searching the office and home of the Northern Ireland editor of the *Sunday Times* in 2003. He had published a book that contained transcripts of phone calls illegally intercepted by security services.

In November 2005, the government threatened to charge several newspapers with violating the Official Secrets Act if they published stories based on a leaked transcript of conversations between Prime Minister Tony Blair and President George Bush about the possibility of bombing *Al Jazeera* television’s premises in Doha and other locations.

In Canada, *Ottawa Citizen* reporter Juliet O’Neill was threatened in January 2004 with prosecution under the Security of Information Act, and her home and office were searched after the *Citizen* published an article in November 2003 on the controversial arrest and transfer to Syria of Maher Arar

12 *International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression*, 21 December 2005, at: <http://www.osce.org/fom/27455> (emphasis added).

13 Please refer to the Reports of the Representative for Freedom of the Media to the OSCE Permanent Council, cited above (Note 8); cf. also OSCE, The Representative on Freedom of the Media Miklós Haraszti, *Access to information by the media in the OSCE region: trends and recommendations*, Vienna, 30 April 2007, at: <http://www.osce.org/fom/24892>; and Banisar, cited above (Note 1).

on allegations of terrorism. The Ontario Court of Justice ruled in October 2006 that the Act violated the Canadian Charter of Rights and Freedoms.

These examples show the enhanced procedural powers that have been granted to governmental authorities to obtain information and discover journalists' sources through surveillance and searches.

In France, journalist Guillaume Dasquie was detained for two days in December 2007 after he published an article in *Le Monde* that quoted from French intelligence documents indicating that they were aware of plans to hijack aircraft prior to the September 11 attacks. The authorities demanded that he disclose the identity of sources or face charges of violating the state secrets law.

In Germany, echoing a similar case in the 1960s that led to major reforms and improvements in press freedom, *Cicero* magazine's offices and a journalist's home were raided and searched in 2004 after it published an article quoting a federal criminal police document on an *Al Qaida* leader. The Constitutional Court ruled in February 2007 that searches of newsrooms violated constitutional protections of freedom of the press. The court found that mere publication of a state secret without other evidence is not sufficient to accuse the journalist of violating state secret laws and that a search to identify a source was not constitutionally permissible.

The OSCE Representative's Statements

The OSCE Office of the Representative on Freedom of the Media suggests there is a straightforward way to address the challenges posed by new measures designed to combat terrorism: encouraging media self-regulation.

Effective media self-regulation would help promote respect for ethical standards for media professionals regarding terrorism and would prevent excessive intervention by states in regulating the media in that field.

The Media Self-regulation Guidebook published by the Representative's Office addresses the issue of terrorism: "Acts of terror should be reported accurately and responsibly. Special care must be taken with the wording, which should avoid praise for violent acts and eliminate terms that contain emotional or value judgments. [...] The journalist's goal remains the same as in reporting any story: to let the readers make their own judgment."¹⁴

Most of the codes of ethics of media self-regulatory bodies do not have a specific section dedicated to reporting terrorism. But the issue is addressed in other guidelines, including those relating to respecting the privacy and human dignity of victims, reporting accurately, using reliable sources, and similar provisions.

14 The OSCE Representative on Freedom of the Media, Miklós Haraszti, *The Media Self-Regulation Guidebook*, Vienna 2008, p. 26, at: <http://www.osce.org/fom/31497>.

Public broadcasters carry more responsibilities and therefore frequently have detailed internal guidelines concerning reporting on terrorism. The BBC editorial guidelines, for instance, address the question of terrorism in a huge section on “War, terror and emergencies”. In France, the “*Chartre de l’Antenne*” also dedicates a section to “terrorism and hostages”.

The OSCE Office of the Representative on Freedom of the Media makes specific recommendations, including the following: Media should refrain from disseminating pictures or images of terrorist acts that violate the privacy and human dignity of victims; events must be covered accurately and impartially; reporting should be careful in its choice of terminology; the media should avoid contributing to the goal of terrorists by adding to the feeling of fear and terror; and the media should avoid a race for sensational news and images of terrorist acts.

These common-sense proposals will go a long way to ensuring that the rights of freedom of the media and free expression are not curtailed by efforts to combat terrorism.

States and Minorities in the South Caucasus: A Test Case for the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations

Introduction

In the social sciences, a theory is best tested against a case that is both clearly relevant and yet challenging with regard to the theory's underlying assumptions and expected outcomes. The South Caucasus represents precisely such a case for evaluating the latest set of Recommendations issued by the OSCE High Commissioner on National Minorities (HCNM): *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (hereafter Bolzano/Bozen Recommendations). The purpose of the Recommendations is to ensure that state support for persons belonging to national minorities abroad does not become a cause of friction between states and does not undermine the peace and stability of the OSCE area. History contains many examples of unilateral steps taken by states to protect or defend so-called kin-minorities abroad leading to tension or even violence. The wars waged in the name of kinship in the former Yugoslavia are an obvious example. Even as recently as 2008, war broke out between two OSCE participating States, in which one state, namely Russia, claimed to be acting in defence of minorities residing in another state, namely Georgia. In Central Europe, the role of Hungary in supporting Hungarian minorities in neighbouring states has long been the cause of friction between that country and its neighbours.

The South Caucasus remains one of the most volatile and conflict-prone regions of the OSCE area. The pattern of conflicts in the region has taken the following form: States and national minorities confront each other, external interference takes place through the involvement of either kin-states, regional powers, or both, and a frozen peace ensues. The context of transition and democratization creates conditions conducive to the occurrence of conflict, while the weakness of democratic institutions and the lack of traditions of democratic coexistence between different ethnic groups make it difficult to reach negotiated solutions. There is a risk that this pattern will be repeated, possibly involving other parts of the region. For example, if one were to assess the potential for tension in areas excluding the existing protracted conflicts of Nagorno-Karabakh, South Ossetia, and Abkhazia, one would focus

Note: Views expressed in this article are those of the author and do not reflect the official position of the OSCE High Commissioner on National Minorities. Arguments used in this article were first developed in Natalie Sabanadze, *States, Minorities and Regional Hegemons in South Caucasus: Whose Responsibility to Protect?* In: Francesco Palermo/Natalie Sabanadze (eds), *National Minorities in Inter-State Relations* (forthcoming).

on Georgia's Armenian-populated Samtskhe-Javakheti and Azeri-populated Kvemo Kartli regions, with the former indicating a higher potential for tension than the latter. This pattern of past and possible future conflicts involving states and minorities makes the South Caucasus the most likely case for testing and applying the Bolzano/Bozen Recommendations.

At the same time, however, the political dynamics and structural context of the region poses a number of challenges to the underlying assumptions of the HCNM's Recommendations. For instance, one of the central principles of the Bolzano/Bozen Recommendations is that "the respect for and protection of minority rights is primarily the responsibility of the State where the minority resides".¹ This, the Recommendations claim, is uncontested in international law and represents a "precondition for peace, security and democratic governance, especially in multi-ethnic States".² This entire section of the Recommendations is dedicated to ways in which states are expected to fulfil their responsibility to protect the rights of persons belonging to national minorities and promote their culture, language, and identity. This presumes that certain key conditions are already in place: first, that there exists a functioning, consolidated state with effective control over its entire territory and a capacity to fulfil its obligations with respect to national minorities; second, that persons belonging to national minorities agree to exercise their rights and refrain from challenging the authority, sovereignty, and territorial integrity of states in which they reside; third, that there is sufficient democratic space for the voicing of minority demands and a willingness on the part of both the state and minority representatives to negotiate and compromise, and, finally, that respect and protection of minority rights lead to the democratization of state-minority relations and contribute to the peace and stability of any multi-ethnic state.

None of the above is obviously present in the case of the South Caucasus. Two of the three South Caucasian states, Azerbaijan and Georgia, do not exercise effective control over their de jure territories. All three states are relatively underdeveloped, lacking democratic political culture as well as resources for devising elaborate and often expensive systems for minority protection. At one point or another, minorities have challenged the sovereignty and integrity of all three states, displaying greater affinity and loyalty to neighbouring kin-states or, in the case of South Ossetia and Abkhazia, to Russia. As a result, national minorities are perceived and treated as threats to national security, and the accommodation of their interests is seen to be contrary to the interests of the state. Due to the lack of integration and inclusion of minorities in the societies in which they live, relations between neighbouring states have a direct bearing on internal state-minority relations

1 OSCE HCNM, *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations & Explanatory Note*, June 2008, Recommendation 2, p. 5. The Recommendations and the Explanatory Note are available at: <http://www.osce.org/hcnm/68722>.

2 Explanatory note to Recommendation 2, in: *ibid.*, p. 11.

in the Caucasus. In general, this is one of those regions of the world where the legitimacy and sovereignty of states is challenged from both within and outside; where minorities are players in regional power struggles; where strategic interests, if need be, are defended with arms; and where international norms are put to the service of geopolitical considerations.

The question, therefore, is whether a soft-law document such as the Bolzano/Bozen Recommendations has any guidance to offer under such circumstances or any realistic chance of making the difference. This paper addresses the above question by exploring the relevance and applicability of the Bolzano/Bozen Recommendations in the context of the South Caucasus. It focuses specifically on Georgia, which of all the South Caucasian states is the most multi-ethnic and which displays a greater risk of domestic inter-ethnic tensions developing into inter-state confrontation. The paper argues that the Recommendations successfully balance the interests of states and those of minority communities and are particularly relevant under the challenging conditions of weak, democratizing states such as Georgia and its neighbours in the region.

Sovereignty as Responsibility

The Bolzano/Bozen Recommendations begin with references to state sovereignty, noting that sovereignty means not only an exclusive jurisdiction of the state over its territory and residents but also implies the obligation of the state to respect and ensure the protection of basic human rights and fundamental freedoms. Thus the Recommendations reflect the conditional understanding of sovereignty that requires states to demonstrate respect for minimum standards of human rights, i.e. sovereignty as a right (a right of states) is constitutive of certain duties.³ This includes the duty to protect and promote the rights of persons belonging to national minorities.

If sovereignty is responsibility, then challenging state sovereignty equates to challenging the state's capacity to fulfil its responsibilities both at home and abroad. This is likely to undermine the cause of minority protection. Georgia's experience in the 1990s illustrates that weak, insecure, and failing states cannot provide security for their citizens and are in no position to offer minority protection, which requires an elaborate legal framework, material resources, and political commitment.⁴ Furthermore, the weakness of

3 Cf. Henry Shue, *Limiting Sovereignty*, in: Jennifer Welsh (ed.), *Humanitarian Intervention and International Relations*, Oxford 2004.

4 In fact, weak and insecure states do not provide adequate protection of human rights in general. Brendan O'Leary argues that states that lack basic capabilities (such as recognized sovereignty over territory and its accompanying prerogatives) cannot protect elementary human rights, promote human development, or be inclusive in any meaningful sense. Cf. Brendan O'Leary, *Building Inclusive States*, UNDP Occasional Papers, 2004/9, pp. 1-2.

overarching state structures, particularly in multi-ethnic societies correlates with the concomitant growth of ethnic divisions and the polarization of identities.⁵ When states fail, people turn to their ethnic kin and family for protection and basic security. In these situations, group divisions are further reinforced, and even the most benign of disputes on daily matters become labelled with the non-negotiable categories of identity and culture, “us vs. them”, making violent conflict even more likely. In some cases, minorities appeal to kin-states or to dominant regional powers for support and protection, which can heighten perceptions of them as traitors or pawns in other states’ geopolitical games, with dangerous repercussions for their well-being and security.

The Bolzano/Bozen Recommendations try to limit internal and external challenges to state sovereignty because of the consequences both have for the protection of minority rights and for peaceful interstate relations. The Recommendations warn against pursuing policies and actions that “have the intention or effect of undermining the principles of territorial integrity”.⁶ In addition, the Recommendations note that not only the domestic security of states but also international peace and security can be threatened by acts that undermine the integration and social cohesion of multi-ethnic states. They therefore recommend that states ensure that “their policies with respect to national minorities abroad do not undermine the integration of minorities in the States where they reside or fuel separatist tendencies”.⁷ The Recommendations also note that this limitation concerns not only states and their policies vis-à-vis other states but also non-state actors. In this context, the Recommendations discourage foreign support and financing of political parties, movements, or religious organizations, as this influences domestic political processes and “often contributes to excessive politicization of minority issues to the detriment of societal integration and good inter-State relations”.⁸ The Recommendations also encourage persons belonging to national minorities to participate actively in public life and contribute to the integration and peaceful development of the societies in which they live.

One potential challenge to the traditional relations between state and citizens is the trend of individuals acquiring dual or even multiple citizenships. The example of Russia demonstrates that citizenship policy can be used as a tool in achieving strategic foreign policy objectives. It can be argued that Russia directly challenged Georgia’s “sovereignty as responsibility” when it conferred Russian citizenship on ethnic Abkhaz and Ossetians, and later claimed to bear responsibility for defending them by all means available. As HCNM Knut Vollebæk noted in his statement of 25 August 2008, principles of sovereignty and friendly relations between states require

5 Cf. Charles Kupchan, *Nationalism and Nationalities in the New Europe*, Ithaca, NY, 1995, p. 9.

6 Recommendation 10, in: The Bolzano/Bozen Recommendations, cited above (Note 1), p. 7.

7 Ibid., p. 2.

8 Explanatory note to Recommendation 13, in: *ibid.*, p. 21.

that states refrain from granting citizenship en masse to citizens of another state without that state's explicit consent. At the same time, the HCNM stated that "the presence of one's citizens and 'ethnic kin' abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States".⁹ States have only limited jurisdiction over their citizens abroad, such as consular protection, and the primary responsibility for the protection of dual or multiple nationals lies with the states in which they reside.

It has been widely accepted in international relations that states have the right to freely determine who their citizens will be, and citizenship policies have rarely come under international scrutiny. The HCNM's Bolzano/Bozen Recommendations is the first normative international document that urges states not to abuse this right and to give full consideration to the consequences of bestowing citizenship merely on the basis of ethnic, national, linguistic, or cultural ties – especially if it is conferred on residents of a neighbouring state.¹⁰ The warning is based on the experience of post-communist states, including Georgia, where citizenship policy has been used as a tool to promote strategic, geopolitical, or nationalist interests to the detriment of friendly relations and respect for the sovereignty and integrity of states.

At the same time, sovereignty as a responsibility can also be challenged from within by minority communities who feel alienated and disenfranchised in their states of residence. The experience of Georgia is once again indicative in this respect. The two autonomous minority communities of Abkhazia and South Ossetia broke away from Georgia soon after its independence and have continued their existence as de facto independent "statelets" thanks to external military and financial support.¹¹ The Armenian and Azeri communities have developed largely peaceful yet precarious relations with Georgia, treating the Georgian state with a degree of suspicion and mistrust. An interesting case in point is the Russian military base in Armenian-populated Akhalkalaki. The Georgian authorities saw the closure of the base as one of their top priorities, while the local Armenian population was adamant that the base should remain open. Armenians were keen to keep the base not only because of the economic benefits and short-term employment it provided for the local population, but also because it served as a guarantor of their security. They believed the base could protect them should nationalists in Tbilisi decide to do something against their interests.¹² The Russian base was eventually closed with less resistance than expected, but the Armenians' reluctance

9 OSCE High Commissioner on National Minorities, Press release, OSCE High Commissioner issues *statement on protection of minorities and citizens abroad*, 25 August 2008, at: <http://www.osce.org/hcnm/50009>.

10 Cf. Recommendations 10 and 11, in: The Bolzano/Bozen Recommendations, cited above (Note 1), p. 7.

11 Cf. Svante Cornell, *Small Nations and Great Powers*, London 2001.

12 Cf. Niklas Nilsson, Obstacles to Building a Civic Nation: Georgia's Armenian Minority and Conflicting Threat Perceptions, in *Ethnopolitics* 2/2009, pp. 135-153.

to see it go was indicative of the fact that minorities in Georgia continue to perceive their state of residence as a *threat* to rather than a *provider* of their security.¹³

State-minority relations in Georgia are characterized by conflicting threat perceptions, with state interests clashing with and being perceived as contrary to those of persons belonging to national minorities.¹⁴ As a result of their opposition to Georgia's independence, the ties of the country's minorities with neighbouring states and their resistance to integration into Georgian society have come to be linked with threats to fundamental national security interests. Outside interference, particularly Russian support for Georgia's minorities, which, in the case of South Ossetia and Abkhazia, included military support, further undermined the legitimacy and justice of minority demands and eroded the democratic space for the voicing of minority concerns in Georgia. Successive Georgian governments have found it difficult to treat minority demands on their own merit and to divorce them from Russia's post-imperial, geopolitical interests.

The Bolzano/Bozen Recommendations offer states a way to strengthen sovereignty by boosting their own legitimacy, particularly among minority communities. Section II of the Recommendations is dedicated to state obligations with respect to persons belonging to national minorities at home, and reiterates a number of relevant commitments enshrined in the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe. It is essential that state-building is pursued in an inclusive and cautious manner with full respect for minority rights if it is not to be perceived as illegitimate and alienating by national minorities. The recent consolidation and modernization of the Georgian state under Mikheil Saakashvili has arguably engendered many contradictions among Georgia's national minorities, demonstrating the paradoxes of state-building in the multi-ethnic context. According to Julie George, a cleaner and more efficient administration has led to increased centralization, lower incomes for those non-Georgian communities that are dependent on smuggling and the black economy, and a deeper isolation from the centre due to the implementation of civil service and educational reforms, which enforced the Georgian language requirement for state employees.¹⁵ However, unless Georgia becomes a viable and functioning state, there is no realistic prospect of persons belonging to national minorities receiving adequate protection and opportunities for integration. An analogy can be drawn with the early stages of democratization, discussed later, which in a volatile, multi-ethnic context may lead to greater

13 Cf. Jonathan Wheatley, *The Integration of National Minorities in the Samtskhe-Javakheti and Kvemo Kartli Regions of Georgia*, ECMI Working Papers No. 44, September 2009, p. 50; available at: <http://www.ecmi.de>.

14 Cf. Nilsson, cited above (Note 12), for a detailed discussion of conflicting threat perceptions.

15 Cf. Julie A. George, The dangers of reform: state building and national minorities in Georgia, in: *Central Asian Survey* 2/2009, pp. 135-154.

conflict and instability. Nevertheless, democratization as well as state-building are essential for sustainable peace and stability, but need to be carried out in a circumspect manner. Hence, by reiterating state obligations, the Bolzano/Bozen Recommendations convey an important message: the need to strike the right balance between the strengthening of the state and respecting minority culture and identity. Without this balance at home and without a friendly environment abroad, peace and prosperity for regions such as the South Caucasus will remain elusive.

Dual Responsibility of States

When it comes to national minorities, domestic and international politics are closely intertwined. The majority of states today are multi-ethnic, and political and ethno-cultural boundaries rarely coincide. As a result, states find themselves in the dual position of being the home-state to national minorities residing under their jurisdiction and the kin-state to minorities residing abroad, often in neighbouring states. Much depends on how states fulfil their dual responsibilities, which include, on the one hand, protecting minority rights at home and, on the other, acting as responsible members of the international community with respect to minorities abroad. In this context, the record of the South Caucasus is mixed at best. Georgia has been struggling to achieve adequate protection of minority rights, and the ongoing transformations, regime changes, and the inherent weakness of the state after the Soviet collapse have all had negative consequences for state-minority relations. While progress can be seen, especially if one compares the situation of the early 1990s to that of today, much remains to be done before relations between centre and periphery and between state and minority communities are normalized and treated not only in terms of national security but also as matters of justice and human rights.

At the same time, the role and policies of neighbouring kin-states have been one of the main factors contributing to the securitization and delegitimization of the minority question in Georgia. Russian support and interventions on behalf of the Abkhaz and South Ossetians, as well as concerns about Russia's potential support for irredentist tendencies among Georgia's Armenian population have done little to allay fears of minority claims in Tbilisi or to facilitate their resolution through normal, democratic bargaining. In addition, Tbilisi is worried about the close ties between Yerevan and Moscow and believes that Russia may instrumentalize the Armenian minority in actions against Georgia if it so chooses. The most benign of the kin-states in the region has arguably been Azerbaijan, which has consistently promoted the integration of the Azeri minorities into the Georgian state. This has been one of the factors contributing to friendly, good-neighbourly relations between Baku and Tbilisi.

The example of the South Caucasus is indicative of dangers associated with overt securitization of state-minority relations. Will Kymlicka, among others, has argued that securitization diminishes the likelihood of minority demands being treated and accepted as just and legitimate. It makes the violation of minority rights easy to justify in the name of national security and out of fears, real or perceived, of irredentism and outside (military) intervention. Most importantly, it may generate the wrong kind of responses – often heavy-handed ones – on the part of the state authorities, and undermine the very security they are intending to promote.¹⁶ At the same time, the case of the Caucasus demonstrates that the minority question can only become de-securitized if concomitant efforts are made by all actors involved, including states of residence, kin-states, minorities, and regional powers. In this regard, the guidance offered by the Bolzano/Bozen Recommendations is particularly relevant. It explains how states can fulfil their responsibilities and support minorities both at home and abroad in a way that promotes minority rights and contributes to friendly relations. The ultimate outcome of such an approach will be the de-securitization and normalization of state-minority relations and a step towards the prevention of conflicts.

The Bolzano/Bozen Recommendations appeal to both the domestic and the international responsibilities of states. When supporting minorities abroad, states should act as responsible members of the international community and do so with respect for sovereignty and friendly relations. They should avoid instrumentalizing minorities for strategic or domestic political interests. Such interest-driven policies often result in an inconsistent approach to various kin-minorities as well as greater support for a particular group abroad than for minorities at home. According to Recommendation 15 of the Bolzano/Bozen Recommendations, when “states demonstrate greater interest in minorities abroad than at home or actively support a particular minority in one country while neglecting it elsewhere, the motives and credibility of their actions may be put into question”.¹⁷ The above Recommendation is based on the understanding that when states support minorities abroad out of geopolitical or nationalist motivations, this not only harms friendly interstate relations but also undermines the very cause of minority protection.

One way to reduce a state’s vulnerability to external interference is through sustainable democratization. Consolidated democracies are less threatened by their own ethno-cultural diversity, since they give minorities a stake in the societies in which they live and tend to be more successful in accommodating minority demands, including demands for autonomy and devo-

16 For a discussion of securitization of the minority question, see, for instance, Will Kymlicka, Justice and Security in the Accommodation of Minority Nationalism, in: Stephen May/Tariq Madood/Judith Squire (eds), *Ethnicity, Nationalism and Minority Rights*, Cambridge 2004, pp. 144-175; Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, Oxford 2007.

17 Recommendation 15, in: The Bolzano/Bozen Recommendations, cited above (Note 1), p. 8.

lution. However, a distinction has to be drawn between functioning, consolidated democracies and states undergoing early stages of democratization. The process of democratization is fraught with dangers, creating conditions conducive to radicalization, violence, and conflict. Thus Jack Snyder sees the link between political openness, rising nationalism, and elite manipulation of unsophisticated constituencies as a recipe for conflict characteristic of the process of democratization.¹⁸ Similarly, Neil MacFarlane has argued, with regard to the South Caucasus, that “the transition from authoritarian to democratic forms of government may have negative implications for international and regional security”.¹⁹ In his view, democratization of the region’s politics provided space for the circulation of nationalist and chauvinist ideas and arguably created “an incentive structure in the region conducive to elite manipulation of national myths”.²⁰

When political claims are made and concerns voiced openly after a long period of authoritarianism and political repression, radicalization is almost inevitable. At the same time, in the early stages of democratic transition, the state tends to have weak institutions and no experience in handling confrontation within a democratic political framework. The charismatic leaders and ethnic entrepreneurs that thrive in these conditions further escalate tensions. Their strong personalities undermine institutions that are intended to provide continuity and stability and inspire trust in citizens. Under such circumstances, ill-intended foreign interference can be decisive in sparking conflict, while a carefully designed conflict-prevention strategy may help stop unrest from occurring. Recent conflicts in the South Caucasus were sparked off by just such a toxic combination of nationalist mobilization and the early stages of democratization in a multi-ethnic environment.

Conclusion

The Bolzano/Bozen Recommendations directly address one of the main sources of both intrastate and interstate tensions in the South Caucasus. They do so by striking a delicate balance between the interests of states and the rights of national minorities. The experience of the South Caucasus shows that states not only have a responsibility to protect citizens under their jurisdiction but also need to possess the capacity and legitimacy to do so. External challenges to state sovereignty stemming from kin-state interventions, for example, translate directly into challenges to state responsibility, and hence undermine the cause of minority protection. Weak and insecure states do not provide good minority protection. At the same time, “sovereignty as respon-

18 Cf. Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict*, New York 2000.

19 Neil MacFarlane, Democratization, Nationalism and Regional Security in the South Caucasus, in: *Government and Opposition* 3/1997, pp. 399-420, here: p. 400.

20 Ibid.

sibility” can also be challenged from within by minority communities who feel disenfranchised and alienated and contest the legitimacy of the states in which they reside. States need to boost their legitimacy by democratizing state-minority relations and offering genuine protection of human rights, including those of minorities. Consequently, strengthening state legitimacy translates directly into strengthening state sovereignty.

Democratization is the key to sustainable normalization and de-securitization of state-minority relations. However, it is not without its dangers, since the early stages of democratization tend to be linked to the growth of internal tensions, conflicts, and even violence. In this context, outside interference can be crucial in tipping the balance and either sparking or preventing violent conflicts. States therefore have responsibilities in both the domestic and the international arena, and this includes a responsibility to develop policies in support of minorities abroad that respect international norms of friendly and good-neighbourly relations. If it is not to become a new form of irredentism and imperialism,²¹ international responsibility to protect human rights should be exercised in a way that does not undermine basic principles of international law.

This chapter has tried to demonstrate that all the above points are reflected in the Bolzano/Bozen Recommendations, making them particularly relevant for a volatile, multi-ethnic region such as the South Caucasus. Had all the relevant actors involved followed the principles of the Bolzano/Bozen Recommendations, the South Caucasus would have been a more peaceful and prosperous place than it is today.

21 Cf. Francesco Palermo, Irredentism, in: *Max Planck Encyclopaedia of Public International Law*, Oxford 2008.

Energy Security: An OSCE Perspective

Energy is one of the hottest topics in contemporary politics. The extreme importance of energy for modern life is undeniable. Energy maintains our standard of living and is the basis of economic performance. Currently, we take it for granted that energy is available whenever we want it. Demand for energy will continue to increase as long as the global economy grows and average living standards rise. The most reliable predictions indicate that by 2050, the world's population will have nearly doubled from its present level, rising from around six billion to roughly ten billion people. This will certainly result in increasing import dependence, higher prices, and uncertainty of energy supply.

In recent years, we have witnessed a resurgence of interest in energy security that goes well beyond the stability and predictability of prices, commercial arrangements, and infrastructure projects. Energy security is recognized as an integral part of the OSCE's comprehensive concept of security. In this respect, the topic is at the top of the political agenda of OSCE participating States, as it underpins not only their economic growth, but also their ability to alleviate poverty, improve social welfare, and secure their political independence. This has occurred in parallel with the emergence of a number of new threats and challenges that bring in numerous factors to be taken into account when shaping national and multilateral strategies.

For the next twenty years, fossil fuels will continue to dominate global energy use, accounting for some 85 per cent of the increase of world primary demand. Oil will remain the most widely used fuel, even though its percentage share will fall marginally. Demand for natural gas will grow in the immediate future. Interregional trade is expanding strongly all over the world, particularly with the development of liquefied natural gas (LNG). This development will strengthen the role of transit countries while creating a particular role for maritime hub countries

Governments are facing new challenges regarding their energy policies. Things have changed since the first energy crisis. We can no longer be certain that the existing national energy policies will provide secure access to energy resources, accommodate increasing demand for energy and growing energy dependence, and protect against energy depletion.

Current economic and environmental conditions oblige us to look for regional and even global solutions to long-term energy security challenges based on renewable, efficient, and ecologically sound technologies. To achieve this

Note: The views contained in this contribution are the author's own and not the official positions of the OSCE.

goal, more energy dialogue and more interregional and inter-institutional co-operation are needed, and more joint activities and multilateral energy policies must be developed

As a regional security organization, the OSCE contributes to a convergence of views and a growing awareness of common interests in its three dimensions: the politico-military dimension, the economic and environmental dimension, and the human dimension. The OSCE is a primary instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation. Because it is first and foremost a political organization, we believe that the OSCE can fulfil a conflict-prevention role in the field of energy security, since energy issues can lead to tensions, discussions, and possible crises between countries.

The OSCE does not aspire to become an international energy organization. The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the Maastricht Ministerial Council in 2003, elaborates a number of challenges that the OSCE can envisage in the field of energy. In particular, it states that the OSCE can use its role as a platform for multilateral policy dialogue and its field presences to enhance awareness, capacities, and political will among its participating States to encourage energy dialogue and efforts to diversify energy.

In 2006, 2007, and most recently in December 2009, the OSCE Ministerial Council unanimously adopted three decisions underlining the Organization's particular role with regard to energy security: developing dialogue on energy security among OSCE participating States, promoting awareness regarding the protection of critical energy infrastructures from potential terrorist threats, and strengthening dialogue and co-operation on energy security in the OSCE area.

As a regional organization of 56 participating States, including several major energy producers, consumers, and key transit countries, the OSCE is well placed to promote a broader concept of energy security encompassing all stages of the value chain and involving countries of origin, transit, and destination as well as all relevant stakeholders, including the private sector and civil society.

The relevance of sustainable energy supply and energy efficiency, which are of major importance to the promotion of economic development and sustainability, is underlined in the OSCE's mandate within the economic and environmental dimension.

Energy security is and will remain at the top of the global political agenda, and the capacity to develop concerted policies aiming at strengthening energy security will rely on co-operation between relevant international organizations.

A Definition of Energy Security? The “Three Ps Principle”

The Product: Is the primary energy product available? Is it physically available from the producers’ side? Should we consider the estimated level of reserves to be reliable? This part of the definition of energy security calls for the application of principles of good governance, and particularly transparency. What is the necessary level of investments, particularly upstream – in exploration and production – to secure the availability of the primary energy sources? Can the economies of the countries concerned afford such investment or do they require the participation of foreign companies? To what extent is the producer country willing to accept foreign investment in a sector it considers to be strategic?

The Place: Where is the product available? Is the field easy to reach or remote and inaccessible due to geological conditions? Will export require transit across third countries? Are alternative routes available? How can the transit phase be managed? What are the potential risks of disruption? Are they easily manageable? Are there any potential investments that could circumvent the transit phase? Would the transit country be able to afford these investments? Who is the owner of the transport network?

The Price: At what price is the product available? How is the price determined, particularly for natural gas? Is the price agreed for long-term supply contracts? What is the level of transparency of these contracts? What is the role of the state authorities? Do these contracts involve reciprocity, such as cross investment in the energy sector?

Price remains a strong determinant for the willingness and capacity of producers to invest in upstream and transport activities; this is particularly relevant given the current economic and financial crisis; a non-volatile price is important to secure long-term investment capacity on the part of the energy-producing countries.

Based on this tentative definition, energy security exists for a country or a group of countries when the “three Ps” are in place; if one or more is missing, weak, or questionable, the energy supply is not secure.

As noted above, the OSCE brings together participating States that include many of the main energy consumers, some of the main energy producers, and important energy transit countries. Given this energy interdependence among the OSCE participating States, reliability and stability on energy issues should be a mutual goal.

The Evolving Risks and Challenges to Energy Security Will Dominate the Near Future and Will Influence Relations between Countries

The Global Imbalance between Projected Demand and Supply

According to the International Energy Agency's reference scenario, if governments stick with present policies, the world's energy needs will be almost 60 per cent higher in 2030 than they are now. Fossil fuels will continue to dominate the global energy mix, meeting most of the increase in overall energy demand. The shares of nuclear power and renewable energy sources will remain limited.

The same source notes that the earth's energy resources are more than adequate to meet demand until 2030 and well beyond. Fossil fuel resources are finite, but we are still far from exhausting them; the world is not yet running out of oil: Most estimates of proven oil reserves are high enough to meet cumulative world demand as projected over the next three decades. Less certain, however, is how much it will cost to extract these resources and deliver them to consumers. Two-thirds of the increase in global energy demand will come from emerging economies; in 2030, they will represent half of total demand, much of it going to China and India.

But serious concerns about energy security arise from projections of market trends with regard to the geographical location of producers and consumers. The world's vulnerability to supply disruptions will increase as international trade expands. The increase in demand calls for a commensurate increase of investment in the energy sector.

The Increasing Geographical Concentration of Energy Supply: World Oil Production Is Shifting away from OECD Countries

OPEC countries, mainly in the Middle East, will be able to meet most of the increase in global demand for oil with increased production. OPEC will supply half of the world's oil needs, even more than its share in the 1970s.

Net interregional energy trade will more than double by 2030. A total of 26 million barrels of oil or LNG exports currently passes through the Strait of Hormuz at the exit of the Persian Gulf every day. About the same quantity passes through the Straits of Malacca in Asia. Traffic through these choke points and other vital channels will more than double over the projected period.

Fossil fuels will continue to dominate global energy use, accounting for some 85 per cent of the increase in world primary demand. Oil will remain the most widely used fuel, even though its percentage share will fall marginally. According to the International Energy Agency (IEA), by 2030, oil is still likely to face very little competition from other fuels as far as road, sea, and air transportation are concerned due to limited substitution capacity.

Worldwide consumption of natural gas will almost double by 2030, overtaking that of coal within the next decade; gas demand is projected to grow more rapidly in Africa, Latin America, and developing Asia. In terms of quantity, most of the increase in gas consumption will come from the OECD markets and the transition economies.

Gas is often preferred to coal in new thermal power plants for environmental reasons, its lower capital costs, and its operational flexibility. Gas production will increase in Russia and the Middle East, which between them hold most of the world's proven gas reserves. The recent development of unconventional gas production in North America and the development of LNG will provide new prospects in the gas market.

The Environment

If current policies do not change, energy-related emissions of carbon dioxide will continue to grow substantially, even marginally exceeding the rate of growth of energy use.

Carbon dioxide emissions will be more than 60 per cent higher in 2030 than now. The average content of energy in world output, which fell significantly during the past three decades, will hardly change. Two thirds of the projected increase in emissions will come from developing countries, which will remain big users of coal. Power stations, cars, and trucks will produce most of the increase in energy-related emissions, unless a radical change occurs in how we produce and use energy. This rate of growth of carbon dioxide emissions raises serious questions concerning environmental sustainability. Achieving a truly sustainable energy system will call for a significant technological breakthrough as well as for far more pro-active policies aimed at increasing energy efficiency.

Converting the World's Resources into Available Supplies Will Require Massive Investments

According to the IEA, meeting projected demand will entail investments of some 570 billion US dollars per year, with the electricity sub-sector absorbing the majority of this investment. Developing countries will require about half of the total investment; they will face the biggest challenge in raising finance, because their needs are larger in relation to the size of their economies and because of the higher investment risks involved.

A lack of investment is perhaps the greatest threat for the future. Recent years have seen a gradual erosion of available capacity in crude oil production. There is no longer any surplus capacity in the oil industry in most parts of the world. Massive investment will be necessary.

The IEA estimates that the upstream oil and gas sector will require approximately eleven trillion US dollars during the period 2010-2035, of which

80 per cent will go to simply maintain production capacity at current levels. Both OECD and non-OECD countries will be affected. In OECD countries, the energy infrastructure needing replacement will primarily be in the refining sector. In non-OECD countries (here focussing primarily on the countries of the OSCE area), the need will be to build completely new infrastructure, particularly in transport. In the gas sector, the most important investments will be in the transportation network needed to bring gas to markets.

In recent decades, some spectacular technical progress has been made in field exploration, but there is a technical limit to what can be done in distant and inhospitable locations (e.g. deep water or polar regions), where achieving economic viability will also be a challenge.

Uncertainty Regarding Key Parameters

The difficulty of achieving the desired levels of investment is related, among other things, to the uncertainty of key parameters. Future trends in oil prices are a major source of uncertainty: The prices of crude oil and refined products have risen sharply since 1999, hitting an all-time high in nominal terms in 2008; the IEA has assumed that the price of oil imported into IEA countries would average 35 US dollars per barrel until 2030; but this scenario is subject to some major sources of uncertainty due to geopolitical factors.

The current financial and economic crisis will no doubt have direct consequences on the capacity of producers to afford the necessary investments, and will therefore affect energy security. At the same time, uncertainty remains regarding the exact level of reserves. The transport of energy from producers to consumers will remain a sensitive issue, subject to political arrangements.

The Need for a More Secure and Reliable Legal and Regulatory Framework

Another reason why investments in the energy sector remain at insufficient levels relates to the lack of adequate national and international legal frameworks.

Natural resources, particularly in the energy sector, are treated by most governments as a sovereign matter, and while deregulation, privatization, and liberalization are desirable overall, the way in which these policies are implemented may become another cause of instability.

Energy Poverty

Serious concerns persist regarding the unsatisfactory access to energy resources for a large part of the developing world. A number of countries, including some OSCE participating States, face significant difficulties in securing delivery of energy at quantities consistent with the needs of their

populations. Huge investments are required in order to address these challenges.

Strengthening International Energy Security Co-operation within the OSCE Area

Energy security is a defining global issue of our time. It is also a key security matter for the OSCE participating States, one that, in view of the OSCE's comprehensive concept of security, cannot be ignored.

Since 2006, the OSCE has implemented various decisions related to energy security through numerous activities in collaboration with other international organizations involved in energy security. These activities have confirmed the relevance of the OSCE's comprehensive concept of security with regard to energy issues.

Energy security has proven to be a relevant topic for fruitful co-operation among the OSCE participating States. The attention paid by the international community to energy-related issues, the increasing awareness of the environmental consequences of climate change, and the links between the latter and the use of fossil fuels have increased the political importance of the energy question.

The OSCE's mandate is linked to energy because energy has a direct impact on relations between OSCE participating States. Energy security has an immediate effect on the stability of economic and political relations between countries, particularly due to the increasing interdependence of consumers, producers, and transit countries.

Within the framework of the Corfu Process initiated in 2009 under the Greek Chairmanship, energy security has been reviewed as a potential case for co-operation.

It is timely in 2010 to consider the various aspects of energy security within the OSCE area, taking stock of the lessons learned in recent years to improve the energy-security dialogue for the OSCE participating States. This was the aim of the Conference organized in Vilnius on 13 and 14 September 2010, implementing the Ministerial Decision on strengthening dialogue and co-operation on energy security in the OSCE area adopted in December 2009 in Athens.

In our view, a dialogue on energy security between the OSCE participating States could be developed through a selected number of issues, and only in close co-operation with the international organizations involved with energy security.

Security of delivery is addressed by focusing on the capacity of the distribution network for the timely delivery of the required quantities. Beyond the legal and commercial commitments, disruption of delivery is a matter of

concern among the participating States and could therefore be discussed accordingly.

The scope of possible disruptions could be addressed irrespective of their cause (technical failure, terrorist attack, political dispute, or natural disaster). In this regard, the role of state authorities and of private companies could be considered in connection with available capacity, as well as the ways and means they have to react to such threats.

The initiative from several OSCE participating States that aims at preventing and overcoming disruptions, particularly in the continental gas network, deserves particular attention in this context.

Potential Threats to Critical Energy Infrastructure

So far, terrorist threats have not targeted energy infrastructures. Nevertheless, there is a high risk of disruption in case of an actual terrorist attack on any infrastructure network. Furthermore, some infrastructure has dual military and civilian uses, possibly making it more attractive as a target. The consequences of natural disasters on critical infrastructures should also be taken into account. The OSCE has already developed activities in this field and will extend this co-operation at the request of participating States.

The legal framework regulating the energy market merits discussion, particularly with reference to stable energy supply and the transit phase. Seeking an appropriate and efficient legal mechanism accepted and adopted by the largest numbers of countries is a matter for further consideration. The further development of the Energy Charter Treaty deserves particular attention.

The legal regulation of the transit phase is a key component of energy security and particularly relevant for the OSCE participating States, due to the fact that many of them rely on energy transit countries or are themselves transit countries. The legal aspect of the transit phase and the type of legally binding relationships between producer and consumer countries and third parties will have to be taken into consideration.

In this regard, the OSCE as a regional organization is interested in a concerted approach to the development of new and alternative energy transport routes, particularly concerning the development of the Caspian Sea Basin and the evolution of the energy transport network between Eurasia and the countries of central and southern Europe. This topic was addressed on a regional basis during the conference in Ashgabat on 3-4 May 2010.

Enhancing Energy Efficiency, Saving Energy, and the Option of Renewable Energy Resources

Energy conservation could be a more affordable and environmentally responsible option to meet growing energy demand. Efforts to improve energy effi-

ciency and save energy contribute greatly to lowering the energy intensity of economic development, thus strengthening energy security. Increased energy efficiency and conservation reduce stress on infrastructure and contribute to a healthier environment through decreased emission of greenhouse gases and pollutants.

Particular attention could be paid to the development of alternative and cleaner low-carbon energy production. The OSCE supports the promotion of renewable energy and innovative energy technologies.

The OSCE could further develop the dialogue on energy security with the participation of other relevant organizations and experts, such as the United Nations Economic Commission for Europe (UNECE), the IEA, the Energy Charter Secretariat (ECS), the International Energy Forum, the European Commission, the Organization of the Black Sea Economic Cooperation (BSEC), the Energy Community Secretariat, and organizations representing energy companies, such as EUROGAS.

International Energy Security Co-operation: Potentials for Synergy

Energy security is a matter of concern for many countries, but it is also a reason for co-operation between the various stakeholders. The OSCE is ready to provide a political platform for efforts to strengthen energy security co-operation. Through its field operations, the OSCE is present in Central Europe, South-eastern Europe, the Caucasus, and Central Asia and is able to provide a concrete contribution as a regional security organization. But this engagement, already supported by the political will of the 56 OSCE participating States, also requires solid co-operation with other international organizations, such as the IEA, the European Commission, the Energy Charter Secretariat, the UNECE, the International Energy Forum, OPEC, and NATO.

The OSCE's comparative advantages can add significant value when the Organization's political platform is harnessed in co-operation with other relevant international organizations.

The OSCE's current activities in the field of energy (primarily the activities of the Office of the Co-ordinator of OSCE Economic and Environmental Activities, OCEEA) are already conducted in close co-operation with the following relevant multilateral organizations:

The International Energy Agency (IEA): The Paris-based agency has a constituency similar to the OECD. It is the leading agency for energy outlook and policy guidance for the industrialized countries. The Agency was created in 1974, right after the first oil crisis, to manage and overcome the risks of oil disruption among its member states. Based on this mandate, the IEA has developed emergency plans and, in particular, an obligation of mandatory stock reserves among the IEA countries. Due to the global interdependencies in the energy sector, the agency does not consider energy issues in terms strictly

limited to the IEA member states, but has developed a global energy dialogue that encompasses member states and non-members alike. The Russian Federation and the countries of the former Soviet Union are included in this dialogue. Initially focused on oil, the IEA is now paying considerable attention to the gas market, the importance of which is growing.

The Energy Charter Secretariat (ECS): The Brussels-based organization has a similar origin to the OSCE, and, thanks to their comparable mandates, the OSCE and the ECS are already close partners. The ECS was designed to assist in the evolution of East-West economic relations in the energy sector at the end of the Cold War. The ECS is tasked with implementing the Energy Charter Treaty, which has been ratified by 51 countries. The Russian Federation's withdrawal from ratification of the Treaty in August 2009 places a question mark on the multilateral legal framework in the energy sector.

The United Nations Economic Commission for Europe (UNECE): The Geneva-based organization has a similar constituency to the OSCE. The OSCE OCEEA participates in all the activities of the UNECE Sustainable Energy Division. The UNECE has recently focused its work on energy security, the promotion of renewable energy sources, and the development of energy efficiency policies among its member states.

The Energy Community Secretariat: This Vienna-based organization seeks to integrate EU energy markets with those of non-EU countries, including Moldova and Ukraine, as well as the countries of the Western Balkans. The OSCE OCEEA works closely with the Energy Community Secretariat, whose activities, although highly technical, also include energy security. The organization and its founding document, the Energy Community Treaty, seek to use energy as an effective means of driving forward the integration of EU and non-EU countries.

The European Union (EU): The EU has developed numerous policies in the field of energy. Although the 2006 Green Paper promoted, to a limited extent, the emergence of common energy principles within the EU, there is still some reluctance among EU countries to share energy policies, due to their very different domestic situations. The EU has promoted the emergence of common principles in the energy sector, including competition and unbundling between generation and transmission. It has therefore been instrumental in an important restructuring of the energy sector, through the build-up of solid EU-scale energy companies.

The progressive liberalization of the gas market has introduced more competition and led to the modernization of transport and distribution networks in the gas and, to a lesser extent, electricity sectors. These policies have helped to strengthen energy security in the EU area. Nevertheless, the imbalance between production and consumption remains, and the EU, whose focus is primarily oriented towards the EU internal market and the promotion of internal EU market rules – including rules for the promotion of renewable

energy sources – remains concerned at the sustainability and reliability of existing energy sources.

The EU has been very active in promoting alternative energy transport routes, such as the Nabucco pipeline project, and the activities developed in this direction involve not only EU energy policy, but also EU foreign policy.

The North Atlantic Treaty Organization (NATO): NATO adopted a declaration at the Alliance's Bucharest Summit in April 2008 that underscored its position on energy security. Reflecting a process started in 2006 at the Riga Summit, which tasked the Council in Permanent Session with defining a coherent and suitable role for the Alliance, the Bucharest Declaration affirms NATO's continuing support for efforts aimed at promoting energy infrastructure security. By linking the Alliance's role to the wider European discussion on diversification of supply routes, NATO wishes to add value in two ways. First, by promoting diversification among NATO's entire membership, which extends beyond continental Europe, including the increasing role of Turkey as an energy hub and, second, by linking diversification to overcoming the instability of certain regions or the potential threats of terrorist or pirate attacks on sensitive maritime bottlenecks.

It has been demonstrated that NATO's views are directly compatible with those of the OSCE on the specific issue of protecting critical energy infrastructure, particularly from terrorist attacks.

The Way Forward?

Many decisions related to energy are called for in the coming years. They will have important consequences for decades to come and will contribute, if politically co-ordinated, to the economic stability of the countries concerned. There is no worldwide organization in charge of energy, but since it is a cross-cutting issue, several organizations are addressing it with a particular focus. One should not consider this to be duplication, but a necessary complementarity.

The OSCE's core mandate concerns security, and when the OSCE addresses energy issues, it does so from a security angle: security of delivery, security of transport and transit, and the capacity to overcome possible disruptions. As a regional organization, the OSCE has a field presence in many countries in Eurasia where energy is an important issue, including energy producers, transit countries, and states whose energy situation is fragile.

As a political platform, the OSCE can promote discussion on the development of alternative routes. As a regional organization, it can encourage the development of regional co-operation initiatives similar to those that already exist on the European continent, such as the Energy Community. As an organization with a crisis-resolution mandate, the OSCE can contribute to solving regional disputes in which energy is an issue.

As underlined above, energy security is a complex issue combining legal, geopolitical, economic, and technical aspects. Such a sensitive issue requires strong international co-operation, and the OSCE is ready to be part of this necessary process.

III. Organizational Aspects

OSCE Institutions and Structures

Kazakhstan's OSCE Chairmanship: History and Challenges

The OSCE participating States unanimously approved the application of the Republic of Kazakhstan to chair the Organization during 2010. There can be no doubt that this represents a major diplomatic triumph for Kazakhstan and an acknowledgment of the country's accomplishments. A dignified compromise was found, which enabled all the parties to retain their integrity.

However, this Chairmanship may be fraught with problems that could complicate Kazakhstan's standing in the international system as a whole. The OSCE's current problems may go beyond the customary discussion of the Organization's objectives in the areas of security and co-operation. Indeed, the OSCE's partnership with the post-Soviet states affects their relations with the West in general, and with the European Union, other European institutions, NATO, and the USA, in particular. In recent years, the question of European "energy security" has also been included in the issues discussed within the framework of the OSCE, in which regard Kazakhstan's relations with the countries of Central and Eastern Europe are set to be recontextualized.

Kazakhstan's Chairmanship of the OSCE is a unique geopolitical test of the country's maturity, as it involves a range of key issues concerning relations with the West, including security and geo-political and geo-economic affairs. Currently, these relations are developing along the following lines:

Ever since 1992, one of the OSCE's principle activities has been the preservation of interethnic concord and the observation of the rights of national minorities. OSCE representatives first expressed concern at the situation in Central Asia at the Istanbul Summit in 1999, remarking upon the increased threat posed by international terrorism, the growth of aggressive extremism, organized crime, and illegal trafficking in weapons and drugs. The 1999 Istanbul Summit resulted in the signing of the Charter for European Security and the adoption of the Istanbul Summit Declaration, in which a number of issues dealt directly with security problems emerging in Central Asia.

Relations between Kazakhstan and the OSCE took on a special character in 2000. Astana's policies have at times been subjected to intense criticism by the Organization and its affiliated institutions in connection with issues such as human rights compliance, the observance of democracy, and election campaign techniques. These bilateral problems generally occurred at times of stress in international relations and the geopolitical situation in the Eurasian space. Not just Kazakhstan but all the post-Soviet states were exposed to such criticism, including Russia and the other Central Asian republics. Under these circumstances, Kazakhstan lined up with a group of other

states that criticized the OSCE for applying double standards and being biased in its criticism. In particular, Astana joined the states that issued a collective *démarche* to the OSCE at the 2004 Sofia Ministerial Council.

In September 2003, the Permanent Mission of the Republic of Kazakhstan to the OSCE announced a confidential memorandum entitled “On the Issue of Reform of OSCE Field Activities”.¹ The memorandum accused the Organization of overemphasizing the human dimension. The field missions were subjected to scathing criticism, which centred on the accusation that they had collaborated with non-governmental organizations and human rights protection agencies. It was suggested that missions be set up in accordance with an agreement reached with the host country, and that their mandate be restricted to one year, to be extended only with the agreement of the OSCE Permanent Council. This would ensure that the work of mission members would be subject to control by the governments of host countries.

At a session of the Permanent Council in July 2004, a joint statement initiated by Moscow and signed by all CIS states except for Azerbaijan, Georgia, and Turkmenistan was announced. It reproached the Organization for its inability to “adapt in the current conditions to the requirements of the changing world and ensure an effective solution to issues of security and co-operation in the Euro-Atlantic area”² and for non-observance of the Helsinki principles, including non-interference in internal affairs and respect for national sovereignty.

Concurrently, however, Kazakhstan started developing its policy to consolidate the integration of the Organization and to reduce the opposition between the Northern American and European countries, on the one side, and the Eurasian states, on the other. In this connection, Astana applied for the OSCE Chairmanship for the year 2009. This suggestion was approved of by Moscow and supported by all the other post-Soviet states. Later, they were joined by many Eastern European countries and a number of Western European states.

There were significant developments in relations between the Republic of Kazakhstan and the OSCE during 2005, during which period agreement was reached in principle on Kazakhstan’s future Chairmanship. By 2006, the consensus was nearly complete. Nevertheless, the United States and the United Kingdom, two influential states, questioned Kazakhstan’s level of democratization and urged the postponement of the Chairmanship until 2012 or even later. At the Brussels Ministerial Council in 2006, the OSCE participating States failed to achieve a consensus on the Kazakhstani Chairmanship, despite the support of Germany, Italy, the Netherlands, and France.

1 *On the Issue of Reform of OSCE Field Activities – A Food-for-Thought Paper*, PC.DEL/986/03, 4 September 2003. The Memorandum was prepared in conjunction with the OSCE Delegations of Russia, Belarus, and Kyrgyzstan.

2 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.

The decision was postponed until the Madrid Meeting of the Ministerial Council, scheduled for November 2007. There, a consensus was achieved only two hours before the end of the final session. In Madrid, it was decided that Kazakhstan would chair the OSCE in 2010, a year later than originally intended. In Kazakhstan, the triumph gained in Madrid was perceived as an acknowledgment of the country's accomplishments and, in particular, a recognition of the contribution made by its president. When Kazakhstan's bid was submitted for discussion, the country had to decide between two possible strategies: either to exacerbate the dispute with the OSCE, which could only end in the country's withdrawal from the Organization, or to attempt to use this opportunity to enhance its national prestige and increase its influence. The second alternative was preferable.

At the beginning of 2009, Kazakhstan joined Greece and Finland in the OSCE Troika. However, Kazakh representatives had already started working actively in OSCE structures as early as 2008, first by joining the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), then by assuming the deputy chairmanship of the OSCE Parliamentary Assembly, heading the OSCE Contact Group for the Mediterranean Partners for Co-operation, and providing the Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims.

Kazakhstan's 2010 Chairmanship is a remarkable event for both Kazakhstan itself and for the OSCE. For Kazakhstan, it represents not just international recognition of its achievements in domestic and foreign policy, but also the realization of its responsibility for their further development and a readiness to share responsibility for security in the entire space of the OSCE.

Kazakhstan's Chairmanship bid confronted the participating States with several potential precedents: It would be the first time that a CIS country undergoing political transformation had held this post; the first time a country largely located in Asia had done so; and the first time a predominantly Muslim country had chaired the Organization. These factors account for the difficulty in reaching consensus on Kazakhstan's Chairmanship, which Kazakhstan first proposed in 2003, with the initial aim of holding the Chairmanship in 2009. This initiative caught the OSCE participating States by surprise.

The delay in deciding on Kazakhstan's Chairmanship bid, which was only finally approved in November 2007 in Madrid, uncovered institutional problems in the Organization and a discrepancy between the formal basis of its activities and their execution in practice. It turned out that the Organization lacked clear formal criteria for assessing a hopeful country's bid to chair the Organization. The decision on Kazakhstan's Chairmanship depended more on overcoming Western partners' bias against CIS countries and on current NATO-Russia and EU-Russia relations.

The decision that Kazakhstan would chair the Organization in 2010 instead of 2009 as requested was a compromise. The delay was justified as

providing an opportunity for Kazakhstan to undertake further political, judicial, and social reform and to prepare Kazakh officials to work in OSCE structures.

The invitation of the then Finnish Chairman-in-Office to Kazakhstan to take part in the expanded OSCE Troika from 2008, which would draft long-term OSCE programmes, was unprecedented. As a result of entering OSCE structures two years ahead of its Chairmanship, Kazakhstan received a real opportunity not only to acquire work experience but also to draw the Organization's attention to Central Asia's current problems. Kazakhstan also joined the Troika at a difficult time in its history. The global economic crisis damaged the entire system of international relations. And while the OSCE is an influential organization, it still cannot play a primary role in solving modern conflicts.

The OSCE managed to establish a dialogue between the sides in the bipolar era of the Cold War, and retained its significance after the demise of the USSR, helping the newly independent countries of the former Soviet Union to establish themselves. The Organization now needs to find new forms of co-operation and add new understanding to its accumulated experience, because it will only be able to respond adequately to modern challenges if it changes radically.

From the very beginning, the OSCE's activities have evolved along three distinct dimensions: the politico-military, the economic and environmental, and the humanitarian. The first two spheres developed relatively steadily, while the third started to cause heated debate in the final years of the 20th century, as it became a kind of politically motivated tool for the democratic transformation of the post-Soviet countries.

The work of the OSCE showed an imbalance in functional and geographical terms. Its activities in the economic and politico-military dimensions either overlapped with or were duplicated by the activities of the EU and NATO. The same applied to its work in the human dimension and the Council of Europe. These organizations adopted specific legally binding decisions in these spheres, whereas the meetings of OSCE participating States were merely advisory, and its documents remained declarations. Geographically, the work of the OSCE, which has 56 members from North America, Europe, and the former Soviet Union, was imbalanced towards the work of the Office for Democratic Institutions and Human Rights (ODIHR) in the countries of the former Soviet bloc.

The OSCE's capabilities have been influenced by US domination, the expansion of the EU and NATO, the colour revolutions in post-Soviet countries, Russia's growing role, and the energy crisis. 2008 was the most complicated year in the OSCE's history, as the recognition of Kosovo's independence, the war between Georgia and Russia over South Ossetia, and the declaration of the independence of Abkhazia and South Ossetia took place outside a platform for dialogue.

The political reality is that in the current global crisis and with the principle of universal security within the OSCE not implemented, it is necessary to change the ideological approach to the entire security system. This idea is shared by French President Nicolas Sarkozy and Russian President Dmitry Medvedev. The creation of a new European security system in which CIS and EU countries could benefit from a new security architecture and which will be adequate to new challenges and threats is a logical response to current global developments. The OSCE's short-term task is to strengthen its role in the global system of international relations.

What is the uniqueness and potential of the OSCE and what can Kazakhstan propose during its Chairmanship? Despite the current complications, the OSCE is an unusual organization that unites North American, European, and former Soviet countries, and all participating States have equal rights, including the right to chair the Organization.

The OSCE's principle of consensus allows Kazakhstan and the other CIS countries to influence the course of discussion and decision-making on key security issues. At the 2009 Winter Meeting of the OSCE Parliamentary Assembly, the Chairman of the Kazakh Senate, Kasym-Zhomart Tokayev, stressed that in the modern world a system of security and co-operation should not be considered European or Asian.³

The belief that ensuring one's own security is only possible at the expense of the security of others is no longer acceptable.⁴ This view was also stressed by the Kazakh and Russian delegations at the Parliamentary Assembly's Winter Meeting in 2009 and the proposals for a new European security architecture were the leitmotif of a special debate at the meeting.

The OSCE participating States have treated all the initiatives proposed by Kazakhstan with due consideration. The Finnish Chairman of the OSCE in 2008, Alexander Stubb, praised the work of Kazakh representatives in the economic and environmental sphere and Kazakhstan's efforts in reforming its political system. The country's "Path to Europe" programme does not just aim to expand political and economic co-operation and attract investment and technological know-how, but also raises Kazakhstan's relations with EU countries to the level of strategic partnership.

With its comprehensive concept of security, the OSCE is capable of creating a single Eurasian security system, one that is adequate to global challenges and threats. It has also invited NATO, the Collective Security Treaty Organization (CSTO), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Shanghai Cooperation Organisation

3 Cf. *Statement by H.E. Mr. Kassym-Jomart Tokayev, Chairman of the Senate of the Parliament of the Republic of Kazakhstan, at the Winter Meeting of the OSCE Parliamentary Assembly, Vienna, 20 February 2009*, PA.DEL/3/09/Corr.1, 24 February 2009, p. 1.

4 See, e.g., *Delegation of the Russian Federation, Statement by Mr. Alexander Groushko, Deputy Minister for Foreign Affairs of the Russian Federation, at the Special Meeting of the OSCE Parliamentary Assembly on a New European Security Architecture, 20 February 2009*, PA.DEL/1/09, 20 February 2009, p. 2.

(SCO), and the Association of Southeast Asian Nations (ASEAN) to cooperate with it in this. The OSCE's co-operation partners are, in Asia: Japan, South Korea, Thailand, Afghanistan, and Mongolia; and in the Mediterranean: Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia.

The OSCE has the potential to prevent and solve interethnic and religious crises, which will help overcome a clash of civilizations. The Charter for European Security, adopted at the Istanbul Summit in 1999, gave an impetus to close co-operation with partners, and there is now a need to amend this Charter and create a common Eurasian security system. From 2003, the main priorities of the OSCE's Chairmanships have been to reform the OSCE, solve regional conflicts, fight terrorism and drug trafficking, support democratic processes, counter human trafficking, and promote tolerance and freedom of religion.

At an OSCE meeting on cultural, religious, and racial tolerance in 2006, Kazakh President Nursultan Nazarbayev set clear goals for Kazakhstan's Chairmanship:

- With regard to the situation in Central Asia, Kazakhstan is ready to act as a regional guarantor, ensuring genuine and long-term security;
- Kazakhstan, with its positive experience of interethnic and religious accord, aims to democratize its political system and, as an active member of the OSCE, intends to strengthen the Organization, taking into account the interests of all member states.

On 30 April 2007, in Vienna, Kazakhstan's then foreign minister, Marat Tazhin, presented Kazakhstan's vision of the future development of the OSCE. Under conditions of rapid global change, the priority objective of increasing the efficiency of the OSCE could be solved through the creation of a genuine platform for dialogue that will unite the Euro-Atlantic and Eurasian spaces.

In 2007, Kazakhstan implemented a range of political reforms, including amending its constitution to increase the role of political parties, holding an election to the lower house of Parliament (Mazhilis), continuing reforms in the judicial and local self-government spheres, and starting to build an efficient model of co-operation between the government and civil society. In 2008, amendments were made to the Kazakh laws "On Political Parties", "On Elections", and "On the Media".

At the 2009 OSCE Parliamentary Assembly Winter Meeting, Kazakh Senate Speaker Tokayev detailed Kazakhstan's priorities during its OSCE Chairmanship in 2010, describing them as clear and irreversible:

- Kazakhstan aims to increase Central Asia's significance in the OSCE. It seeks to enroot the OSCE's common values in the region. Kazakhstan

aims to make its contribution to ensuring security and stability in Eurasia.

- Kazakhstan has considerable experience in chairing regional organizations, including the CIS, the SCO, and the CICA. Kazakhstan's Chairmanship of the OSCE opens up new possibilities for establishing constructive co-operation between various regional organizations.
- As OSCE Chair, Kazakhstan intends to boost the role of the Organization as a unique platform for dialogue between Europe and Asia.⁵

Thus, during its Chairmanship Kazakhstan intends to focus the Organization's activities on maintaining stability in Central Asia and, as a consequence, strengthening stability in the entire space of the OSCE.

Kazakhstan also plans to take urgent measures to fulfil socio-economic programmes in Afghanistan; to strengthen economic relations between Central Asian countries; to develop transport and transit routes in Central Asia; and to support the rational use of water and energy resources in the region.

Kazakhstan is also ready to share its experience of interethnic and religious accord. It is precisely these spheres, which are at the core of the OSCE's activities, that need a new vision. Kazakhstan's Chairmanship of the OSCE confirms the main principle of the Organization – the equality of all its members and their interest in sustainable development.

It was always apparent that the activities of the European Union will influence Kazakhstan's Chairmanship of the OSCE. It is therefore necessary to take into consideration Brussels' principal targets and incentives with regard to Central Asia. It was also beyond doubt that the Kazakhstani Chairmanship would be impacted by North American influences. In January 2009, a new Democratic administration came to power in the United States, with Barack Obama, the newly elected President, in the White House. US policy towards Eurasia, and the OSCE in particular, was always going to be linked to Russian-American relations, relations with the CIS, NATO expansion, the situation in Afghanistan, the situations in Iran and Pakistan, and definitely American-Chinese and America-Indian relations.

Alongside the OSCE, the North Atlantic Alliance is the other major international security organization to encompass North America and a large part of Eurasia. Consequently, the NATO factor will certainly influence the OSCE situation and the behaviour patterns of the Alliance's members within the framework of the Organization's activities.

The crucial role in supporting Kazakhstan's Chairmanship was played by Russia and other post-Soviet states. The CIS states supported Astana's bid, granting Kazakhstan a collective mandate to protect their interests within the OSCE. Even apart from that factor, there are certain objective circumstances that ensure that Kazakhstan should and presumably will co-ordinate

5 Cf. *Statement by H.E. Mr. Kassym-Jomart Tokayev*, cited above (Note 3), pp. 6-7.

its moves with Moscow in the course of its Chairmanship. Kazakhstan is also committed to the Central Asian republics. However, there currently exist a number of intricate circumstances that might at times lead to different understandings and interpretations of purposes and objectives on the part of Russia and Kazakhstan.

The OSCE Chairmanship is certain to be a milestone in the history of the foreign policy of the Republic of Kazakhstan, and will also announce that country's coming of age as a regional leader. But for Russia, at least according to Russian politicians, this will probably lead to more problems than opportunities. They do not expect Kazakhstan to demand (as Russia does) changes to the OSCE's pattern of operations. For Astana, given its geopolitical status, it will be enough to gain the benefits that can accrue from fulfilling the Chairmanship function. But Moscow aims to change the rules of the game altogether, admittedly a far greater challenge. Furthermore, Russia possesses a far wider range of levers than does Kazakhstan.

A further question concerns the essence of the viewpoint and claims of the Russian Federation with respect to the OSCE's goals. Russian politicians point out imbalances in OSCE activities: specifically the geographical imbalance (the activities of the Organization are focused primarily on the area "East of Vienna", mainly in the countries of the former Yugoslavia and USSR) and the thematic imbalance (from the point of view of Russia, there has been an unjustified shift in favour of human rights protection at the expense of other aspects of the OSCE's work, namely: politico-military security and the economic and environmental dimension). Moscow is also displeased with the autonomy of a number of OSCE institutions, above all ODIHR, which is involved in election monitoring.

The Russian leadership has publicly accused the independent OSCE institutions of bias, castigated them for their double standards, and argues that they have been "privatized" by the Western countries, foremost among them the United States. Time and again, Russian leaders have made statements proclaiming that there is no sense in maintaining the OSCE in its current form, and calls for Russia to withdraw from the Organization are becoming more persistent.

In addition, Kazakhstan's Chairmanship of the OSCE may be fraught with problems that could complicate Kazakhstan's standing in the international system. In order to act effectively as the Chair of the Organization, Kazakhstan will have to implement the following scenario: elaborate a clear-cut and precise scheme of democratic reorganization in the country in the immediate future; take the initiative in such reforms to ensure that they are not viewed in the West as measures that have been imposed from outside or taken under pressure from the internal political opposition.

As well as an opportunity to overcome the dividing lines within the OSCE, Kazakhstan's Chairmanship offers a chance to take greater account of the interests and views of the countries "East of Vienna". Under Kazakh-

stan's Chairmanship, the CIS countries will be sure to have better opportunities for the implementation of the projects they initiate. In this regard, Kazakhstan has an opportunity to consolidate the Organization.

There has long been an open question regarding the prioritization of the OSCE's activities – whether it should focus on the humanitarian sphere or security matters during Kazakhstan's Chairmanship period. At the moment, it seems that the advisable course of action would be to shift the OSCE's emphasis on democratization, including in terms of practical measures, towards cultural co-operation, inter-confessional concord, and the dialogue of civilizations.

These are precisely the spheres in which Kazakhstan is capable of contributing a great deal to the OSCE's work. In the area of security enhancement, it will be important to accentuate items essential for regional stability, such as efforts to combat terrorism, drug trafficking, and illegal migration. At the same time, it is important to be cautious, especially when dealing with issues associated with regional conflicts and the unrecognized states.

The prospects of reinforcing the connection between the European and Asian security systems – the OSCE and CICA – seem to be good. Having bolstered Kazakhstan's application for the OSCE Chairmanship, Western states might attempt to encourage Kazakhstan to engage in various types of anti-Russian campaign within the Organization. The toughest cases will be those where Astana, as the holder of the OSCE Chairmanship, will be obliged to face the challenge of criticizing its allies and CIS partners. In these cases, the only way out for Kazakhstan will be to try to tone down the statements and shift the accents.

Although, with Kazakhstan's Chairmanship, the OSCE will somehow acquire a "Eurasian countenance", in order to avoid any irritation among the Western partners it will be sensible to minimize the use of the term "Eurasian" in official documents, records, and ceremonial rhetoric, and instead to emphasize Kazakhstan's "European choice". This will contribute to promoting dialogue between the parties in the language they are used to. But the uppermost objective of Kazakhstan's 2010 Chairmanship of the OSCE should be the enhancement of the country's standing in the international system.

Early on in Kazakhstan's Chairmanship, however, the stormy events of 2010 in Central Asia changed Kazakhstan's agenda. The situation in Kyrgyzstan became the most radical challenge not only for security and stability in the region, but also for the Kazakhstani Chairmanship.

Since the meeting of OSCE foreign ministers at Almaty in July, the main goal of the Kazakhstani agenda has been to revive the custom of OSCE Summits by holding a Summit Meeting at the end of the year – which would be the first since Istanbul in 1999. And the main question for Central Asian security is an open one: how to construct a dialogue between the various organizations responsible for regional (including Afghanistan) security and sta-

bility, i.e. the OSCE, NATO, the CSTO, and the SCO. Perhaps, a new OSCE summit could answer all these questions and solve all these security problems.

The Greek OSCE Chairmanship 2009

Greece, a member of NATO and the EU, succeeded Finland to the OSCE Chairmanship in 2009. Thanks to the 2007 decision to postpone Kazakhstan's Chairmanship, this role fell to the Hellenic Republic a year earlier than had been intended. Just less than five months after the Five-Day War between Russia and Georgia in August 2008, and against the background of the other ongoing regional conflicts and the continual postponement of attempts to solve the OSCE's organizational problems, the omens for an effective working year were not good. The Greek Chairmanship entertained no illusions about the seriousness of the situation.

The Chairmanship Programme

On 15 January 2009, right at the start of her traditional inaugural speech to the Permanent Council to announce the new Chairmanship's programme, the Greek Foreign Minister, Dora Bakoyannis, stressed the need "to consider new ways to build indivisible security".¹ This encapsulated in essence all that Greek OSCE diplomacy would have to do in 2009 to keep the OSCE charabanc – still rickety following the emergency repairs carried out by her Finnish predecessor – on the road.

Immediately upon assuming the Chairmanship in Helsinki, she had explained that Greek diplomacy was ready and willing to explore the possibility of holding a meeting of participating States, "when the time is deemed as appropriate", to give all the participating States an opportunity to focus on "our common security", with no strings attached as regards timeframe and procedures. She refrained from defining any concrete goals of the "common" and "indivisible" security that was her desideratum.

Further points in her programme included a commitment to finalizing deliberations on enhancing the legal status of the OSCE, working on securing "practical results" in dialogue on Nagorno-Karabakh, the future of the OSCE presence in Georgia, creating clarity over the future of the CFE Treaty, developing the OSCE's border security regime – with a priority on engagement with Afghanistan – and promoting the rule of law.

Announcements of this kind have long been part of the standard repertoire of every Chairmanship, and they express no more than a dutiful willingness to fulfil the everyday commitments involved in leading the Organization

1 OSCE, *Opening Speech by the Chairperson-in Office H.E. the Minister for Foreign Affairs of Greece Mrs. Dora Bakoyannis at the Permanent Council of 15th January 2009*, CIO.GAL/3/09, 15 January 2009.

for a year. Yet, the Chairperson stressed one special feature of her country's working programme: She wished to develop the concept of "greening the OSCE", i.e. making it more environmentally friendly. As well as improving the Organization's daily work, this would include the promotion of "a promising new generation of environmental programmes".

The "Analytical Concept Paper" distributed the day after the Chairperson's programmatic speech was given the rather overblown title "The Future of the OSCE Viewed as Thesis and Antithesis in Harmony", the first section of which had the alliterative heading "Synergy, Symmetry, Strategy".² Bakoyannis's predecessors had already made use of such superficially impressive formulae, such as the Spanish Chairmanship's "Priority, Perseverance, and Patience" in 2007. That this "trilogy of S's" is little more than an empty formula, however, becomes obvious when one considers the wording of the Concept Paper itself: "*Symmetry* of efforts in dealing with new 'asymmetric threats' as well as older challenges. *Synergy* of all participating States in promoting our co-operative, indivisible and cross-dimensional security. *Strategy* on ways we can better achieve our common goal of guaranteeing indivisible stability, security and co-operation throughout the OSCE area." The Analytical Concept Paper merely reiterates that which the Chairperson-in-Office had presented at the Permanent Council the day before; it lacks both analysis and anything that deserves the name of "concept".

Activities of the Chairperson

The activities undertaken by the Greek Chairperson-in-Office, like those of her predecessors, were revealed by her appearances before the Permanent Council, whose weekly sessions were chaired by her Permanent Representative, Mara Marinaki, as well as at the OSCE Economic and Environmental Forum, the OSCE Parliamentary Assembly, and within the OSCE Troika. She visited the capital cities of participating States, other international organizations, including the UN and EU, and various OSCE field presences. It was her task to formally appoint heads of OSCE missions and other OSCE agencies. The work of the Special Representatives may also be considered as indirect expression of her effectiveness.³

At her inaugural speech to the Permanent Council, the Chairperson-in-office announced that she would work closely with all the OSCE field oper-

2 OSCE, *Analytical Concept Paper on the Programme of the Greek OSCE Chairmanship 2009. The Future of the OSCE Viewed as Thesis and Antithesis in Harmony*, CIO.GAL/2/09/ Rev.1, 16 January 2009.

3 The discussion below is based upon the following Reports of the Chairperson-in-Office to the Permanent Council, among others: CIO.GAL/16/09, 29 January 2009; CIO.GAL/26/09, 26 February 2009; CIO.GAL/39/09, 26 March 2009; CIO.GAL/55/09, 30 April 2009; CIO.GAL/89/09, 8 July 2009; CIO.GAL/90/09, 8 July 2009; CIO.GAL/104/09, 4 August 2009; CIO.GAL/116/09, 10 September 2009; and CIO.GAL/154/09, 22 October 2009.

ations.⁴ She demonstrated this intention immediately the next day by taking part in a meeting with the heads of field operations and institutions on 15 January in Vienna.⁵ Yet her visits remained selective. Her first trip to a mission took her to Pristina, on 3 February; the day before, she had held talks with the Serbian government in Belgrade. Alongside Spain, Slovakia, Cyprus, and Romania, Greece is one of the EU states that do not recognize the independence of Kosovo. A few days later, she visited Albania for talks with representatives of the government and the chairs of parties represented in parliament.

Her next visit to a country with an OSCE mission was to Georgia on 23 March. In early July, she spent a day each in Azerbaijan and Armenia, where she spoke with government representatives; she did not visit Nagorno-Karabakh. Contrary to her expressed intentions, she did not visit the other countries with OSCE presences, such as Moldova and the Central Asian republics. Her Special Representative, Charalampos Christopoulos, visited Moldova and Transdniestria on 24 and 27 February, respectively, and was involved in efforts to resolve the conflicts on other occasions, too. He worked particularly hard with regard to the conflicts in Georgia.⁶

The Chairperson-in-Office made her first visit following Greece's assumption of the Chairmanship to Moscow on 21 January, where she held talks with the Russian Foreign Minister on Georgia, European security, strengthening the legal status of the OSCE, the OSCE's engagement with Afghanistan, and election observation. A further month passed before she met the US Secretary of State and members of Congress in Washington, D.C.

On 7 February, she took part in the Munich Security Conference, where she made the case for the OSCE as the most suitable forum for the necessary dialogue on European security.⁷ On 19 February, she spoke at the Winter Meeting of the OSCE Parliamentary Assembly in Vienna. During her trip to the USA, she spoke before the UN Security Council on 27 February.⁸ In mid-March, she chaired the meeting of the OSCE-EU Troika in Brussels, which dealt with the topics of Georgia, the Western Balkans, and European security. There, she expressed once again her willingness to organize an informal meeting of ministers in the summer in Greece.

In late March, she attended the Afghanistan conference in Den Haag. At the OSCE Economic and Environmental Forum in Athens on 18-20 May, she appealed to the participating States to strengthen their co-operation on mi-

4 Cf. *Opening Speech by the Chairperson-in Office*, cited above (Note 1), p. 3.

5 Cf. SEC.GAL/17/09, 11 February 2009.

6 Visits to Tbilisi and Tskhinvali on 12 and 13 January, 30 and 31 March, 16 and 18 June, from 1-3 October; from 20-21 October. He was denied access to Tskhinvali during his visits of 4-6 May and 10-12 August. He took part in the international discussions on the conflict that were held in Geneva.

7 Cf. CIO/GAL/21/09, 12 February 2009.

8 Cf. *Address by the Chairperson-in-Office to the United Nations Security Council*, given on 27 February 2009, CIO.GAL/29/09, 23 March 2009.

gration policy. On 26 June, a day before the informal OSCE meeting on Corfu, she took part in a G8 meeting in Trieste.

The most significant event during the Greek Chairmanship, aside from December's Ministerial Council meeting, which effectively brought the Chairmanship to an end, was the informal two-day meeting of representatives of the participating States on Corfu, which was attended by no less than 51 foreign ministers.

At the start of the 27-28 June meeting in Corfu, the Greek CiO and host spoke as follows:

It is symptomatic of the current situation that, while the need for a European security dialogue at the highest level is quite obvious, the participants have yet to reach agreement on the aims, content and framework of such a dialogue.

Our intention today is to rise above the blame-game and reach out for common solutions in order to provide a targeted impulse to the dialogue on European security.

[...]

Over the last ten years, European security policy has been increasingly dominated by unilateral and frequently confrontational approaches. [...] The loss of trust has been enormous. Even if European security relations should now improve, it may take years to overcome all the problems and conflicts that have been created.⁹

The eleven points listed by the Chairperson-in-Office in her concluding statement at the meeting of OSCE foreign ministers on Corfu read, on the whole, like a list of well known complaints and a remarkably candid admission of failure, or, at best, a promise to make good upon wearisomely repeated goals whose realization has still not been achieved.

Here it is remarkable that the Chairperson-in-Office described the OSCE in relatively positive terms as a "natural forum" for any future dialogue, in which other organizations could be involved in a complementary fashion within the framework set out by OSCE relevant documents such as the 1999 Platform for Co-operative Security, as the latter had been conceived of for an entirely different purpose. As an initial step, the Chairperson-in-Office proposed that all participating States should explore ways for a "more structured dialogue".¹⁰

In this way, the Greek Chairmanship was successful in its efforts to convene an informal meeting of participating States – one that, moreover, did not conclude entirely without commitments, but rather achieved an agree-

9 *Informal ministerial meeting held in Corfu, Greece, on 27 and 28 June 2009*, CIO.GAL/86/09, 30 June 2009.

10 Cf. *Corfu Informal Meeting of OSCE Foreign Ministers on the Future of European Security, Chair's Concluding Statement to the Press*, 28 June 2009, CIO.GAL/83/09, at: <http://www.osce.org/cio/37803>.

ment to continue the discussions that had been commenced. This was given the elegant name of “Corfu Process”.¹¹ The Greek Chairmanship intended this process to perform a threefold purpose: “first, to maintain and improve existing structures; second, to enhance co-operative security across the OSCE area; and third, to achieve the maximum implementation of existing commitments, including on conflict resolution and arms control”.¹²

The Chairperson-in-Office flew directly from the meeting with her fellow OSCE foreign ministers to Vilnius, where she attended the OSCE Parliamentary Assembly’s Annual Session on 30 June. Giving a sort of half-term report on her year in office before the assembled parliamentarians, she stressed three areas to which the Greek Chairmanship was devoting particular time and resources. These included the question of strengthening energy security on the basis of the “OSCE Strategy Document for the Economic and Environmental Dimension”, as adopted at the 2003 Maastricht Ministerial Council. To this purpose, the Chairmanship had issued invitations to a conference held in Bratislava in June on “Strengthening Energy Security in the OSCE Area”. There was no more talk of “greening the OSCE”. The second area in which the Chairmanship had “sought tirelessly” to create lasting stability and security in Georgia. This concerned, above all, the continuation of the OSCE presence in Georgia, which was ultimately not secured. The third task that the Chairmanship had set itself was a high-level dialogue on European security. In this regard, Mrs Bakoyannis could speak of success.

Unusually, in the year of Greece’s Chairmanship, neither of the main sessions of the OSCE Economic and Environmental Forum took place in Prague. The January meeting was held in Vienna, while the second convened in Athens in March. The topic of the forum was “Migration management and its linkages with economic, social and environmental policies to the benefit of stability and security in the OSCE region”.

The position of Chairperson-in-Office changed hands during the year, following the parliamentary elections that were held in Greece in October. The incumbent Foreign Minister, Dora Bakoyannis, departed from her national office and thus from the position of Chairperson-in-Office on 5 October. A change of government during the Chairmanship disturbs the flow of work towards a given goal, if it doesn’t disrupt it completely. The transfer of power mid-year certainly cannot have a positive effect on the leadership of the Organization, as previous cases demonstrate.¹³ Mrs Bakoyannis’ successor as Foreign Minister and hence also as Chairperson-in-Office was the new

11 It has become fashionable in international diplomacy to use this vague word to disguise the emptiness of a policy while making it appear important; see, for example, the Helsinki Process, the Budapest Process, the Bologna Process, the Barcelona Process.

12 *Statement by the OSCE Chairperson-in-Office Foreign Minister of Greece H.E. Mrs. Dora Bakoyannis*, 18th Annual Session of the OSCE Parliamentary Assembly, Vilnius, 30 June 2009.

13 It has happened six times so far: Czechoslovakia in July 1992; Italy in May 1994; Austria as early as February 2000; Portugal in April 2002; the Netherlands only in December 2003; and Finland in April 2008.

Prime Minister and Foreign Minister of Greece, George Papandreou, who appointed Dimitris P. Droutsas to be his “Alternate Foreign Minister” and Special Envoy of the Chairman-in-Office. The other leading Greek OSCE personnel continued in their positions.¹⁴ In the final quarter, the Greek Chairmanship undertook no activities of note, with the exception of the important, yet compulsory preparation and implementation of the Ministerial Council Meeting in Athens on 4-5 December 2009.

Already a month before the end of the Greek Chairmanship, Dimitris P. Droutsas had to admit to the Permanent Council that the Greek Chairmanship’s efforts to deal with the Georgia question had been unsuccessful.¹⁵ Efforts to retain a cross-dimensional OSCE presence in the region had been tireless, but consensus proved impossible to reach, whereupon one of the OSCE’s largest field operations had to be closed. The Chairmanship nonetheless continued to support the status-neutral compromise proposal as the basis for a future resolution.

At the same time, the OSCE, together with the UN and the EU, co-chaired the “Geneva International Discussions”, which had produced concrete results by establishing the “Incident Prevention and Response Mechanisms”.

The Athens Ministerial Council

The 17th Meeting of the OSCE Ministerial Council, which was held in Athens on 1 and 2 December 2009, was adjudged by OSCE Secretary General Marc Perrin de Brichambaut to be different from all its predecessors as a result of the scale of the challenges that had emerged in recent years. He referred to the divergent interpretations of fundamental OSCE principles, the use of force on the continent, the open wounds of still unresolved conflicts, and the effects of the financial and economic crisis.¹⁶

Opening the Meeting as Chairman-in-Office, Greek Prime Minister Papandreou stated that the Greek Chairmanship had been driven by a single principle: “the determination to serve as an ‘honest broker’ to facilitate a renewed dialogue between the participating States”¹⁷ in order to show them the

14 Charalampos Christopoulos as Special Representative for Protracted Conflicts and Mara Marinaki as Chairperson of the Permanent Council.

15 Cf. OSCE, *Address by the Special Envoy of the Chairman-in-Office H.E. Alternate Minister for Foreign Affairs Mr. Dimitris P. Droutsas*, Special Session of the Permanent Council, Vienna, 6 November 2009, CIO.GAL/173/09, 6 November 2009, p. 3.

16 Cf. Organization for Security and Co-operation in Europe, *Report by the OSCE Secretary General, Ambassador Marc Perrin de Brichambaut, at the 17th OSCE Ministerial Council Meeting*, Athens, 2 December 2009, MC.DEL/46/09, 1 December 2009, p. 1, at: <http://www.osce.org/cio/40631>.

17 *Address by the OSCE Chairman-in-Office, Prime Minister and Minister for Foreign Affairs of the Hellenic Republic, to the Opening Session of the Seventeenth Meeting of the OSCE Ministerial Council*, MC.DEL/8/09, 1 December 2009, in: Organization for Secur-

way to a new future. He described the meeting in Corfu as “a ray of hope in a stormy year”, continuing: “The discussions that followed in Vienna at the ambassadors’ level aimed to identify the main elements pertaining to the foundations for security in the Euro-Atlantic area, the challenges arising across the three OSCE dimensions, and obstacles to the implementation of commitments undertaken by the participating States.” The next step in the process was to decide “how to determine concrete objectives, themes, modalities and benchmarks”.

The Chairman-in-Office noted that there had been “some positive movement in settling longstanding obstacles to co-operative security in our region”. The great importance of the “bold political decisions taken by Turkey and Armenia” was identified. This rapprochement, however, was to prove short lived.

He also mentioned the meeting in Munich at the end of November between the presidents of Armenia and Azerbaijan under the auspices of the OSCE Minsk Group, an informal meeting in Vienna in November of the “5+2” negotiating format aimed at resolving the Transdniestria conflict, and the eight rounds of discussions held in Geneva on security and stability in Georgia, which were co-chaired by the OSCE, together with the UN and the EU. He admitted, however, that the Chairmanship’s efforts had suffered a setback with the closure of the OSCE Mission to Georgia. Rather unexpectedly, Papandreou declared that the economic and environmental dimension had been “at the heart of the Greek Chairmanship’s priorities”, referring solely to the “productive discussions” on the cross-dimensional aspects of migration that had been held at the 17th Economic and Environmental Forum.¹⁸

The Ministerial Council adopted 16 Decisions and five Ministerial Statements or Declarations. This was a fair number in comparison to previous Ministerial Councils.¹⁹ The Ministerial Declarations dealt with the so-called Corfu Process, the 65th anniversary of the end of the Second World War, the 25th anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and nuclear non-proliferation. The single Ministerial Statement concerned the Nagorno-Karabakh conflict.

Looked at more closely, these results are revealed to be extremely insubstantial; part whistling in the dark, part stale self-praise expressed in hackneyed phrases. How many times have the bulk of Ministerial Council attendees heard it all before? Even more telling is to consider what could not be concluded owing to a lack of consensus.

ity and Co-operation in Europe, Seventeenth Meeting of the Ministerial Council, 1 and 2 December 2009, Athens, 2 December 2009, pp. 51-55, here: p. 51.

18 Cf. *ibid.*, pp. 52-54.

19 Cf. 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, here: pp. 55 and 58.

The Chairman-in-Office himself raised the question of the OSCE's legal status, which has been an ordeal for the Organization over the years and was once again left unresolved in 2009.²⁰ There was no declaration on Moldova. It proved impossible to overcome differences of opinion over questions of conventional arms control so as to restore the viability of the Treaty on Conventional Armed Forces in Europe (CFE Treaty). The Ministerial Council could not reach agreement on any of the six decisions the Chairmanship proposed in the human dimension, on issues that included freedom of the media, freedom of expression, the rule of law, and trafficking in human beings.

Just the subheading of the Ministerial Declaration on the OSCE Corfu Process is enough to reveal the modest ambition, maybe better characterized as mere "intention", to address the critical neglect of once noble principles, norms, and goals: "Reconfirm-Review-Reinvigorate Security and Co-operation from Vancouver to Vladivostok".²¹

This Declaration opens – cryptically or treacherously – by declaring that "the vision of a free, democratic and more integrated OSCE area [...] free of dividing lines and zones with different levels of security remains a common goal". Here one may ask, "Is the vision the goal?" And what does "more integrated" mean? Insightfully, the ministers go on to note that "to achieve this goal, much work remains to be accomplished". There then follows a list of the OSCE's failings: The principles of the Helsinki Final Act and the OSCE commitments "are not fully respected and implemented"; the use of force is still considered an option for settling disputes; the danger of conflicts between states has not been entirely eliminated, and there have been armed conflicts "even in the last decades"; tensions continue to exist and many conflicts have not been resolved. This admission of failures in the past is followed by the unsurprising acknowledgement that the stalemate in conventional arms control, the resolution of differences of opinion in this area, the return to full implementation of the CFE Treaty regime, and the "restoration of its viability" urgently require a concerted effort by the States Parties to the Treaty. The participating States' common achievements in the areas of rule of law, human rights, and fundamental freedoms need to be "fully safeguarded and further advanced".

This litany of confession and acknowledgement culminates in a declaration resembling the solemn vow of a scout troop: "Our highest priority remains to re-establish our trust and confidence, as well as to recapture the

20 For a detailed chronology of the OSCE's ordeal on this question, see: Sonya Brander, Making a credible case for a legal personality for the OSCE, in: *OSCE Magazine* 1/2009 pp. 18-22; Ida van Veldhuizen-Rothenbücher, Legal personality of the OSCE: Quo vadis? in: *OSCE Magazine* 1/2009, p. 23.

21 *Ministerial Declaration on the OSCE Corfu Process: Reconfirm-Review-Reinvigorate Security and Co-operation from Vancouver to Vladivostok.*, MD.DOC/1/09, 2 December 2009, in: Organization for Security and Co-operation in Europe, Seventeenth Meeting of the Ministerial Council, cited above (Note 17), pp. 3-4.

sense of common purpose”. The meeting of ministers that was held on Corfu is already lauded as a “milestone” along this road.

Finally, the Platform for Collective Security is invoked as the basis for dialogue with relevant organizations and institutions within the OSCE, which is the appropriate forum for this dialogue, and the proposal of the incoming Kazakh Chairmanship to hold an OSCE Summit in 2010 is noted “with interest”. To this plan is immediately attached the reservation that such a high-level meeting would necessitate “adequate preparation in terms of substance and modalities”.

The remaining 16 Ministerial Council Decisions contain reaffirmations and reconfirmations of intentions previously announced. Nearly half of them are self-referential or organizational in nature, namely the Decision on furthering the Corfu Process,²² the Decision on the future orientation of the economic and environmental dimension,²³ the Decision on the OSCE High-Level Conference on Tolerance and Non-Discrimination,²⁴ the Decision on the OSCE Chairmanship in the year 2012,²⁵ the Decision on the granting of the status of Partner for Co-operation to Australia,²⁶ the Decision on the time and place of the next meeting of the OSCE Ministerial Council,²⁷ and the Decision on issues relevant to the Forum for Security Co-operation.²⁸

Nine Decisions concerned the external effectiveness of the Organization in the area “between Vancouver and Vladivostok”, namely the Decision on further OSCE efforts to address transnational threats and challenges to security and stability,²⁹ the Decision on further measures to support and promote the international legal framework against terrorism,³⁰ the Decision on migration management,³¹ the Decision on strengthening dialogue and co-operation on energy security in the OSCE area,³² the Decision on women’s participation in political and public life,³³ the Decision on enhancing OSCE efforts to ensure Roma and Sinti sustainable integration,³⁴ the Decision on combating hate crimes,³⁵ the Decision on travel document security – ICAO Public Key Directory,³⁶ and the Decision on small arms and light weapons and stockpiles of conventional ammunition.³⁷

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- 22 MC.DEC/1/09, in: *ibid.*, pp. 15-16.
23 MC.DEC/4/09, in: *ibid.*, p. 23.
24 MC.DEC/10/09, in: *ibid.*, p. 38.
25 MC.DEC/12/09, in: *ibid.*, p. 41.
26 MC.DEC/13/09, in: *ibid.*, p. 42.
27 MC.DEC/14/09, in: *ibid.*, p. 43.
28 MC.DEC/16/09, in: *ibid.*, pp. 46-47.
29 MC.DEC/2/09, in: *ibid.*, pp. 17-20.
30 MC.DEC/3/09, in: *ibid.*, pp. 21-22.
31 MC.DEC/5/09, in: *ibid.*, pp. 24-26.
32 MC.DEC/6/09, in: *ibid.*, pp. 27-29.
33 MC.DEC/7/09, in: *ibid.*, pp. 30-31.
34 MC.DEC/8/09, in: *ibid.*, pp. 32-34.
35 MC.DEC/9/09, in: *ibid.*, pp. 35-37.
36 MC.DEC/11/09, in: *ibid.*, pp. 39-40.
37 MC.DEC/15/09, in: *ibid.*, pp. 44-45.

In all likelihood, it was the uncontroversial substance of these Decisions that allowed the participating States to entirely refrain from interpretative statements and dissenting opinions. Nonetheless, a number of participating States did make separate statements, namely Sweden on behalf of the European Union, the Russian Federation, which also spoke in the name of Armenia, Belarus, and three Central Asian countries, Denmark, also on behalf of NATO, and Ukraine, Moldova, and Georgia.

In his concluding remarks, the Greek Chairman-in-Office claimed, with feeling, that “the adoption, after seven years, of a political declaration”³⁸ represented the opening of a new chapter for the OSCE. That is clearly an exaggeration. While it is true that the Ministerial Council had not adopted a general declaration since its meeting in Porto in 2002,³⁹ nonetheless, in contrast to previous general political declarations, this latest document consists of – besides insubstantial avowals of the Organization’s own importance (as endlessly and ritually repeated elsewhere) – essentially nothing more than an expression of the intention to continue to talk about the open questions of European security in the immediate future – an intention ultimately given the designation – flattering to Greek ears – of “Corfu Process”.

Conclusion

As already mentioned, thanks to the postponement of Kazakhstan’s bid, Greece had to assume the Chairmanship of the OSCE a year earlier than expected. The Chairperson of the Permanent Council, Mara Marinaki, has eloquently described the logistical challenges of preparing for the Chairmanship year.⁴⁰ On the whole, the problems of European security that had existed at the start of the year were unresolved, even unchanged, at its conclusion. Disappointment and displeasure outweighed any satisfaction brought by the launch of the “Corfu Process”.

Marking time, jogging in circles, running up a dead-end road: All remain forms of motion. Perhaps in this way the Greek Chairmanship has at least enabled the OSCE to “warm up”. But now finding the way forward has become a goal in itself.

38 Concluding Remarks by the OSCE Chairman-in-Office, Prime Minister and Minister for Foreign Affairs of the Hellenic Republic, to the Closing Session of the Seventeenth Meeting of the OSCE Ministerial Council, MC.DEL/73/09 of 2 December 2009, in: *ibid.*, pp. 62-64, here: p. 63.

39 Cf. Porto Ministerial Declaration, Responding to Change, in: Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, MC.DOC/1/02, Porto, 7 December 2002, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: pp. 422-425.

40 Cf. Mara Marinaki, “Difficult and frustrating, but in the end, a marvellous journey”: That was 2009, in: *OSCE Magazine* 1/2010, pp. 8-11.

External Relations and Influence

The Collective Security Treaty Organization: A Brief Overview

The Collective Security Treaty Organization (CSTO) was established on the basis of the Collective Security Treaty of 15 May 1992. Following consultations and agreements between the Parties to the Treaty, the heads of state adopted, on the tenth anniversary of the signing of the Treaty, a decision on establishing a new, fully fledged structure: the Collective Security Treaty Organization (CSTO). The Organization's Charter and the Agreement on its legal status were incorporated on 7 October 2002. Following ratification by all member states, the Charter of the CSTO came into force on 18 September 2003.

The goals of the Collective Security Treaty Organization are to strengthen peace and international and regional security and stability, and to defend on a collective basis the independence, territorial integrity, and sovereignty of member states. Priority in achieving these ends is given to political means.

The Collective Security Treaty Organization promotes the formation of a just and democratic world order based on generally recognized principles of international law.

The CSTO's principal areas of action are the multilateral development of political co-operation; the development and improvement of the military dimension; and combating international terrorism and extremism, arms and drug trafficking, and other threats.

Unlike the Treaty of 1992, the new Organization's charter documents provide for the formation not only of a system of collective defence against aggression, but also for the construction of a multifunctional structure for guaranteeing collective security across a broad range of areas, including counteracting new challenges and threats.

Alongside the strengthening of the military dimension, in the course of realizing these provisions in subsequent years, the Organization's relevant organs for combating terrorism, the drugs trade, and illegal migration were also formed and began to function. As the new and non-traditional security challenges faced by the CSTO member states were strengthening, the Organization developed additional areas of activity and corresponding programmes. Simultaneously, foreign-policy co-ordination between member states expanded, contacts were established with international organizations, and the CSTO's role in activity to strengthen international and regional security was broadened.

Translated from the Russian by Peter Morley.

As a result of this dynamic and goal-oriented transformation, today the CSTO has become a modern, multifunctional structure guaranteeing security in its areas of responsibility and a factor in the active promotion of regional and international security. Rather than being an amorphous formation replicating by inertia the mid-20th-century model of a military pact, a functionally well-structured collective security organization has arisen that meets the demands of its time, based on democratic foundations that correspond to the basic principles of collaboration as equals among the newly independent states.

During the evolution of the CSTO, three principal areas of activity have been defined for guaranteeing and strengthening national, regional, and international security.

First, joint action by member states to reinforce stability, build confidence, and alleviate tensions and conflicts that could lead to the escalation of a situation or unleash crisis mechanisms leading to armed conflict. This means political action of a preventive nature, and also crisis-response measures in the event of real conflicts.

Second, collective action and agreed measures by member states to combat non-traditional challenges and threats to security stemming from the erosion of stability, the systematic violation of state borders, increased cross-border migration by armed groups, and the nurturing of extremist and terrorist organizations within states. Some of these challenges – in particular terrorism and drug trafficking – can be contained only via the joint efforts of the affected countries, including through the deployment of security agencies. At present, these threats are the most dangerous for the member states of the CSTO.

Third, combating traditional threats to security. These include: an armed attack on a state or group of states; the likelihood of war with the use of conventional weapons; and interstate conflict with the deployment of weapons of mass destruction (WMD).

At the present time, seven states make up the CSTO: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan.

Permanent Organs of the Organization

The *Council on Collective Security* (CCS) is the highest body of the Organization.

The Council considers principle questions concerning the activities of the Organization, and adopts decisions aimed at realizing the Organization's objectives and tasks. It also oversees the co-ordination and joint action of member states for the achievement of these aims.

The Council is composed of the heads of the member states.

Between sessions of the CCS, co-ordination of interaction between member states in the implementation of decisions adopted by organs of the Organization is undertaken by the Permanent Council, which comprises plenipotentiary representatives appointed by the member states.

The *Council of Ministers of Foreign Affairs* (CMFA) is the consultative and executive body of the Organization on issues of co-ordinating the joint activities of the member states in the field of foreign policy.

The *Council of Ministers of Defence* (CMD) is the consultative and executive body of the Organization on issues of co-ordinating the joint activities of member states in the field of military policy, military construction, and co-operation in military technology.

The *Committee of Secretaries of the Security Councils* (CSSC) is the consultative and executive body of the Organization on issues of co-ordinating the joint activities of member states in the field of guaranteeing their national security.

The *Secretary-General* of the Organization is the highest administrative official of the Organization, and is the head of the Organization's Secretariat. The Secretary-General is a citizen of a member state who is appointed by decision of the CCS, and reports to the CCS. At the present time, the Secretary-General of the CSTO is Nikolai Bordyuzha.

The *Secretariat* of the Organization is a permanent working body of the Organization that provides organizational, informational, analytical, and consultative support for the activities of the organs of the Organization.

The *Joint Staff* of the CSTO is a permanent working body of the Organization and the CMD of the CSTO, and is responsible for drafting proposals and implementing resolutions on the military dimension of the CSTO.

The CSTO and the United Nations: Dates and Facts

The Collective Security Treaty was registered at the Secretariat of the United Nations on 1 November 1995. On 2 December 2004, the General Assembly of the UN adopted a resolution conferring observer status at the General Assembly of the UN on the Collective Security Treaty Organization. On 2 March 2010, the General Assembly of the UN adopted the resolution on "Cooperation between the United Nations and the Collective Security Treaty Organization". On 18 March 2010 in Moscow, UN Secretary-General Ban Ki Moon and CSTO Secretary-General Nikolai Bordyuzha signed a joint declaration on co-operation between the Secretariat of the UN and the Secretariat of the CSTO.

Organizational and Practical Activities of the CSTO

Military Co-operation

Military co-operation is carried out in the following areas:

- Improvement of the legal basis for defining the strategic priorities of the activity of the CSTO in the sphere of guaranteeing collective security and governing the mechanisms for the functioning of the forces of collective security to repel armed attack (aggression) directed against one or several member states of the CSTO.
- Harmonization of the legislation of member states of the Organization on issues of guaranteeing individual and collective self-defence in accordance with Article 51 of the UN Charter.
- Provision by member states of the CSTO of mutual help in the development of armed forces and their equipping with modern forms of weapons and military technology.
- Formation and development of coalition and regional (joint) groupings of forces and the creation of collective forces of the CSTO. Development of combined military systems (air defence systems, intelligence, administration).
- Development of the CSTO's peacekeeping forces.
- Carrying out joint operational and military training exercises for armed forces and other troops.
- Improvement of overall support systems for the activity of the collective security system's forces and weapons.
- Co-operation on issues of training military personnel.
- Co-ordination of activity in the sphere of implementing military co-operation with other states and international organizations.

Operational and Military Preparation

Operational and military preparation of the collective security system's forces is conducted according to the plans of the ministries of defence of the member states and during joint measures. An important step is joint exercises and training.

The *Rubezh* joint combined-corps exercises have been held every year since 2004. During these exercises, procedures for collective decision-making are fine-tuned, along with issues connected to the preparation and execution of joint operations by the forces of the CSTO collective security system. In 2010, the *Rubezh-2010* exercises were held in April in Tajikistan.

In 2009, during the *Zapad-2009* and *Vzaimodeistvie-2009* exercises held in Belarus and Kazakhstan, respectively, previously adopted normative legal documents were approved, and military task forces and special forces units

assigned by the states to the Collective Rapid Reaction Forces (CRRF) were drilled in joint actions.

Peacekeeping Activities

On 6 October 2007, the Agreement on Peacekeeping Activities of the CSTO was signed. The Agreement came into force on 15 January 2009. It was registered at the Secretariat of the United Nations on 30 November 2009.

A decision to carry out peacekeeping activities on the territory of member states can be taken by the CCS based on an official request for such activity to be performed, or by a resolution of the UN Security Council. To form the Peacekeeping Forces, member states assign peacekeeping units on a permanent basis. For participation in a specific peacekeeping operation, Collective Peacekeeping Forces (CPF) are formed from the ranks of the Peacekeeping Forces. The ranks of the CPF can include military, police, and civilian personnel. Peacekeeping contingents are trained according to joint CSTO programmes, equipped with the same or compatible weapons and communications equipment, and take part in regular exercises and training sessions.

Military-Technical Co-operation

Military-technical co-operation is carried out in the following areas:

- Harmonization of the efforts of member states in the field of equipping the forces and weapons of the collective-security system with modern weapons and military technology.
- Establishing and improving, within the framework of the Organization, systems for procuring and delivering equipment of military designation on favourable conditions.
- Organizing modernization and maintenance of arms and weapons systems in the armed forces of member states.
- Establishment of reserves of *matériel* for supplying to the forces of the collective security system.
- Provision of military-technical assistance to member states of the Organization in the event of armed attack (aggression) against them, or the appearance of other external threats to their security, sovereignty, and territorial integrity.

Military-Economic Co-operation

Military-economic co-operation is undertaken with the aim of unifying the efforts of member states to further deepen and improve multilateral co-operation and to promote integration in the sphere of developing and producing equipment of military or dual-purpose designation.

Issues of military-economic co-operation are handled by the Interstate Commission on Military-Economic Co-operation, which was established by a decision of the CCS on 23 June 2005.

Combating Contemporary Challenges and Threats

The CSTO's areas of activity in this sphere are:

- Formation of mechanisms for co-ordinating joint activity to combat contemporary challenges and threats.
- Development of measures to improve the CSTO's capacity in the spheres of counter-terrorism, violent manifestations of extremism, drug trafficking, illegal migration, and cross-border organized crime; guaranteeing information security; and preventing and dealing with the consequences of emergency situations.
- Development of steps for participation in the implementation of international UN projects to strengthen the anti-narcotics "security belts" around Afghanistan, including as part of the Global Anti-Narcotics Partnership programme.
- Harmonization of national legislation and legal frameworks regulating efforts to combat terrorism, organized crime, illegal migration, the illicit trade in narcotic substances, and the legalization (laundering) of proceeds from such activity.
- Development of practical co-operation between the Secretariat of the CSTO in combating security challenges and threats with the relevant bodies of the UN, EU, OSCE, IOM, CIS, SCO, and EurAsEC.

The Fight against International Terrorism

Joint activity by member states in this sphere is undertaken with the direct involvement of the CSTO Secretariat's Department for Combating Challenges and Threats.

A decision of the CSSC dated 22 June 2005 established and regulates the Working Group of Experts on Questions Related to the Fight against International Terrorism and Extremism. Regular consultations are held at the level of heads of counter-terrorist agencies.

The legal basis for co-operation is developing. Agreements have been adopted on personnel training for units undertaking the fight against terrorist activities, and on providing them with specialized equipment and tools.

On 5 October 2008, the CCS adopted the Collective Action Plan of Member States of the Collective Security Treaty Organization on Implementation of the UN Global Counter-Terrorism Strategy for 2008-2012.

Work is being undertaken on information support for activities of the anti-terrorist agencies of member states. Specifically, an official list has been

drawn up of organizations recognized as terrorist or extremist in nature within CSTO member states.

Close working contacts are maintained with the UN Security Council's Counter-Terrorism Committee (CTC), the Action against Terrorism Unit (ATU) of the OSCE, and the UN Office on Drugs and Crime (UNODC). The capabilities of the regional international structures of the CIS, SCO, and EurAsEC are being consolidated.

The "Kanal" International Anti-Drug Operation

The *Kanal* international anti-drug operation is held regularly under the auspices of the CSTO. Units from the member states' drug-enforcement bodies, interior ministries (police), border police, customs, state (national) security, and financial intelligence take part.

The aim of the operation is to uncover and block drugs-trafficking routes from Afghanistan, to shut down supplies of synthetic drugs from European countries, to prevent precursor chemicals from leaking into illegal trade, and to undermine the economic foundations of the drugs trade.

Thirteen phases of the operation were held between 2003 and 2009. In addition to the relevant bodies from CSTO member states, law-enforcement agencies from Afghanistan, Azerbaijan, Bulgaria, China, Colombia, Estonia, Finland, Germany, Iran, Latvia, Lithuania, Mongolia, Pakistan, Poland, Romania, Spain, Syria, Turkey, Turkmenistan, Ukraine, the US, and Venezuela have taken part as observers, as have international institutions such as the OSCE, Interpol, and the Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG). More than 220 tonnes of drugs have been seized during the operation, including: 10.5 tonnes of heroin, four tonnes of cocaine, and 40 tonnes of hashish, as well as 7,688 firearms and about 250,000 rounds of ammunition.

In 2010, operations will continue as part of the permanent *Kanal* regional anti-drug operation.

Counteracting Illegal Migration and Trafficking in Human Beings

In recent years, the CSTO has significantly ramped up its efforts to combat illegal migration and trafficking in human beings.

Created in 2007, the Co-ordinating Council of heads of the relevant authorities of CSTO member states on issues of the fight against illegal migration has successfully carried out co-ordinated preventive measures and special operations to counteract illegal migration with the designations *Nelegal-2008* and *Nelegal-2009*. *Nelegal-2010* is in the process of preparation. The most recent operation alone saw 106,923 breaches of migration legislation uncovered by the migration services and law-enforcement agencies of member states.

On 14 June 2009, the CCS approved an Action Plan of member states of the Collective Security Treaty Organization on the formation of a collective system to combat the illegal migration of citizens of third countries to 2012. The plan aims in an integrated way to improve interaction and co-ordination of the activities of the relevant state authorities.

Under consideration is the issue of creating a system in member states for exchanging information in the sphere of combating illegal migration.

The Parliamentary Assembly of the CSTO is actively working on harmonizing legislation in the sphere of counteracting illegal migration and trafficking in human beings.

Ensuring Information Security

In combating modern-day threats, joint action to ensure information security has taken on great significance. Co-operation is realized in accordance with the Joint Action Plan on the formation of information-security systems of the member states of the CSTO, which was adopted by the CCS in September 2008.

The list of priority practical issues includes the formation of the organizational and legal foundations for co-operation. With this aim in mind, a draft decision has been prepared on co-operation in the sphere of CSTO member states' information security.

Interaction between special units of security agencies and interior ministries (police) is gathering pace with the aim of combating crime in the information-technology sphere as part of the annual "PROKSI" operation.

Implementation of agreements aimed at training personnel and equipping law-enforcement agencies and special services with hardware and special tools includes issues connected with the training of information-security specialists, the equipment of units with modern hardware, and raising standards of professionalism.

Co-operation in Responding to Emergency Situations

In accordance with the Declaration of member states of the Organization adopted at the June (2006) session of the CCS on the formation of mechanisms for co-operation in the sphere of response to emergency situations, both natural and man-made, an integrated co-ordination mechanism is being formed for co-operation among member states on issues of responding to disasters.

Also continuing to function is the Co-ordinating Committee for Emergency Situations of member states of the CSTO (CCES), which was created in 2007.

A decision of the CCS of 14 June 2009 approved the principal areas of action for member states of the Organization on forming a collective response

system to emergency situations in the period to 2012. That decision is being implemented on the basis of the Working Plan of the Organization's member states on the formation of the aforementioned system.

Relations between the CSTO and the OSCE

The CSTO considers the development of co-operation with the OSCE, the world's largest regional security organization, to be a priority.

Collaboration between the CSTO and the OSCE involves combining the efforts of the organizations to promote peace and stability across the whole of the OSCE's area in the Euro-Atlantic and Eurasian region.

First, of great importance to the CSTO and OSCE is the development of international dialogue on urgent matters of collective security in the Eurasian space, including issues of arms control, confidence- and security-building measures, as well as non-proliferation of weapons of mass destruction, delivery systems, and the technologies used to create them.

The CSTO attaches great significance to collaboration in advancing initiatives in the OSCE area to finalize a new legally binding Treaty on European Security, which would allow the creation of a common space of single and indivisible military-political security of states.

A broad field for co-operation is opening up in terms of joint work in the sphere of increasing the effectiveness of the OSCE, adapting the organization to contemporary challenges and threats to security, and optimizing the activity of its executive structures, including its field missions.

Of great significance continue to be issues of joint activity by the CSTO and OSCE targeted at the fight against international terrorism, the illicit trade in weapons and drugs, organized crime and combating illegal migration and trafficking in human beings, as well as laundering of money obtained by criminal means.

Realization of the idea of creating anti-drugs, anti-terrorism, and financial security belts around Afghanistan is continuing, while there are also plans to strengthen the security of borders between Central Asian states and that country, including as part of implementation of OSCE projects.

The exchange of experience between the CSTO and the OSCE remains a topical issue, with the aim of improving preventive diplomacy mechanisms, including for conflict early warning, prevention, and resolution.

The CSTO has proposed that representatives of law-enforcement agencies from OSCE participating States that are not part of the CSTO take part in the *Kanal* permanent regional anti-drug operation as full participants.

Also being examined is the possibility of implementing joint projects with the OSCE on training personnel for the law-enforcement agencies of member states of the CSTO and third countries on questions relating to com-

bating terrorism, drug trafficking, illegal migration, and so on, at the educational institutions of law-enforcement agencies of CSTO member states.

The issue of uniting the efforts of the OSCE and CSTO in the area of natural-disaster warning systems and averting man-made disasters, as well as dealing with their consequences, is under consideration.

Consultations in connection with the events of April 2010 in Kyrgyzstan provided new confirmation of the efficacy of the CSTO and OSCE joining forces. At their meeting in Bishkek, representatives of international and regional organizations (the UN, CSTO, OSCE, and EU) for the first time co-ordinated their efforts in providing comprehensive assistance to Kyrgyzstan to overcome its internal crisis and in normalizing the social and political situation in the country.

The regular exchange of information between the leadership of the CSTO and the OSCE has proved extremely useful. In this connection, the contacts between CSTO Secretary-General Nikolai Bordyuzha and OSCE Secretary General Marc Perrin de Brichambaut are particularly noteworthy, including mutual participation in meetings of the organizations' respective permanent bodies.

Contacts have been established with the OSCE's ATU and the OSCE Conflict Prevention Centre (CPC). An agreement has been reached on holding consultations between the Secretariat of the CSTO and the CPC; the most recent meeting took place on 14 April 2010 in Moscow, with CPC Director Herbert Salber present.

Upon the invitation of the OSCE leadership, the CSTO participates in meetings of the OSCE's Ministerial Council and Annual Security Review Conference, and is involved in the work of the Forum for Security Cooperation (FSC), anti-narcotics conferences, and seminars and conferences on various topics.

On 15 April 2010, CSTO Secretary-General Nikolai Bordyuzha attended and spoke at the joint meeting of the OSCE's Permanent Council and the FSC. In his speech, Bordyuzha dwelt on questions concerning the CSTO's activity to strengthen international stability, prospects for the development of co-operation with the OSCE in the context of strengthening the Eurasian security system, including on questions related to crisis monitoring, and welcomed regular exchange of information with the OSCE on the situation in Afghanistan.

Subsequently, these themes were discussed in more detail during conversations with OSCE Secretary General Marc Perrin de Brichambaut and CPC Director Herbert Salber, as well as at an informal meeting with the Permanent Representatives to the OSCE of the US, UK, France, Italy, Turkey, Greece, Ukraine, Afghanistan, and Lithuania.

Work is continuing on strengthening co-operation between the CSTO and OSCE in the sphere of combating cross-border organized crime. In July 2009, representatives of the CSTO participated in the regional meeting on

combating organized crime in the Central Asian region held in Astana under the auspices of the OSCE, and also in the OSCE's annual police experts meeting held in Vienna on 20-21 May 2010.

Contacts are developing quite fruitfully in the framework of the dialogue between the Parliamentary Assemblies of the CSTO and OSCE on a broad range of issues connected with the process of democratization, ensuring free and fair elections, and lawmaking. Leaders of the parliamentary delegations from member states of the CSTO prepare and distribute declarations on the most pressing international problems at the Parliamentary Assembly of the OSCE on a regular basis.

The CSTO intends in the future to work together with the OSCE in the matter of guaranteeing security and stability in the Eurasian space, and to use its experience in the sphere of monitoring and crisis management. It is also prepared to form the legal basis for co-operation and its institutionalization.

The CSTO and the Proposal of Russian President Dmitry Medvedev on Concluding a European Security Treaty

Russian President Dmitry Medvedev's initiative to conclude a European Security Treaty has received broad support from member states of the CSTO.

The CSTO recognizes the urgency of the task of adapting the architecture of Euro-Atlantic security to new conditions. It is important to note the approval by the foreign ministers of member states of the Organization of key provisions of a draft Treaty that has as its aim to strengthen in legally binding form the principle of single and indivisible security for all states of the Euro-Atlantic region, from Vancouver to Vladivostok.

Member states of the CSTO have stressed that implementation of the Treaty would facilitate the elimination of zones with differing levels of security, and have expressed their readiness to contribute to the further advancement of the draft Treaty at various international forums.

Support for the Russian proposal was expressed in the declaration of the Moscow (2008) session of the CCS, the declaration of heads of member states of 14 June 2009, the foreign ministers' declarations of 4 December 2008, 26 September 2009 and 25 March 2010, and in the declaration by heads of parliamentary delegations of member states of the CSTO at the Parliamentary Assembly of the OSCE of 19 February 2009. All of these documents note the necessity to support in every possible way the advancement of the initiative to conclude a European Security Treaty, which should lie at the foundation of the creation of a new Euro-Atlantic security architecture.

At the meeting of the OSCE Forum for Security Co-operation on 18 November 2009, the member states of the CSTO submitted a declaration noting that the adoption of a European Security Treaty would serve to

strengthen the basic parameters of arms control, confidence-building, restraint, and reasonable sufficiency in military structures.

During discussions at the CSTO of the initiative to conclude a European Security Treaty on 28 January 2010, consultations were held between experts from foreign ministries and other interested ministries and government bodies of member states with the aim of co-ordinating the activity of member states of the CSTO in concluding such a treaty.

Participants in the consultations approved the contents of the draft Treaty in general and presented concrete proposals on individual provisions. Readiness was expressed to start substantial discussions on the text of the document with the international organizations listed in the draft Treaty.

Member states of the CSTO have noted the importance of widening the circle of parties to the Treaty by including the OSCE, CSTO, NATO, EU, and CIS, all of which work in the sphere of ensuring security. In this connection, the CSTO supports the idea of meetings of high-level officials from these organizations; holding such meetings has been planned on the initiative of Kazakhstan, which currently holds the OSCE Chairmanship, on the sidelines of the informal meeting of the OSCE Ministerial Council in July 2010 in Almaty.

Given the multifunctional nature of the CSTO, the Organization could play a role in strengthening European security, since it has experience in co-ordinating foreign-policy activity, substantial military potential, and the ability to effectively combat security threats and challenges such as international terrorism, drugs trafficking, illegal migration, illicit trading in weapons, and organized cross-border crime.

The CSTO is prepared to work together with other international organizations such as the European Union and NATO.

The OSCE and the Mediterranean: Assessment of a Decade of Efforts to Reinvigorate a Dialogue

Introduction

More than a decade has passed since the last attempt to evaluate the OSCE's Mediterranean dialogue in the pages of the OSCE Yearbook. The authors of the 1999 contribution sounded a cautiously optimistic note in their assessment of the state of the dialogue, referring in particular to the interest of the six Mediterranean Partners for Co-operation (MPCs) in expanding their relationship with the OSCE, and providing a list of proposals for further co-operation.¹ Much has happened since then in the relationship between the countries of the southern Mediterranean and those in the OSCE region. Some of the events have had a tremendous destructive potential, especially the 11 September 2001 terrorist attacks on the USA, and subsequent developments aimed at finding appropriate anti-terrorism measures. Others, such as the enlargement of the EU to include Malta and Cyprus, and the development of the European Union's Barcelona Process and the Union for the Mediterranean had the objective of improving co-operation and bringing the regions closer together. On some developments, such as the renewal of the discussion of the European security architecture in the OSCE context, as instigated by the Russian Federation, judgement is still out. Clearly, however, much space for further action remains for any framework or organization concerned with human security, stability, development, and co-operation in the Euro-Mediterranean area.

This contribution aims to assess the progress achieved in the OSCE's Mediterranean dialogue since the late 1990s. It will not provide extensive background on the Mediterranean dimension of the CSCE/OSCE's² work up to this point, mainly because the 1999 OSCE Yearbook contribution has already done this. It will also abstain from providing an exhaustive description of institutional developments and steps taken in the context of the OSCE Mediterranean dialogue since the 1990s. Rather, it will focus on observable trends in the co-operation of the Organization with its Partners in the Mediterranean and speculate on the future of this partnership.

Note: An earlier version of this article appeared in a publication by the Mediterranean Academy of Diplomatic Studies: Monika Wohlfeld, The OSCE's Mediterranean Dialogue, in: MEDAC (ed), *Mediterranean Perspectives on International Relations: A Collection of Papers on the Occasion of MEDAC's 20th Anniversary*. Malta, 2009.

1 Cf. Elizabeth Abela/Monika Wohlfeld, The Mediterranean Security Dimension, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 435-446.

2 For simplicity's sake, all further references to the CSCE/OSCE shall be to the "OSCE".

Although the OSCE's Mediterranean dialogue can be traced back as far as the "Questions Relating to Security and Co-operation in the Mediterranean" contained in the Helsinki Final Act of 1975, the topic has always been one of great controversy. The OSCE has always functioned on the basis of consensus, and clearly, consensus on Mediterranean issues has at times been difficult to reach. The intertwining of European and Mediterranean security has been underscored in numerous subsequent OSCE documents, most recently in the Astana Commemorative Declaration, adopted at the 2010 OSCE Summit, as well as in seminars and meetings that have addressed the Mediterranean dimension of security. Nevertheless, the substance of the relationship has emerged only step-by-step, and the OSCE's Mediterranean Partners can still be said to have something like observer status, with limited access to the workings of the Organization.

The 1990s were marked by changes in relations between the OSCE and a number of states that did not participate in the Organization. One of these was the introduction of the OSCE Asian dialogue. Japan became a Partner for Co-operation in 1992, as did Korea in 1994, Thailand in 2000, Afghanistan in 2003, Mongolia in 2004, and Australia in 2009. The discussion of the OSCE's Asian dialogue goes beyond the scope of this chapter, but it is worth noting at this stage that, while the Asian dialogue has emerged more recently than its Mediterranean counterpart, it is in some aspects more dynamic. Some of the Asian Partners take a very active role in the context of the OSCE, including providing voluntary funding and staff for core OSCE activities, such as field operations in the Balkans or election observation. Others, such as Afghanistan, require substantial support from the international community, with the result that the OSCE participating States are engaged in an ongoing debate as to how far the Organization could and should go in providing assistance to countries outside its area. At the 2010 OSCE Summit, the participating States underscored "the need to contribute effectively, based on the capacity and national interest of each participating State, to collective international efforts to promote a stable, independent, prosperous and democratic Afghanistan".³

While the OSCE's Mediterranean and Asian dialogues are different in nature, and not necessarily interlinked, many recent decisions on how the dialogues should proceed have referred to both sets of Partners. In addition, OSCE participating States have also decided to work with international organizations outside the OSCE area, which adds another dimension to the two dialogues. The Mediterranean dialogue is thus no longer the only or key aspect of the OSCE's outreach to other regions.

3 Organization for Security and Co-operation in Europe, Summit, Astana 2010, *Astana Commemorative Declaration: Towards a Security Community*, SUM.DOC/1/10, 3 December 2010.

The second change has been a process of giving structure to relations with Partner States that began in the early 1990s. Since that time, the core of the dialogue has been the informal meetings of the Contact Group with the MPCs, and the OSCE Mediterranean Seminars. The Contact Group events are informal, which means that not all participating States are interested or able to be represented, given the multitude of events and meetings that take place in the OSCE context and the small size of many national delegations. Others do attend regularly and actively, and a number of states, including the MPCs, participate at the level of ambassador. The Contact Group provides mainly for the exchange of information and discussion of issues of mutual interest between the MPCs and the OSCE participating States.⁴ The annual OSCE Mediterranean Seminars have had a multitude of functions, such as bringing diplomats together with academics and other experts to explore a variety of issues. Many proposals of discussion topics and events first emerged in the context of the Mediterranean Seminars. The seminars also made it possible to involve other international organizations that conduct Mediterranean dialogues and, most importantly, when held in one of the MPCs, for the OSCE to raise awareness of its Mediterranean dialogue in those countries.

A third change – one that altered the nature of the Mediterranean dialogue – was enacted by the decisions taken over the past few years by OSCE participating States that allow Partner States to gain access to the OSCE’s decision-making forums, activities, and events. They are now able to participate as observers in OSCE Ministerial Council Meetings and in annual OSCE events (the Annual Security Review Conferences, the Economic and Environmental Forum, the Human Dimension Implementation Meetings, and the Annual Implementation Assessment Meetings). The practice of offering the Mediterranean (and Asian) Partner States an opportunity to meet the OSCE Troika (that is the current, incoming, and outgoing Chairpersons-in-Office) on the eve of annual Ministerial Meetings and Summits also emerged. Although the participating States decided as far back as in 1994 to invite non-participating Mediterranean States to attend Permanent Council (PC) and Forum for Security Co-operation (FSC) meetings devoted to Mediterranean issues, it was only in 2007 that the then Spanish Chairmanship changed the seating arrangements to accommodate the partner states at the main table and made the invitation to the weekly PC meetings a standing one. This practice was also encouraged by the Ministerial Declaration on the OSCE Partners for Co-operation adopted at the 2007 Madrid Ministerial Council. This is a sig-

4 The agenda includes briefings by representatives of the Chairman-in-Office (CiO), i.e. the foreign minister of the country chairing the Organization in a given year. These briefings tend to focus particularly on OSCE missions and field activities. This is followed by a presentation by an OSCE official on one of the main aspects of OSCE activity, such as the Representative on Freedom of the Media, the Co-ordinator of OSCE Economic and Environmental Activities, or a Personal Representative of the CiO, and other briefings on specific issues of interest.

nificant development, as the Partner States have consistently lobbied for access to the deliberations of the participating States, and it has had a substantial effect on the level of interaction between participating States and Partner States.

With regard to access to operational activities, the OSCE Permanent Council adopted a decision providing for representatives of the MPCs to participate, on a case-by-case basis, in OSCE/ODIHR election monitoring and supervision operations, and to make short-term visits to OSCE missions in order to continue to take stock of the OSCE's experiences and to witness the comprehensive approach to work undertaken in the field.⁵ Partner States are also invited to second mission members to OSCE field operations. The MPCs have been encouraged to take advantage of these decisions by actively participating in and witnessing first-hand the experience of the OSCE in the field. The response has been muted, and more could still be undertaken in this direction.

The fourth change worth highlighting is what could be called a “devolution” of the dialogue to various parts of the rather decentralized Organization. The MPCs have made increasing use of the various opportunities for support and consultation offered by the OSCE's many institutions and offices. These have included units of the OSCE Secretariat such as the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), the Action against Terrorism Unit (ATU), the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, as well as OSCE institutions, particularly the Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly (PA). In this way, once a topic of common interest was identified (and funding was made available), the relevant institution or office could provide expertise or organize a seminar or workshop.⁶ Side events for Partner States have been organized in the margins of a variety of OSCE meetings. This “devolution” effect reflects efforts that have been made to identify issues on the OSCE agenda in which Partner States would have an interest and then to provide them with information and OSCE expertise. Also noteworthy is the fact that a number of handbooks and manuals on specific aspects of OSCE commitments have been translated into Arabic (and adapted for the region in ques-

5 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 233*, PC.Dec/233, 11 June 1998.

6 Recent events of this kind have included an OSCE workshop on travel document security in the Mediterranean, which was held in Madrid in 2007 and organized by the OSCE Action against Terrorism Unit; an OSCE seminar on media self-regulation for Mediterranean States, held in Vienna in 2009 and organized by the Office of the OSCE Representative on Freedom of the Media; an OSCE workshop on supply chain security in the Mediterranean, held in Malta in 2009 and organized by the OSCE Action against Terrorism Unit; and a seminar to launch the Mediterranean Edition of the Handbook on Establishing Effective Labour Migration Policies, held in Rabat in 2007 and organized by the Co-ordinator of OSCE Economic and Environmental Activities.

tion) after Mediterranean Partners showed interest in them and voluntary funds were identified for this purpose.⁷

The fifth change is the substantial development of the parliamentary dimension of the dialogue. While, in the past, the OSCE PA did not shy away from discussing the situation in the region, including in the Middle East, the appointment of PA Special Representatives on the Mediterranean, which raises the profile of the body's contacts with Mediterranean and Middle Eastern states, and the new practice of holding special sessions on the Mediterranean have changed the nature of the dialogue. The current Special Representative is the US Helsinki Commission Co-Chairman Alcee Hastings (Democratic Representative from Florida). Since 2002, the PA has held an annual Mediterranean Forum during its Fall Meetings and Mediterranean side meetings during the Annual Sessions of the PA. During such meetings, the PA invites parliamentary delegations from Mediterranean Partner States to discuss topics that have included minority protection and non-discrimination, terrorism and fundamentalism, democracy and human rights, and the situation in the Middle East. The state of the OSCE Mediterranean dialogue is also discussed. The PA invites parliamentarians from the MPCs to join its election observation efforts. Parliamentarians from Partner States have taken part in election monitoring in the OSCE area, while the PA sent a small delegation to monitor the Algerian presidential election upon the (unprecedented) invitation of its government.

The sixth change is an effort to involve civil societies in aspects of the Mediterranean dialogue. Some efforts have been undertaken to reach out to NGOs in the Mediterranean, most recently in the form of a side event at the 2008 annual Mediterranean Seminar of the OSCE, held in Jordan, and organized by ODIHR.⁸ This was the second time that such an event has been held in Jordan. The first NGO event took place in Israel in 2007. ODIHR noted that civil society actors in the region had great interest in finding venues where they could exchange views among themselves and with their counterparts from the OSCE region. However, this practice has not become a regular feature, and the experience of the workshops has not been entirely positive. For instance, in the case of the event held in Israel, NGOs from only one other Mediterranean Partner State participated.⁹

There have also been developments regarding the funding of the dialogue. The participating States agreed to set up a voluntary Partnership Fund

7 See, for example, Organization for Security and Co-operation in Europe/International Organization for Migration/International Labour Office, *Handbook on Establishing Effective Labour Migration Policies, Mediterranean Edition*, Vienna/Geneva 2007, at: <http://www.osce.org/eea/60960>.

8 Cf. OSCE, Office of the Secretary General, Section for External Co-operation, *OSCE 2008 Mediterranean Conference, The OSCE approach to regional security – a model for the Mediterranean*, Amman, Jordan, 27 and 28 October 2008.

9 See Internet Centre Anti Racism Europe (I CARE), *I CARE – Special Report – Mediterranean Seminar*, 17-19 December 2007, Tel Aviv, Israel, at: <http://www.icare.to/telaviv-english/telaviv2007-index.html>.

in November 2007 after some difficult deliberations.¹⁰ The proportion of the OSCE's annual budget (which, at about 150 million euros, is itself small compared to those of other organizations) devoted to the Mediterranean dialogue is minuscule. In the OSCE Secretariat, the budget funds one full-time member of staff in the External Co-operation Section, who supports both the Mediterranean and the Asian dialogues, and some limited funds for the organization of the annual Mediterranean conference. All other activities are funded by voluntary contributions. The Mediterranean Partners do not pay into the annual budget, but can make voluntary or in-kind contributions (particularly by co-organizing events or activities). Their voluntary contributions, if any, have also been negligible. The impact of the relatively new Fund is difficult to assess. It has been used to support a considerable number of practical activities, mostly workshops on narrower specific topics. One thing that dims the generally positive outlook is the fact that it is the "usual culprits" that provide the bulk of this funding, for example, the countries that chair the dialogue. Furthermore, the Mediterranean Partners have been slow to consider taking an active role in this context.

Geographical Reach of the Dialogue

The recognition, reflected in the 1975 Helsinki Final Act, that European and Mediterranean security are intertwined has in no way led the participating States (or the Mediterranean Partners) to consider expanding the CSCE or OSCE to fully include states from the southern rim of the Mediterranean. Nor has it led to an effort to include all of the states from the region in the dialogue. Algeria, Egypt, Israel, Morocco, and Tunisia have been part of the dialogue since its inception. The only addition has been that of Jordan, in 1998. The proposal to add Jordan was made by Shimon Peres, the then foreign minister of Israel, in 1994. At the time, he also spoke of adding the Palestinians. In 1998, Jordan itself requested to become a Mediterranean Partner, and the OSCE participating States agreed by consensus. The Partner States, although not part of the decision-making process, were also consulted on this matter (as they always are – informally – in such cases). Several years later, the Palestinian Authority also wrote requesting partner status. During informal consultations, no consensus could be reached among the participating States, and some Partner States had doubts. The process therefore came to a halt before the request had been formally tabled. The Palestinian Authority has recently resubmitted its request to the Chairmanship of the Organization. Although the matter is officially pending, it is clear that consensus will be difficult if not impossible to reach at this time, as the discussions at the 2010

10 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, at: <http://www.osce.org/pc/29502>.

Mediterranean Seminar, which was held in Malta, showed.¹¹ While some Partner and participating States strongly favour the bid, others argue that Palestine is not a proper state, or that the OSCE is not the right forum to address matters related to the Middle East conflict.

The great influence that the political stalemate in the Middle East exerts on the Mediterranean dialogue becomes evident if one considers which Partner States are most active in the OSCE context. Broadly speaking, the most active are Israel, along with Egypt and Jordan, two states that have diplomatic relations with Israel. These Partner States have been most vocal, have submitted proposals, have hosted OSCE events, and have taken advantage of opportunities that co-operation with the OSCE offers. The other states have provided input of varying quality, with Morocco and Algeria quite vocal within the group. Neither Algeria nor Tunisia has ever hosted an OSCE annual conference devoted to the Mediterranean. When events were held in Israel, some of the MPCs did not participate or participated through working-level representatives only. Furthermore, apart from some very specific and rare situations, the MPCs do not speak as a group, and do not make proposals jointly. The quality of the dialogue clearly reflects the nature of relations among the countries involved.

In this situation, painstaking efforts have been taken by both the OSCE participating States and the Partner States, first of all to find topics for discussion that would interest all of the Partners (more below). Furthermore, some thinking has gone into assuring that the dialogue is not a one-way street, and that the Mediterranean Partners would be seen not only as beneficiaries but also as contributors in the OSCE context. One must see the attempts to ensure that annual Mediterranean Seminars take place in one of the Partner States (rather than in one of the participating States) in this light. It means that the host country has an active role in the preparation and partial funding of the event, as well as helping to decide on participation. Attempts were also made to introduce co-chairing during seminars, but this does not seem to have become standard practice. Similarly, care has been taken to organize events for experts on topics suggested by Partner States, and the agendas of the Contact Group structured accordingly.

But overall, the effort to present the dialogue as a two-way street has not been very credible. The Contact Group has always been chaired by a participating State. As mentioned, the Mediterranean Partners have seldom managed to speak with one voice, even on matters of significance to them. This is not surprising, but it weakens their position. And those working in the OSCE to make the dialogue relevant have found it hard at times to coax and cajole both sides to come up with new proposals that are practicable and to consider

11 Cf. Organization for Security and Co-operation in Europe, Office of the Secretary General, Section for External Co-operation, *2010 OSCE Mediterranean Conference: "The Dialogue on the Future of European Security – A Mediterranean Perspective"*, Malta, 14-15 October 2010, *Consolidated Summary*, SEC.GAL/195/10, 25 November 2010.

implementing ideas that are already on the agenda, some them for a considerable time.

Dimensions and Themes of Dialogue

The OSCE approach to security has in a sense been ground-breaking. Even during the Cold War, the Organization's approach was comprehensive, and security was seen as having various "dimensions". These were the politico-military dimension, focusing on confidence and security-building measures, arms control, and conflict management issues; the human dimension focusing on human rights, democratization, and elections; and the economic and environmental dimension, which looks at matters such as water management, desertification, climate change, energy security, money laundering, and corruption. The participating States of the OSCE have also attempted to ensure that the Mediterranean dialogue touches upon all three dimensions of security. In fact, some have been putting forward the notion that the comprehensive approach to security is precisely what the Partner States and their region would benefit from the most. The Partner States, however, are not all equally interested in all of the aspects of security that the OSCE pursues. The topics of last year's Mediterranean annual conferences bear witness to the efforts to find an adequate way of approaching this matter.¹²

To give but one example, one of the core concepts of the OSCE's political-military dimension is that of Confidence and Security-Building Measures (CSBMs). They are intended to increase the transparency of military holdings and movements. Fred Tanner provided a useful analysis of the Mediterranean countries' approach to CSBMs: "Given the multi-level threat scenarios, combined with sub-regional military rivalries and the continuous militarization of the region, the application of classic arms control and militarily significant CSBMs in the Euro-Mediterranean region appears extremely urgent, but also highly unrealistic at this point in time."¹³ Regional players indicate that "the absence of a comprehensive, just and lasting peace [...] precludes parties in the region from applying the progressive CBMs that have proved effective in the framework of the OSCE".¹⁴ The only (small) step in this direction worth mentioning was a simulation event for Partner States modelled on the Vienna Document of 1999.¹⁵ It enabled representatives of Partner States to experience first-hand the implementation of OSCE

12 The summaries of these conferences are available on the OSCE website, at: <http://www.osce.org/ec/43245>.

13 Fred Tanner, The Euro- Med Partnership: Prospects for Arms Limitations and Confidence Building after Malta, in: *The International Spectator* 2/1997, pp. 3-25, here: p. 9.

14 *Statement by Amre Moussa*, Minister for Foreign Affairs of the Arab Republic of Egypt, December 1997.

15 Organization for Security and Co-operation in Europe, *Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures*, FSC.DOC/1/99, 16 November 1999.

commitments undertaken in the politico-military dimension and aimed at creating openness, transparency, and predictability. This initiative received good feedback from the Partner States, but there has been no further follow-up.

Efforts to discuss issues related to co-operation in the economic or environmental realms or commitments in the human dimension have come across similar difficulties.

Representatives of the Partner States occasionally recall informally that, unlike the participating States, they have not committed themselves to implement the OSCE's "*acquis*". In fact, it is clear that in the current political climate, it would be impossible to realize this. To encourage the Partner States to consider at least some aspects of OSCE commitments that are of interest to them, the participating States came up with a formulation calling for voluntary implementation. There are indeed topics upon which the OSCE focuses that are of interest to Mediterranean Partner States. They include issues related to tolerance and non-discrimination, migration and migrants' human rights, including in countries of destination, water management, desertification, anti-terrorism measures, and other related topics. The Partner States follow discussions and activities in these areas closely and occasionally suggest workshops in order to learn more about them. However, it would be difficult to claim that they implement OSCE commitments in these areas.

A further issue of particular interest is the OSCE's focus on anti-terrorism matters and issues related to the funding of terrorism, as well as on the related question of tolerance and dialogue between cultures. Following the terrorist attacks of 11 September 2001, the Secretary General of the Organization repeatedly stressed the OSCE's relevance, particularly owing to the number of Muslim countries among its membership, and the long-standing Mediterranean dialogue. While this chapter will not list the various efforts of the Organization to respond to the burning issues related to anti-terrorism and anti-fundamentalism, tolerance and dialogue, it is worth noting that it is now clear in retrospect that the basic characteristics of the Mediterranean dialogue have not fundamentally changed – in other words, that the opportunity to redefine it has not been taken up. However, this focus has provided new areas for discussion with MPCs and has enlivened the dialogue.

Another matter of interest in the context of this chapter is the OSCE's support for regional co-operation. The OSCE would like to encourage co-operation among the Partner States, including in the context of the Contact Group. Logically, this would mean limiting discussion to topics on which all Partners could agree or even make proposals. While this has been possible to a limited extent, it has also become clear that individual contacts with the Partner States should be pursued in parallel with contacts with regional organizations such as the League of Arab States and the African Union, of which not all of the partners are members.

It should be noted that the OSCE's dialogue with its Mediterranean Partners is currently devoid of the sweeping or visionary perspectives that

have existed in the past, albeit largely informally and unsuccessfully. The most prominent example of such an approach was the proposal to create a Conference on Security and Co-operation in the Mediterranean (CSCM), an ambitious idea based on the CSCE model. During the 1990 CSCE Meeting on the Mediterranean in Palma de Mallorca this proposal was developed by the so-called 4+5 Group, consisting of four Southern European EC member states (France, Italy, Spain and Portugal) and the five participants of the Arab Maghreb Union (Algeria, Libya, Mauritania, Morocco, and Tunisia) with Malta as an observer. Due to a lack of consensus, a non-binding open-ended report was issued, declaring that a meeting outside the CSCE process could discuss a set of generally accepted rules and principles in the fields of stability, co-operation, and the human dimension in the Mediterranean when circumstances in the area permitted. Stephen Calleya, an expert on regional issues in the Mediterranean provided an assessment of the initiative:

“The CSCM proposal thus attempted to institutionalize concepts associated with the notion of a comprehensive international region where such patterns of interaction did not exist. As a result it can be described as a premature initiative [...]. [A] CSCM must succeed and not precede the regional dynamics it seeks to encourage. Its underlying ‘co-operative approach’ to security does not reflect the more conflictual patterns of relations which exist across the Mediterranean.”¹⁶

The concept has been discussed in the OSCE context, for instance at a 1997 OSCE seminar, where it was stated that the “idea of convening a Conference on Security and Co-operation in the Mediterranean (CSCM) should not be shelved for good: a CSCM could play a co-ordinating role in respect of other initiatives such as the Barcelona Process and the Mediterranean Forum.”¹⁷ From today’s perspective, this seems wishful thinking rather than a realistic opportunity. However, the July 2009 hearing of the US Helsinki Commission on the future of the OSCE Mediterranean Partners for Co-operation demonstrates that the CSCM is not off the table entirely. During this meeting, a US Senator referred to an earlier hearing (1993), which focused on the creation of a CSCM, and emphasized that while an individually tailored approach was needed, a separate framework for the region, incorporating similar ideas, would be useful.¹⁸ The concept has also been mentioned by a number of participants at the 2010 OSCE Mediterranean Seminar.

16 Stephen C. Calleya, *Navigating Regional Dynamics in the Post-Cold War World: Patterns of Relations in the Mediterranean Area*, Aldershot 1997, pp. 152-155.

17 Organization for Security and Co-operation in Europe, The Secretariat, Department for General Affairs, *OSCE Mediterranean Seminar on the Security Model for the Twenty-First Century: Implications for the Mediterranean Basin*, Cairo, 3-5 September 1997, Consolidated Summary, p. 8.

18 Cf. Commission on Security and Cooperation in Europe, US Helsinki Commission, *Hearing: The Future of the OSCE Mediterranean Partners for Cooperation*, 23 July 2009.

Clearly, the time has not been ripe for such proposals, and the situation in the Mediterranean region and the Middle East does not give much cause for hope at present. Consequently, the dialogue in the OSCE has focused on achievable results, on practical proposals for co-operation, and access to some categories of OSCE work, mostly as observers.

On the other hand, the Mediterranean (and Asian) Partners take a lively interest in discussions that take place within the OSCE on the European security architecture. In fact, on such occasions, and in particular during the discussions in the late 90s that led up to the 1999 Charter for European Security and the so-called Corfu Process, which was initiated in 2008 by Russian suggestions to rethink European security arrangements, the Partner States have been fairly vocal in wishing to be involved. Their interest is twofold: to keep informed of the content of the discussions, and to contribute to them. It is worth adding that while the Corfu Process is ongoing and it is difficult to judge its likely outcome, the 1999 Charter itself arguably brought little new input into the Mediterranean dialogue. It recognized the interdependence between the security of the OSCE area and that of the Partners for Co-operation, as well as the commitment of both sides to the relationship and the dialogue that exists between them. But beyond this, references have been vague.¹⁹ What has, however, been proposed to the Partner States as a result of a discussion among participating States on threats to security and stability was support in their efforts to voluntarily implement OSCE principles and commitments and, more significantly, an invitation to participate as observers in OSCE decision-making bodies more frequently.²⁰ These very pragmatic

19 “Implementing and building on the Helsinki Document 1992 and the Budapest Document 1994, we will work more closely with the Partners for Co-operation to promote OSCE norms and principles. We welcome their wish to promote the realization of the Organization’s norms and principles, including the fundamental principle of resolving conflicts through peaceful means. To this end, we will invite the Partners for Co-operation on a more regular basis to increased participation in the work of the OSCE as the dialogue develops.

[...] The potential of the Contact Group and the Mediterranean seminars must be fully explored and exploited. Drawing on the Budapest mandate, the Permanent Council will examine the recommendations emerging from the Contact Group and the Mediterranean seminars. We will encourage the Mediterranean Partners for Co-operation to draw on our expertise in setting up structures and mechanisms in the Mediterranean for early warning, preventive diplomacy and conflict prevention.” Organization for Security and Co-operation in Europe, *Charter for European Security*, OSCE Istanbul Summit, 19 November 1999, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: pp. 439-440.

20 “We will encourage them to voluntarily implement the principles and commitments of the OSCE and will co-operate with them in this as appropriate. As a first step towards increased dialogue, we will invite all our Partners for Co-operation to participate on a more frequent basis as observers in Permanent Council and Forum for Security Co-operation meetings.” OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, in: *Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003*, MC.DOC/1/03, Maastricht, 2 December 2003, pp. 1-10, here: p. 4, at: <http://www.osce.org/mc/40533>.

principles underpin all of the ongoing work in the context of the Mediterranean dialogue.

Assessment of the Dialogue

The state of the Mediterranean dialogue is not only a reflection of the political situation in the Mediterranean region, but also of that of the OSCE. In particular, the OSCE has emerged as a lightly institutionalized, consensus-based and regional framework for discussing and responding to relevant security issues. It is important to qualify the notion of “relevance” here: Middle Eastern events are rarely if ever mentioned at official OSCE meetings (apart from the Parliamentary Assembly). The OSCE, unlike NATO and the EU, has largely remained a player only in its own – admittedly rather large – region, with no aspiration to play a more global role. While countries such as the US could imagine the OSCE playing an active role in places like Afghanistan (a participant in the OSCE’s Asian dialogue), others, such as the Russian Federation, have so far found this difficult to swallow. Indeed, the OSCE’s limited budget and the long list of security challenges that exist within the OSCE region itself suggest that activity outside the region might overstretch the Organization. Consequently, while the matter of activity outside the OSCE region has been on the agenda for some time, both in theoretical and practical terms, no consensus has yet been found.

Interestingly, one of the reasons for this, and something that also has a strong impact on the nature of the OSCE’s Mediterranean dialogue, is the fact that the EU member states, which form a caucus in the OSCE and by and large speak with one voice in it, consider it a key priority to prevent the OSCE’s activities from overlapping with those of the EU, including the Barcelona process/Union for the Mediterranean. Clearly, preventing overlap is an important consideration, but in this particular case, it considerably limits possibilities.

A further factor affecting the development of the Mediterranean dialogue is the position of those participating States who wish to prevent overlap with existing international negotiation frameworks and mediation efforts aimed at bringing the conflict in the Middle East to an end. There is also a recognition that putting such issues on the OSCE agenda might overstretch the Organization’s capabilities, potentially causing decision-making mechanisms to seize up, while serving only to further confuse regional players or merely giving them another opportunity to “forum shop”.

The most recent decade of the OSCE’s Mediterranean dialogue can be described as process-oriented. The process in question is that of finding common ground with the Partner Countries and identifying topics of interest and principles from the Organization’s *acquis* suitable for sharing with the

Mediterranean countries. Clearly, the process-oriented nature of the dialogue has been frustrating to some participants.

How do the Mediterranean Partners assess the usefulness of the dialogue with the OSCE? This is a rather difficult question to answer, as concise, quotable assessments do not exist. All of them certainly wish to take part in discussions on the European security framework or architecture. Apart from this, not all of them see the dialogue the same way, and their expectations differ. But their statements at seminars and conferences devoted to the dialogue hint at a degree of frustration, particularly with reference to access. Participating States have picked up on this and have recently made it possible for the MPCs to participate – mostly as observers, but occasionally also actively – in forums that were previously closed to them. This has made the Organization more relevant to the Partners. While MPCs welcome efforts to familiarize them with OSCE commitments in the hope that they will voluntarily implement some of them, as it allows the MPCs to tap into OSCE expertise on their topics of choice, they also consistently stress that they have not subscribed to OSCE principles. The other important matter raised informally by representatives of the Partner States is the confusing relationship of OSCE activities in the Mediterranean with those of other organizations; here there is particular concern regarding the EU, which is developing a dynamic relationship with the Mediterranean countries. To this little can be said, except to refer to the nature of the OSCE.

And how do OSCE participating States assess the usefulness of the dialogue between the OSCE and the Mediterranean states? The answer to this question is also rather difficult to provide. The recognition of the relevance of the Mediterranean to the security of OSCE States does not imply that all of the latter have the same set of concerns or interest in the dialogue. The most active participating States in this field are those from the northern shore of the Mediterranean, together with a number whose agenda is more or less global, such as the United States and Germany, and, finally, the states that chair the Mediterranean dialogue (Kazakhstan in 2009, Lithuania in 2010, and Ireland in 2011). Many of these states, however, have alternative channels for working with the states of the region, especially the EU. It appears likely that those active states find the nature of the dialogue not entirely satisfactory, and do not rely on it as a key forum for co-operation.

The OSCE also undergoes periodic phases of soul-searching with regard to the dialogue with its Partners for Co-operation. For example, in 2004, an Informal Group of Friends on the implementation of a relevant Permanent Council Decision was formed to explore possibilities to improve the dialogue with the Partners for Co-operation.²¹ The chair of this Informal Group pre-

21 Cf. OSCE, Permanent Council, Decision No. 571/Corrected re-issue, Further Dialogue and Co-operation with the Partners for Co-operation and Exploring the Scope for Wider Sharing of OSCE Norms, Principles and Commitments with Others, PC.DEC/571/Corr.1, 2 December 2003; the Decision, which was intended to explore new avenues of co-

sented a report in November 2004, which took stock of the dialogue and proposed ways of enhancing it; the report was annexed to the 2004 Sofia Ministerial Council Document.²² The report clearly stated that “co-operation and interaction with Partner States should remain voluntary and be driven by demand. Co-operation and interaction could be pursued in the form of dialogue, activities, and where appropriate, concrete projects.”²³ A list of fields in which additional interaction could be identified followed and focused largely on opportunities for additional exchange with Partner States in areas such as anti-terrorism activities, border management issues, economic and environmental activities, trafficking in all forms, election observation, promoting tolerance, freedom of the media, and education and training. The report focuses on the immediately practicable and leaves some areas rather vague. Of course, it was itself written following consultations and discussions with participating States and Partner States and reflected the spirit of the times, which clearly did not support bold initiatives in this sphere.

Another such effort was the appointment in April 2009 by the Greek OSCE Chairmanship of two Personal Representatives of the Chairperson-in-Office for the Mediterranean and Asian Partners for Co-operation, respectively. The Greek officials were given the task of reviewing the existing documents and mechanisms for dialogue as a basis for further consultation with the partners. However, they issued no new documents in the period up to the end of their mandates. The Kazakh Chairmanship of 2010 also appointed a Special Representative for the Asian Partners for Co-operation, but none was appointed for the Mediterranean Partners. As of December 2010, it was not clear whether the incoming Lithuanian Chairmanship would appoint a Special Representative for the Mediterranean Partners.

These various consultations and review processes have failed to clearly define what the two sides are gaining through the dialogue and what the expectations of each are in this context.

How Can the Dialogue Be Improved?

Several ways of enhancing the dialogue could be considered. One would be to improve steering mechanisms. Currently, the chairmanship of the Contact Group is automatically granted to the country next in line to assume the OSCE Chairmanship. Yet not every Chairmanship country has an interest or a stake in the Mediterranean region, and some are not well prepared to take

operation, led to the establishment of the Informal Group of Friends on the Implementation of Permanent Council Decision No. 571.

22 Report of the Chairperson of the Informal Group of Friends on the Implementation of Permanent Council Decision No. 571, The OSCE and its Partners for Co-operation, in: Organization for Security and Co-operation in Europe, *Twelfth Meeting of the Ministerial Council, 6 and 7 December 2004*, MC.DOC/1/04, Sofia, 7 December 2004, pp. 106-134.

23 *Ibid.*, p. 109.

on this role. It might represent an improvement if the state selected to chair the dialogue were to have an interest in the region. On the other hand, however, the rotational principle provides the country that is due to assume the Chairmanship of the Organization as a whole with valuable experience, and is a good way of making sure that not only a handful of states with a stake in the region take an active role.

Alternatively, one could consider ensuring that the dialogue is a two-way street by giving an active role (possibly co-steering) on a rotating basis to a Partner State. This would make it clear that the future of the dialogue is a matter of common interest, and that the participating States and the Partner States are equals in this effort. However, given the existing differences between the Partner States, this could make progress more difficult, as well as providing ammunition to participating States that are sceptical about the Organization's external pursuits.

Another way to improve the OSCE's Mediterranean dialogue would be to make better use of the newly established Partnership Fund. Ideally, the fund would be based on contributions from participating States and Partner States alike. It would have to have a simple mechanism for releasing funds, and its aim would be to give visibility to the efforts of the Organization through funded activities, especially in the Partner countries. It is necessary to note, however, that the nature of diplomatic dialogue and the cautious approach taken by some Partner States do not lend themselves easily to projects and activities involving public exposure and visibility.

In light of this, a further means of improving the dialogue might be to use channels other than the diplomatic. The parliamentary dimension is an obvious candidate in this regard. The OSCE Parliamentary Assembly is reasonably active in the Mediterranean, and has been the driving force behind a number of initiatives. It must be noted that the PA, to which the principle of consensus does not apply, does not limit itself in its debates and contacts to only the Partner States and is therefore able to discuss issues such as the Middle East peace process and the situation in Iraq. However, in contrast to the parliamentary assemblies of other international organizations, the OSCE PA has limited powers within the Organization, and its influence on the inter-governmental bodies of the OSCE such as the Permanent Council and its agenda is limited. Furthermore, as Andreas Nothelle reports, the national parliamentarians who sit in the PA do not always agree on the OSCE's engagement with the Mediterranean states, as "the strong emphasis placed by some on improving relations with the Islamic world was criticized by others, although a number of delegations saw this as balancing the PA's high-profile activities on the topic of anti-Semitism, which were felt by some partners to

focus too strongly on one side of the tolerance debate.”²⁴ Thus, while pursuing the parliamentary channel is worthwhile, it may not be sufficient.

An additional way to move the dialogue forward could be via co-operation with the civil societies of the Mediterranean Partners, or, to be more precise, with NGOs, via a number of mechanisms developed by the Organization. This would help spread the word about the OSCE and its work beyond diplomatic circles, and reach out to activists who could refer in their work to the Organization’s *acquis* and experience. However, there are clear limits to how far such involvement might go: The civil societies of most of the Mediterranean Partner States are not well developed, and at least some of them are likely to keep the process under strict control.

The issue of broadening the participation of states in the Mediterranean dialogue has been mentioned above. The states from the region whose possible inclusion has been mentioned are Lebanon, Syria, and Libya. The case of the Palestinian Authority, which has applied for partner status, is also receiving considerable attention. As a representative of the Greek Chairmanship stated at the July 2009 hearing of the US Helsinki Commission: “At this particular moment, expanding membership of OSCE Mediterranean Partnership, especially the case of the Palestinian Authority is not simply to add new countries, but to expand a paradigm of confidence building and conflict resolution. Now it is more necessary than ever.”²⁵ The expansion of the geographic scope of the Partnership may enliven and empower the Partner States and their agenda.

However, a number of participating States have indicated that the inclusion of any further states in the dialogue would first have to be carefully considered and discussed by all existing Partner States (with Israel being particularly relevant in this instance). They warn that the dialogue may become gridlocked by such a development. Expansion of the group in the short term thus appears unlikely. Even US Helsinki Commission Co-Chairman Hastings, who has strongly advanced the idea of expanding the OSCE’s Mediterranean dialogue, acknowledges that this should take place “following normalization of regional relations and other reforms”.²⁶

Finally, improved co-operation and co-ordination with other international organizations that also have frameworks for dialogue or co-operation with the Mediterranean region could enhance the quality of debate in the OSCE. The OSCE has much to offer the region in terms of experience with a co-operative and comprehensive approach to security, regional co-operation,

24 Andreas Nothelle, *The OSCE Parliamentary Assembly – Driving Reform*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 347-373, here: p. 354.

25 Sotiris Roussos, Personal Representative of the OSCE Chairperson-in-Office for the Mediterranean Partners for Co-operation, at the US Helsinki Commission’s Hearing on the Future of the OSCE Mediterranean Partners for Cooperation, cited above (Note 18).

26 Alex Johnson/Lale Mamaux, *U.S. Helsinki Commission Chairman Alcee L. Hastings visits OSCE Mediterranean Partners to advance co-operation*, 31 December 2008, at: <http://www.osce.gov>.

and confidence-building measures, but it has limited means and clout. Enhancing the OSCE's current co-operation with other organizations may provide a means of overcoming these two limitations. It may also help to address the concerns of representatives of the Mediterranean Partners, some of whom have expressed confusion at the various initiatives and their possibilities. But here too, there may be limits to co-ordination efforts imposed by different memberships, organizational cultures, as well as the make-up and scope of the dialogues.

Conclusion

Overall, there is a dearth of ideas on how to adapt and improve the OSCE's Mediterranean dialogue. OSCE participating States appear to be aware of the need to review possibilities to improve dialogue with Partner States. However, the consulting processes aimed at doing just that have not brought visionary changes to the relationship.

The key question, however, is why there has been so little progress on making the Mediterranean dialogue dynamic and relevant. This is likely to be a result of several factors. The first is that the current scope of the dialogue represents the "common denominator" of the participating States. The current situation reflects what is possible to achieve in a consensus-based organization encompassing a large number of states with differing interests. The state of the dialogue suits an organization that is weak in structure and funds and heavy in agenda. The second is that this is what has been possible to achieve given the political situation in the Mediterranean – not only in view of the conflict in the Middle East, but also the domestic and political situations in each of the Partner States. Quite clearly, none of the participants, neither among the participating States nor the Partners, is ready to go beyond dialogue mode. No dramatic change or improvement of the relationship between the OSCE and its Mediterranean Partners can be foreseen. At the same time, it should be noted that efforts are being undertaken to make the dialogue more effective and more relevant, to allow more access to the Partner States, and to find a *modus operandi* that would allow them to benefit more from the OSCE experience.

But the OSCE should not be overlooked: In a dialogue mode, with no strings or preconditions attached, focusing on interesting the Mediterranean Partner States in its *acquis* and explaining the functioning of a co-operative security framework with a comprehensive understanding of security, it has its role to play in the region. Although the experience of working through a regional, inclusive, and comprehensive organization based on consensus and the understanding that states are accountable to each other and to their citizens may not have a visible and immediate impact, it surely is worth pursuing. And by opening up a venue which allows its Mediterranean Partners to

follow and contribute to weekly exchanges, discussions, deliberations, and decisions on both specific and general aspects of European security, the OSCE participating States have responded to the wishes of those states for more information and input.

Developing an OSCE Mediation-Support Capacity: First Steps

Introduction

The Organization for Security and Co-operation in Europe (OSCE) was the first security organization to conceive of, and adopt, a concept of comprehensive and co-operative security. This unique approach also entails a commitment to work towards the peaceful settlement of disputes. In the form of the 1975 Helsinki Final Act, the CSCE/OSCE received an explicit mandate stipulating that disputes were to be settled peacefully. Participating States agreed that they “will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties”.¹

The strengths of the OSCE as a mediator lie in its broad membership as well as in the fact that all participating States meet on a weekly basis and on equal footing in the Permanent Council (PC) and the Forum for Security Co-operation (FSC) to discuss their security concerns. In addition, the Organization is equipped with a set of unique instruments and tools to carry out its mediation role. These are wielded variously by the Chairperson-in-Office and his or her Personal and Special Representatives; the Secretary General and the Director of the Conflict Prevention Centre (CPC); the institutions, especially the High Commissioner on National Minorities (HCNM); the field operations; and the OSCE Parliamentary Assembly.

Furthermore, the OSCE participating States have developed specific mechanisms and procedures over time that are at their disposal for the management and settlement of conflicts.² In most crisis situations that the OSCE has to respond to, a combination of the instruments mentioned above is ap-

Note: The views presented here are those of the authors and do not necessarily reflect those of the OSCE Secretariat or OSCE participating States. The authors constitute the Planning and Analysis Team of the Operations Service, located in the Secretariat's Conflict Prevention Centre. The Planning and Analysis Team also wishes to thank their UN colleagues for their advice and assistance in furthering the OSCE's mediation-support capacity.

1 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 145.

2 For an overview of OSCE mechanisms and procedures, see the *Summary of OSCE Mechanisms and Procedures*, SEC.GAL/120/08, 20 June 2008, at: <http://www.osce.org/cpc/documents/34427>.

plied. This allows the Organization to ensure effective and co-ordinated mediation efforts throughout all phases of a conflict cycle.

The Need for a Mediation-Support Capability

Mediation support can entail a wide variety of activities, including facilitating knowledge management, carrying out conflict analyses and providing topical, geographic, and process expertise that is relevant to mediation processes. It may also include logistical support, training, and capacity-building activities. So far, mediation support in the OSCE has generally been organized in a less than systematic manner and with much of the existing knowledge resting with specific mediators and relevant regional desks in the Conflict Prevention Centre's Policy Support Service. Moreover, the OSCE has no standardized system for identifying and retrieving relevant experience in the area of mediation.

The need to develop a mediation-support capability in the OSCE is crucial for at least three reasons. First, the OSCE continues to be involved in the mediation of three protracted conflicts. The Organization serves as co-chair to the Geneva Discussions, together with the United Nations (UN) and the European Union (EU), addressing security and humanitarian issues in the areas affected by the August 2008 conflict in Georgia. The OSCE is the only international organization directly involved in the process of conflict settlement in relation to the Nagorno-Karabakh conflict. The OSCE also maintains its formal participation in the political process to settle the Transdniestrian conflict. Other political crises, such as the unrest in Kyrgyzstan in the first half of 2010, have also involved mediation efforts on the part of the OSCE Chairmanship and its Special Representative as well as the Director of the CPC.

Second, the OSCE has to maintain continuity in mediation efforts from one Chairmanship to the next. Performing this task effectively requires the provision of enhanced analytical support to incoming Chairmanships in order that they may learn from past OSCE experiences. Compilations of lessons learned and best practices as well as instruments to ensure the preservation of institutional memory have proven to be helpful. Even though some of the OSCE's successes in mediating in protracted conflicts are small (e.g., its valuable work in communities at grassroots level), it is nevertheless vital that the Organization's unique mediation experience is captured and recorded over time. Given the annual rotation of the Chairperson-in-Office's Special Representative for Protracted Conflicts and the limited availability of institutional knowledge, the OSCE requires a more systematic approach to mediation support.

Third, as part of the "Corfu Process", the OSCE's dialogue on the future of European security, which was initiated by the Greek OSCE Chairmanship

in 2009 and carried forward under the Chairmanship of Kazakhstan in 2010, several participating States also emphasized the need to support mediation. For example, a proposal distributed by Belgium, Canada, the Netherlands, Romania, Slovakia, Ukraine, the United Kingdom, and the United States recommended the establishment of civilian operations or missions capable of addressing issues such as mediation and support for political negotiations.³ Moreover, during the discussions on issues related to the role of the OSCE in early warning, conflict prevention and resolution, crisis management, and post-conflict rehabilitation, many participating States stressed the importance of strengthening the analytical capabilities of OSCE executive structures.

The ongoing development of an OSCE mediation-support capacity therefore deserves a closer look. Three areas of activities will be discussed here: (1) enhancing co-operation with the UN; (2) learning lessons from past experiences through the debriefing of the Chairperson-in-Office's Special Representatives and by facilitating knowledge-sharing at regular mediation retreats; and (3) facilitating training of OSCE staff in mediation and mediation support within the framework of co-operation with other international organizations and policy-relevant institutions.

Enhancing Co-operation with the United Nations

Among the first steps the CPC took towards building a mediation-support capacity was its co-operation with the newly established Mediation Support Unit (MSU) in the United Nations Department of Political Affairs (UNDPA).⁴ This began in late 2006 with the joint organization of a two-day regional consultation exercise entitled "Operationalising Mediation Support: Lessons from Mediation Experience in the OSCE Area", at Mont Pèlerin, Switzerland.⁵

The Mont-Pèlerin consultation, which took place on 22-23 May 2007, was the third in a series of regional consultations on mediation initiated by the UNDP, which aimed at drawing key lessons from the mediation and conflict resolution experiences of the UN and its partners in their respective

3 Cf. *Food-for-Thought Paper on "Ideas on a Civilian Operation/Mission to improve the OSCE Response in Post-Crisis and Post-Conflict Rehabilitation"*, 6 April 2010, PC.DEL/94/10/Corr.3.

4 In December 2005, the UN General Assembly approved the creation of a "core mediation support function", which then led to the establishment of the Mediation Support Unit (MSU) in the UN Department of Political Affairs in 2006. The major objective of the MSU is to develop Lessons Learned and Best Practices and to archive UN experiences in mediation. See Miriam Fugfugosh, *Operationalising Mediation Support: Lessons from Mediation Experiences in the OSCE Area*, Geneva Papers 3, Geneva 2008. For further reference, see also United Nations Security Council, *Report of the Secretary-General on enhancing mediation and its support activities*, S/2009/189, 8 April 2009.

5 See Fugfugosh, cited above (Note 4).

6 The first consultation took place in South Africa on 16-17 October 2006; the second in Costa Rica on 15-16 March 2007.

regions of the world. The objective of this particular consultation was to explore the main challenges facing mediation efforts organized under the UN and OSCE aegis from the perspective of mediators and their teams. Particular attention was given to lessons learned and best practices from past experiences of mediation and identification of the services and support that would be most helpful to mediators.

To stimulate an open and constructive discussion, attendance at the event was limited to around 30 high-level participants, most of whom had concrete and in-depth experience related to conflict mediation in the OSCE area. The majority of the participants were representatives of the OSCE, the UN, the EU, and the Council of Europe (CoE), with several individuals also from academia and civil society.

Participants described the consultation as successful and a positive contribution towards closer co-operation on mediation and mediation-support efforts among the various international partners, particularly the UN and the OSCE. UNDPA representatives underlined that existing and future mediation efforts also included the OSCE, and more informal ways needed to be identified to discuss joint efforts.

In particular, participants pointed out the following: (1) there is an overarching need for mediators to acquire extensive knowledge of the conflict with which they were dealing. Such knowledge not only provides mediators with a better understanding of the context into which they have been introduced, but also puts them in a better position to map the conflict situation and develop mediation scenarios and strategies; (2) international organizations involved in supporting mediation teams on the ground should assist mediators in getting the best possible access to information relevant to the conflict situation; and (3) knowledge of the history of the mediation process itself is a necessary prerequisite for successful mediation. Consequently, mediators could benefit significantly from knowledge about the work of their predecessors, and the successes and failures they experienced.

The key recommendations of the Mont-Pèlerin consultation included the following: Best practices have to be improved; systematic debriefings and end-of-mission reporting are essential components of a repository of knowledge on mediation processes; and the mechanisms for preparing those products also require improvement. The exercise also highlighted the need for systematic training of mediators and support teams.

Learning Lessons and Sharing Best Practices

Taking some of these Mont-Pèlerin recommendations into account, and as part of its lessons-learned and best-practices approach to mediation and mediation support, the CPC started to debrief OSCE Chairmanships and their Special Representatives in 2007. Although this procedure has only been in

place for a relatively short period of time, three OSCE Chairmanships and their Special Representatives have so far been debriefed, yielding crucial information on how crisis and conflict situations have been addressed. While the debriefing reports are confidential and only available to present and future Chairmanships, the Secretary General, and the Director of the CPC, together with a limited number of Secretariat staff, the systematic analysis of these debriefings has already released valuable insights that have been made accessible to OSCE Chairmanships.

In addition, recognizing the importance of sharing experiences amongst mediators to enhance the effectiveness of the OSCE in the area of mediation and facilitation, the CPC organized its first high-level mediation retreat in 2009, with the assistance of Swisspeace, a peace research institute in Switzerland. Held in Vienna from 22-23 October 2009, the OSCE Mediation Retreat brought together a large number of experienced OSCE mediators and facilitators, representatives of the OSCE Troika, and mediation support staff from the Secretariat. Besides enabling participants to learn from each other's experiences, the Retreat, during which the protracted conflicts in Moldova, Georgia, and Nagorno-Karabakh were explored in depth, aimed to enhance the continuity of OSCE mediation efforts, which has suffered as a result of the yearly rotation of Chairmanships and their Special Representatives.

The Retreat also highlighted challenges that the OSCE faces, which sometimes prevent it from being an effective mediator despite the instruments it has available. These include a lack of financial and human resources, the limited terms in office of Personal and Special Representatives of the Chairperson-in-Office, and the growing but still small repository of knowledge. Moreover, it underlined that in situations where OSCE participating States lacked the political will to act decisively, the Organization's mediating role was often hindered or blocked.

Although not all these challenges can or are likely to be addressed, the 2009 Retreat resulted in a number of major recommendations, key among them being that if the OSCE is keen to step up its mediation efforts, it needs to improve the continuity of mediation activities by enhancing mediation-support activities and appointing Special and Personal Representatives for a longer period of time. In addition, the OSCE's comprehensive approach to mediation should be further developed in collaboration with a range of inter-governmental (e.g., the UN and the EU) and civil society actors, with each contributing according to its comparative advantages. In this regard, some participants argued that the successes of OSCE involvement in grassroots dialogue facilitation efforts should be better promoted. Finally, the participants recommended that the OSCE should learn more systematically from past mediation experiences by debriefing mediators and making lessons learned available within the relevant OSCE bodies.

The Mediation Retreat strengthened the belief within the CPC that the concept of mediation support deserves further attention. Whereas successful

mediation used to be perceived as something that depended largely on a mediator's skills and personality, mediators, researchers, and policy-makers alike seem recently to have come to agree that it is a skill that can be acquired and improved.

The Importance of Training

Training is an important component of capacity building in mediation and mediation support. Unsurprisingly therefore, co-operation on training was identified during consultations between the OSCE and the UN in Mont Pèlerin as a concrete action point for engagement between the two organizations. Since then, the need for joint training has been raised during OSCE-UN staff talks and in informal consultations between the two organizations.

Accordingly, the CPC's Operations Service/Planning and Analysis Team (CPC-OS/PAT) approached the UNDPA Europe Division and Policy Planning and Mediation Support Unit (PPMSU) to explore opportunities for joint training on mediation and mediation support. In parallel, the PPMSU continued to finalize its plans for the extension of a three-year partnership with Sweden's Folke Bernadotte Academy (FBA) on mediation training. That partnership provides for capacity building of regional organizations, including the tailoring of modules to the specific needs of each case. Fortunately, PPMSU was able to include joint UN-OSCE mediation and mediation-support training as part of the assistance package provided by the FBA.

The first joint training activity between the OSCE and the UN took place at the FBA's training facility in Sandö, Sweden, on 8-14 April 2010. The training had the objectives of strengthening the mediation and mediation-support capacities of both organizations, and enhancing co-operation between them and their respective staff in these areas. About ten to twelve staff members with equivalent positions from each organization – divided between Secretariat/Headquarters and the field operation/missions – participated in the training, along with two members of staff from the General Secretariat of the Council of the European Union and experts and facilitators from the FBA.

The training was developed with knowledge transfer and skills building as learning goals, and the modules used, which were facilitated by experts from the FBA, the OSCE, and the UN, were based on real case studies of mediation/facilitation efforts, both high-level and community-level, and taught using interactive tools. The cases used were based on aspects of the Moldovan-Transdnestrian, Georgian-Abkhaz, and Georgian-South Ossetian conflicts. In the latter two, the UN and the OSCE have played a role as mediators. The training dealt with all the phases of a mediation process.

The curriculum also took into account the interest of the two organizations in capturing and sharing lessons learned, including addressing the chal-

lence of knowledge-sharing between Headquarters/Secretariat and field operations,⁷ and the modules were designed to give numerous opportunities for discussions on this topic. Beyond the training itself, moreover, the event aimed to provide an opportunity to facilitate exchanges and create networks between staff from the Headquarters/Secretariat and field personnel from the two organizations. This was intended to ensure that such exchanges could continue to contribute to practical co-operation on current mediation efforts involving the three organizations.

At the end of the week-long event, all the participants were unanimous in their opinion that the training had been very successful and highly useful. The fact that UN and OSCE participants included both desk and field staff who had dealt with the conflicts used as case studies added to the practical value of the training. It meant that an opportunity was provided to interact personally and to exchange information and experiences on concrete issues and situations. Moreover, the participants proposed that the joint training should be an annual event between the three participating organizations (with the EU also increasing its participation to match that of the OSCE and the UN).

Following this event, it was agreed within the OSCE Secretariat that the CPC-OS/PAT should continue its close co-operation with the PPMSU and the EU to share information and expertise on issues related to mediation and mediation support, including the identification of possibilities for further joint training opportunities. In addition to institutionalizing the type of training already conducted, a number of other suggestions for future OSCE/UN/EU co-operation in the area of mediation and conflict prevention have also been identified.

First, the existing partnership between the UNDPA and the CPC in the fields of mediation and mediation support should be enhanced. Improvement of capacity building, training, and access to available mediation-support resources are natural areas where this partnership clearly has a potential to be expanded. Maintaining the established periodic teleconferences between the CPC/OS and the UNDPA is seen as an efficient way to continue such a process.

Second, interaction and information-sharing between OSCE, UN, and EU staff should be enhanced. In order to facilitate a common understanding of issues, potentially leading to joint analysis and more co-ordinated strategies (for example, with regard to the Geneva Discussions), the network built between equivalent staff from the Secretariat/Headquarters and field operation/mission levels that took part in the training could be used for this purpose. Such a partnership could also be expanded to include greater co-

7 A recent UNDPA survey on lessons learned/knowledge-sharing identified the sharing of information on lessons learned as an area where co-ordination between Headquarters and field missions can be strengthened. The CPC has also identified the need to strengthen knowledge-sharing between the Secretariat, field operations, and other relevant OSCE bodies (such as the OSCE High Commissioner on National Minorities).

ordination and joint brainstorming sessions, as well as regional co-ordination and strategic planning (for instance, on complementary issues such as funding, civil society projects, and internal rules).

Third, co-operation between the OSCE and the FBA should be increased. The FBA expressed an interest in organizing a follow-up to the training as well as taking further steps in dialogue and mediation training and capacity building with the OSCE. Such a training and capacity-building programme could be flexible and include not only standard general training but also issue- or conflict-based retreats or workshops with staff working directly on specific issues or conflicts in the field. Individuals representing the various parties to a conflict could also be invited to such events as a collaborative, common learning exercise with the UN and other partner organizations.

Concluding Thoughts

This contribution has demonstrated that, when developing a more systematic and co-ordinated approach to mediation processes, the OSCE Secretariat does not need to work in a vacuum. Other organizations such as the UN initiated similar exercises several years ago, and the OSCE has been able to benefit greatly from them in terms of knowledge and information sharing. More recently, the EU started to strengthen its mediation and dialogue capacities. Other regional organizations are also following suit.

Co-operation between the UN, the EU, and the OSCE and between the OSCE and other regional organizations is vital to ensure that each can learn from the others' experiences, recognize their strengths and weaknesses, and avoid overlap. This was also recognized at a retreat held outside New York in January 2010 by the UN Secretary-General and the heads of other international and regional organizations.⁸ Joint training is anticipated to continue for purposes of enhancing co-operation with other international actors as well as developing and sharing intra-organizational expertise in mediation support, including best practices.

There are also numerous non-governmental organizations and think tanks that can provide expertise and perform policy-relevant research in the area of mediation and mediation support, as has been demonstrated in the cases of the FBA and Swisspeace. The creation of mediation-support capabilities is thus a highly beneficial means of enhancing the Organization's co-operation with other international organizations and institutions, which also comes under the purview of the OSCE's Corfu Process.

8 On 13 January 2010, the UN Security Council discussed co-operation between the UN and regional and subregional organizations in maintaining international peace and security. On this occasion, the UN Secretary-General gave a briefing to the Security Council on the retreat with the heads of international and regional organizations, noting "the need for better clarity in mediation arrangements." See United Nations Security Council, 6257th meeting, 13 January 2010, S/PV.6257.

Annexes

Forms and Forums of Co-operation in the OSCE Area

G8 (Group of Eight)

Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)

Euro-Atlantic Partnership Council (EAPC)

Partnership for Peace (PfP)

NATO-Russia Council

NATO-Ukraine Charter/NATO-Ukraine Commission

European Union (EU)

EU Candidate Countries

EU Association Agreements

Stabilization and Association Agreements (SAA)

Western European Union (WEU)

Associate Members of the WEU¹

Associate Partners of the WEU

WEU Observers²

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Assembly/Baltic Council of Ministers

Barents Euro-Arctic Council

Observers to the Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States (CBSS)

Stability Pact for South Eastern Europe

Observers to the Stability Pact for South Eastern Europe

Central European Free Trade Agreement/Area (CEFTA)

Central European Initiative (CEI)

1 The WEU does not differentiate between associate and full members.

2 Observer status confer privileges restricted to information exchange and attendance at meetings in individual cases and on invitation.

Southeast European Co-operative Initiative (SECI)
South Eastern European Co-operation Process (SEECP)
Black Sea Economic Co-operation (BSEC)

North American Free Trade Area (NAFTA)

Collective Security Treaty Organization (CSTO)

Shanghai Cooperation Organisation (SCO)

Sources:

OECD: www.oecd.org

Council of Europe: www.coe.int

NATO: www.nato.int

EU: europa.eu

WEU: www.weu.int

CIS: www.cis.minsk.by

Baltic Assembly/Baltic Council of Ministers: www.baltasam.org

Barents Euro-Arctic Council: www.beac.st

Nordic Council: www.norden.org

CBSS: www.cbss.org

Stability Pact for South Eastern Europe: www.stabilitypact.org

CEFTA: www.stabilitypact.org/wt2/TradeCEFTA2006.asp

CEI: www.ceinet.org

SECI: www.secicenter.org

BSEC: www.bsec-organization.org

NAFTA: www.nafta-sec-alena.org

CSTO: www.dkb.gov.ru

SCO: www.sectSCO.org

The 56 OSCE Participating States – Facts and Figures¹

1. Albania

Date of accession: June 1991

Scale of contributions: 0.125 per cent (OSCE ranking: 40)²

Area: 28,748 km² (OSCE ranking: 45)³

Population: 3,659,616 (OSCE ranking: 40)⁴

*GDP per capita in international dollars at PPP rates*⁵: 6,300

GDP growth: 4.2 per cent (OSCE ranking: 5)⁶

Armed forces (active): 14,295 (OSCE ranking: 35)⁷

Memberships and forms of co-operation: CoE (1995), NATO (2009), EAPC, SAA (2006), Stability Pact for South Eastern Europe, CEFTA, CEI (1996), SECI, SEEC, BSEC.

2. Andorra

Date of accession: April 1996

Scale of contributions: 0.125 per cent (40)

Area: 468 km² (51)

Population: 84,525 (52)

GDP per capita in international dollars at PPP rates: 44,900⁸

GDP growth: 2.6 per cent (8)⁹

Armed forces (active): none

Memberships and forms of co-operation: CoE (1994).

3. Armenia

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 29,743 km² (44)

Population: 2,966,802 (42)

GDP per capita in international dollars at PPP rates: 5,900

GDP growth: -14.4 per cent (51)

1 Compiled by Jochen Rasch.

2 Of 56 states.

3 Of 56 states.

4 Of 56 states.

5 The international dollar is the hypothetical unit of currency used to compare different national currencies in terms of purchasing power parity. PPP is defined as the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as one US dollar would buy in the United States. See The World Bank, World Development Report 2002, Washington, D.C., 2002. Because the data in this category comes from various years it does not make sense to compare states or provide a ranking.

6 Of 55 states.

7 Of 54 states.

8 2008.

9 2008 (estimated).

Armed forces (active): 46,684 (19)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC, CSTO.

4. Austria

Date of accession: June 1973

Scale of contributions: 2.51 per cent (13)

Area: 83,871 km² (28)

Population: 8,214,160 (24)

GDP per capita in international dollars at PPP rates: 39,400

GDP growth: -3.4 per cent (25)

Armed forces (active): 27,300 (25)

Memberships and forms of co-operation: OECD (1961), CoE (1956), EAPC, PfP (1995), EU (1995), WEU Observer (1995), Stability Pact for South Eastern Europe, CEI (1989).

5. Azerbaijan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 86,600 km² (27)

Population: 8,303,512 (23)

GDP per capita in international dollars at PPP rates: 10,400

GDP growth: 9.3 per cent (1)

Armed forces (active): 66,940 (15)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

6. Belarus

Date of accession: January 1992

Scale of contributions: 0.28 per cent (30)

Area: 207,600 km² (19)

Population: 9,612,632 (21)

GDP per capita in international dollars at PPP rates: 11,600

GDP growth: 0.2 per cent (12)

Armed forces (active): 72,940 (13)

Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), CEI (1996), CSTO.

7. Belgium

Date of accession: June 1973

Scale of contributions: 3.24 per cent (10)

Area: 30,528 km² (43)

Population: 10,423,493 (18)

GDP per capita in international dollars at PPP rates: 36,600

GDP growth: -2.7 per cent (22)
Armed forces (active): 38,452 (21)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1993), Stability Pact for South Eastern Europe.

8. Bosnia and Herzegovina

Date of accession: April 1992
Scale of contributions: 0.125 per cent (40)
Area: 51,197 km² (36)
Population: 4,621,598 (35)
GDP per capita in international dollars at PPP rates: 6,300
GDP growth: -3.4 per cent (25)
Armed forces (active): 11,099 (37)
Memberships and forms of co-operation: CoE (2002), EAPC, Pfp (2006), SAA (2008), Stability Pact for South Eastern Europe, CEFTA, CEI (1992), SECI, SEECP.

9. Bulgaria

Date of accession: June 1973
Scale of contributions: 0.55 per cent (26)
Area: 110,879 km² (23)
Population: 7,148,785 (28)
GDP per capita in international dollars at PPP rates: 12,600
GDP growth: -5 per cent (35)
Armed forces (active): 34,975 (22)
Memberships and forms of co-operation: CoE (1992), NATO (2004), EAPC, EU (2007), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1996), SECI, SEECP, BSEC.

10. Canada

Date of accession: June 1973
Scale of contributions: 5.53 per cent (7)
Area: 9,984,670 km² (2)
Population: 33,759,742 (11)
GDP per capita in international dollars at PPP rates: 38,400
GDP growth: -2.5 per cent (19)
Armed forces (active): 65,722 (16)
Memberships and forms of co-operation: G8 (1976), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

11. Croatia

Date of accession: March 1992

Scale of contributions: 0.19 per cent (33)

Area: 56,594 km² (35)

Population: 4,486,881 (37)

GDP per capita in international dollars at PPP rates: 17,600

GDP growth: -5.8 per cent (39)

Armed forces (active): 18,600 (32)

Memberships and forms of co-operation: CoE (1996), NATO (2009), EAPC, EU Candidate Country, Stability Pact for South Eastern Europe, CEFTA, CEI (1992), SECI, SEECP.

12. Cyprus

Date of accession: June 1973

Scale of contributions: 0.19 per cent (33)

Area: 9,251 km² (49)¹⁰

Population: 1,102,677 (47)¹¹

GDP per capita in international dollars at PPP rates: 21,200

GDP growth: -1.5 per cent (13)

Armed forces (active): 10,050 (40)¹²

Memberships and forms of co-operation: CoE (1961), EU (2004), Stability Pact for South Eastern Europe.

13. Czech Republic

Date of accession: January 1993

Scale of contributions: 0.57 per cent (25)

Area: 78,867 km² (29)

Population: 10,201,707 (19)

GDP per capita in international dollars at PPP rates: 25,100

GDP growth: -4.2 per cent (30)

Armed forces (active): 17,932 (33)

Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU (2004), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEI (1990/1993).

14. Denmark

Date of accession: June 1973

Scale of contributions: 2.1 per cent (14)

Area: 43,094 km² (39)

Population: 5,515,575 (29)

GDP per capita in international dollars at PPP rates: 36,000

10 Greek sector: 5,896 km², Turkish sector: 3,355 km².

11 Total of Greek and Turkish sectors.

12 Turkish sector: 5,000.

GDP growth: -4.7 per cent (31)
Armed forces (active): 26,585 (26)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU Observer (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

15. Estonia

Date of accession: September 1991
Scale of contributions: 0.19 per cent (33)
Area: 45,228 km² (38)
Population: 1,291,170 (46)
GDP per capita in international dollars at PPP rates: 18,700
GDP growth: -14.1 per cent (50)
Armed forces (active): 4,750 (47)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2004), Associate Partner of the WEU (1994), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), Stability Pact for South Eastern Europe.

16. Finland

Date of accession: June 1973
Scale of contributions: 1.85 per cent (16)
Area: 338,145 km² (13)
Population: 5,255,068 (32)
GDP per capita in international dollars at PPP rates: 34,900
GDP growth: -8.1 per cent (49)
Armed forces (active): 22,600 (28)
Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), WEU Observer (1995), Barents Euro-Arctic Council, Nordic Council (1955), CBSS (1992), Stability Pact for South Eastern Europe.

17. France

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 643,427 km² (6)
Population: 64,057,792 (5)
GDP per capita in international dollars at PPP rates: 32,800
GDP growth: -2.5 per cent (19)
Armed forces (active): 352,771 (4)
Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

18. Georgia

Date of accession: March 1992

Scale of contributions: 0.05 per cent (49)

Area: 69,700 km² (32)

Population: 4,600,825 (36)

GDP per capita in international dollars at PPP rates: 4,400

GDP growth: -6.7 per cent (43)

Armed forces (active): 21,150 (31)

Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), BSEC.

19. Germany

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 357,022 km² (12)

Population: 82,282,988 (3)

GDP per capita in international dollars at PPP rates: 34,100

GDP growth: -4.9 per cent (33)

Armed forces (active): 250,613 (6)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer to the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe.

20. Greece

Date of accession: June 1973

Scale of contributions: 0.98 per cent (19)

Area: 131,957 km² (22)

Population: 10,749,943 (16)

GDP per capita in international dollars at PPP rates: 32,100

GDP growth: -2 per cent (18)

Armed forces (active): 156,600 (8)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), WEU (1995), Stability Pact for South Eastern Europe, SECI, SEECP, BSEC.

21. The Holy See

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 0.44 km² (56)

Population: 829 (56)

GDP per capita in international dollars at PPP rates: n/a

GDP growth: n/a

Armed forces (active): 110 (51)¹³
Memberships and forms of co-operation: none.

22. Hungary

Date of accession: June 1973
Scale of contributions: 0.6 per cent (23)
Area: 93,028 km² (25)
Population: 9,880,059 (20)
GDP per capita in international dollars at PPP rates: 18,600
GDP growth: -6.3 per cent (41)
Armed forces (active): 29,450 (23)
Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, EU (2004), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEI (1989), SECI.

23. Iceland

Date of accession: June 1973
Scale of contributions: 0.19 per cent (33)
Area: 103,000 km² (24)
Population: 308,910 (51)
GDP per capita in international dollars at PPP rates: 39,600
GDP growth: -6.5 per cent (42)
Armed forces (active): none
Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, EU Association Agreement (1996), Associate Member of the WEU (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1995).

24. Ireland

Date of accession: June 1973
Scale of contributions: 0.75 per cent (21)
Area: 70,273 km² (31)
Population: 4,250,163 (39)
GDP per capita in international dollars at PPP rates: 42,200
GDP growth: -7.6 per cent (45)
Armed forces (active): 10,460 (39)
Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1999), EU (1973), WEU Observer (1992), Stability Pact for South Eastern Europe.

13 Authorized strength 110 members of the Swiss Guard, see: http://www.vatican.va/roman_curia/swiss_guard/500_swiss/documents/rc_gsp_20060121_informazioni_it.html and <http://www.schweizergarde.ch/pdfde/Gradabzeichen.pdf>.

25. Italy

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 301,340 km² (16)

Population: 58,090,681 (7)

GDP per capita in international dollars at PPP rates: 30,300

GDP growth: -5.1 per cent (36)

Armed forces (active): 293,202 (5)

Memberships and forms of co-operation: G8 (1975), OECD (1962), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, CEI (1989).

26. Kazakhstan

Date of accession: January 1992

Scale of contributions: 0.36 per cent (28)

Area: 2,724,900 km² (4)

Population: 15,460,484 (15)

GDP per capita in international dollars at PPP rates: 11,800

GDP growth: 1 per cent (11)

Armed forces (active): 49,000 (17)

Memberships and forms of co-operation: EAPC, Pfp (1994), CIS (1991), CSTO, SCO.

27. Kyrgyzstan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 199,951 km² (20)

Population: 5,508,626 (30)

GDP per capita in international dollars at PPP rates: 2,100

GDP growth: 2.3 per cent (9)

Armed forces (active): 10,900 (38)

Memberships and forms of co-operation: EAPC, Pfp (1994), CIS (1991), CSTO, SCO.

28. Latvia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 64,589 km² (34)

Population: 2,217,969 (43)

GDP per capita in international dollars at PPP rates: 14,500

GDP growth: -18 per cent (54)

Armed forces (active): 5,745 (46)

Memberships and forms of co-operation: CoE (1995), NATO (2004), EAPC, EU (2004), Associate Partner of the WEU (1994), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), Stability Pact for South Eastern Europe.

29. Liechtenstein

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 160 km² (53)

Population: 35,002 (53)

GDP per capita in international dollars at PPP rates: 122,100¹⁴

GDP growth: 3.1 per cent (7)¹⁵

Armed forces (active): none¹⁶

Memberships and forms of co-operation: CoE (1978), EU Association Agreement (1995), since 1923 Community of Law, Economy, and Currency with Switzerland.

30. Lithuania

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 65,300 km² (33)

Population: 3,545,319 (41)

GDP per capita in international dollars at PPP rates: 15,400

GDP growth: -15 per cent (52)

Armed forces (active): 8,850 (41)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2004), Associate Partner of the WEU (1994), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), Stability Pact for South Eastern Europe.

31. Luxembourg

Date of accession: June 1973

Scale of contributions: 0.47 per cent (27)

Area: 2,586 km² (50)

Population: 497,538 (49)

GDP per capita in international dollars at PPP rates: 78,000

GDP growth: -3.4 per cent (25)

Armed forces (active): 900 (50)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1996), Stability Pact for South Eastern Europe.

14 2007 (estimated).

15 2007 (estimated).

16 In 1868, the armed forces were dissolved, see: <http://www.liechtenstein.li/pdf-fl-multimedia-information-liechtenstein-bildschirm.pdf>.

32. The Former Yugoslav Republic of Macedonia

Date of accession: October 1995

Scale of contributions: 0.125 per cent (40)

Area: 25,713 km² (46)

Population: 2,072,086 (44)

GDP per capita in international dollars at PPP rates: 9,000

GDP growth: -1.8 per cent (16)

Armed forces (active): 8,000 (43)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU Candidate Country, Stability Pact for South Eastern Europe, CEFTA, CEI (1993), SECI, SEECP.

33. Malta

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 316 km² (52)

Population: 406,771 (50)

GDP per capita in international dollars at PPP rates: 23,800

GDP growth: -1.8 per cent (16)

Armed forces (active): 1,954 (49)

Memberships and forms of co-operation: CoE (1965), EAPC, PfP (1995/2008¹⁷), EU (2004), Stability Pact for South Eastern Europe.

34. Moldova

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 33,851 km² (42)

Population: 4,317,483 (38)

GDP per capita in international dollars at PPP rates: 2,300

GDP growth: -7.7 per cent (46)

Armed forces (active): 5,998 (45)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), CIS (1991), Stability Pact for South Eastern Europe, CEFTA, CEI (1996), SECI, SEECP, BSEC.

35. Monaco

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 2.00 km² (55)

Population: 30,586 (55)

17 Malta joined the PfP in April 1995, but suspended its participation in October 1996. Malta re-engaged in the Partnership for Peace Programme in 2008, see: <http://www.nato.int/docu/update/2008/04-april/e0403e.html>.

GDP per capita in international dollars at PPP rates: 30,000¹⁸

GDP growth: n/a

Armed forces (active): none

Memberships and forms of co-operation: CoE (2004).

36. Montenegro

Date of accession: June 2006

Scale of contributions: 0.05 per cent (49)

Area: 13,812 km² (48)

Population: 666,730 (48)

GDP per capita in international dollars at PPP rates: 9,800

GDP growth: -6.1 per cent (40)

Armed forces (active): 3,127 (48)

Memberships and forms of co-operation: CoE (2007), EAPC, PfP (2006), SAA (2007), Stability Pact for South Eastern Europe, CEFTA, CEI (2006), SECI, SEECP.

37. Netherlands

Date of accession: June 1973

Scale of contributions: 4.36 per cent (9)

Area: 41,543 km² (40)

Population: 16,783,092 (14)

GDP per capita in international dollars at PPP rates: 39,200

GDP growth: -3.9 per cent (29)

Armed forces (active): 46,882 (18)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

38. Norway

Date of accession: June 1973

Scale of contributions: 2.05 per cent (15)

Area: 323,802 km² (14)

Population: 4,676,305 (34)

GDP per capita in international dollars at PPP rates: 58,600

GDP growth: -1.5 per cent (13)

Armed forces (active): 24,025 (27)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU Association Agreement (1996), Associate Member of the WEU (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

18 2006 (estimated).

39. Poland

Date of accession: June 1973

Scale of contributions: 1.35 per cent (17)

Area: 312,685 km² (15)

Population: 38,463,689 (10)

GDP per capita in international dollars at PPP rates: 17,900

GDP growth: 1.7 per cent (10)

Armed forces (active): 100,000 (11)

Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, EU (2004), Associate Member of the WEU (1999), Observer to the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, CEI (1991).

40. Portugal

Date of accession: June 1973

Scale of contributions: 0.98 per cent (19)

Area: 92,090 km² (26)

Population: 10,735,765 (17)

GDP per capita in international dollars at PPP rates: 21,800

GDP growth: -2.7 per cent (22)

Armed forces (active): 43,330 (20)

Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986), WEU (1990), Stability Pact for South Eastern Europe.

41. Romania

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 238,391 km² (18)

Population: 22,181,287 (13)

GDP per capita in international dollars at PPP rates: 11,500

GDP growth: -7.1 per cent (44)

Armed forces (active): 73,350 (12)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2007), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1996), SECI, SEECP, BSEC.

42. Russian Federation

Date of accession: June 1973

Scale of contributions: 6 per cent (6)

Area: 17,098,242 km² (1)

Population: 139,390,205 (2)

GDP per capita in international dollars at PPP rates: 15,100

GDP growth: -7.9 per cent (48)

Armed forces (active): 1,027,000 (2)

Memberships and forms of co-operation: G8 (1998), CoE (1996), EAPC, PfP (1994), NATO-Russia Council (2002), CIS (1991), Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, BSEC, CSTO, SCO.

43. San Marino

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 61 km² (54)

Population: 31,477 (54)

GDP per capita in international dollars at PPP rates: 41,900¹⁹

GDP growth: 4.3 per cent (4)²⁰

Armed forces (active): none

Memberships and forms of co-operation: CoE (1988).

44. Serbia

Date of accession: November 2000²¹

Scale of contributions: 0.14 per cent (39)

Area: 77,474 km² (30)

Population: 7,344,847 (27)

GDP per capita in international dollars at PPP rates: 10,400

GDP growth: -2.9 per cent (24)

Armed forces (active): 29,125 (24)

Memberships and forms of co-operation: CoE (2003), EAPC, PfP (2006), SAA (2008), Stability Pact for South Eastern Europe, CEFTA, CEI (2000), SECI, SEECP, BSEC.

45. Slovakia

Date of accession: January 1993

Scale of contributions: 0.28 per cent (30)

Area: 49,035 km² (37)

Population: 5,470,306 (31)

GDP per capita in international dollars at PPP rates: 21,200

GDP growth: -4.7 per cent (31)

Armed forces (active): 16,531 (34)

Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO (2004), EAPC, EU (2004), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1990/1993).

19 2007.

20 2007 (estimated).

21 Yugoslavia was suspended from 7 July 1992 to 10 November 2000.

46. Slovenia

Date of accession: March 1992

Scale of contributions: 0.22 per cent (32)

Area: 20,273 km² (47)

Population: 2,003,136 (45)

GDP per capita in international dollars at PPP rates: 27,900

GDP growth: -7.8 per cent (47)

Armed forces (active): 7,200 (44)

Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), Associate Partner of the WEU (1996), Stability Pact for South Eastern Europe, CEI (1992), SECI, SEECP.

47. Spain

Date of accession: June 1973

Scale of contributions: 4.58 per cent (8)

Area: 505,370 km² (8)

Population: 40,548,753 (9)

GDP per capita in international dollars at PPP rates: 33,700

GDP growth: -3.6 per cent (28)

Armed forces (active): 128,013 (10)

Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), WEU (1990), Eurocorps (1994), Stability Pact for South Eastern Europe.

48. Sweden

Date of accession: June 1973

Scale of contributions: 3.24 per cent (10)

Area: 450,295 km² (10)

Population: 9,074,055 (22)

GDP per capita in international dollars at PPP rates: 36,800

GDP growth: -5.1 per cent (36)

Armed forces (active): 13,050 (36)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PFP (1994), EU (1995), WEU Observer (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

49. Switzerland

Date of accession: June 1973

Scale of contributions: 2.81 per cent (12)

Area: 41,277 km² (41)

Population: 7,623,438 (25)

GDP per capita in international dollars at PPP rates: 41,700

GDP growth: -1.5 per cent (13)

Armed forces (active): 22,059 (29)

Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement (rejected by referendum), Stability Pact for South Eastern Europe.

50. Tajikistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 143,100 km² (21)

Population: 7,487,489 (26)

GDP per capita in international dollars at PPP rates: 1,800

GDP growth: 3.4 per cent (6)

Armed forces (active): 8,800 (42)

Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991), CSTO, SCO.

51. Turkey

Date of accession: June 1973

Scale of contributions: 1.01 per cent (18)

Area: 783,562 km² (5)

Population: 77,804,122 (4)

GDP per capita in international dollars at PPP rates: 11,200

GDP growth: -5.6 per cent (38)

Armed forces (active): 510,600 (3)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Candidate Country, Associate Member of the WEU (1992), Stability Pact for South Eastern Europe, SECI, SEECF, BSEC.

52. Turkmenistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 488,100 km² (9)

Population: 4,940,916 (33)

GDP per capita in international dollars at PPP rates: 6,900

GDP growth: 6.1 per cent (3)

Armed forces (active): 22,000 (30)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

53. Ukraine

Date of accession: January 1992

Scale of contributions: 0.68 per cent (22)

Area: 603,550 km² (7)

Population: 45,415,596 (8)

GDP per capita in international dollars at PPP rates: 6,400

GDP growth: -15 per cent (52)
Armed forces (active): 129,925 (9)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), CIS (1991), CEI (1996), BSEC.

54. United Kingdom

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 243,610 km² (17)
Population: 61,284,806 (6)
GDP per capita in international dollars at PPP rates: 35,200
GDP growth: -4.9 per cent (33)
Armed forces (active): 175,690 (7)
Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

55. USA

Date of accession: June 1973
Scale of contributions: 11.5 per cent (1)
Area: 9,826,675 km² (3)
Population: 310,232,863 (1)
GDP per capita in international dollars at PPP rates: 46,400
GDP growth: -2.6 per cent (21)
Armed forces (active): 1,580,255 (1)
Memberships and forms of co-operation: G8 (1975), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

56. Uzbekistan

Date of accession: January 1992
Scale of contributions: 0.35 per cent (29)
Area: 447,400 km² (11)
Population: 27,865,738 (12)
GDP per capita in international dollars at PPP rates: 2,800
GDP growth: 8.1 per cent (2)
Armed forces (active): 67,000 (14)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

Sources:

Date of accession:

<http://www.osce.org/about/13131.html>

Scale of contributions:

OSCE, decision of the Permanent Council, PC.DEC/924, 20 Dezember 2009.

http://www.osce.org/documents/pc/2009/12/42275_en.pdf

Area:

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2147.text

Population:

(estimated as of July 2010) https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2119.text

GDP per capita in international dollars at PPP rates:

(estimated as of 2009, unless stated to the contrary)

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2004.text

GDP growth:

(estimated as of 2009, unless stated to the contrary)

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2003.text

Armed forces (active):

International Institute for Strategic Studies (ed.), The Military Balance 2010, London 2010

OSCE Conferences, Meetings, and Events 2009/2010

2009

22-23 September	OSCE Forum for Security Co-operation: Meeting to review the OSCE Document on Small Arms and Light Weapons, Vienna
28 September-9 October	ODIHR: Human Dimension Implementation Meeting, Warsaw
5-6 October	Secretariat/OCEEA: Conference on the security implications of climate change in the OSCE region, Bucharest
9-12 October	Parliamentary Assembly: 2009 Fall Meetings, Athens
12-13 October	Secretariat/OCEEA: First Preparatory Conference for the 18th OSCE Economic and Environmental Forum on “Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region”, Astana
15-16 October	Office of the OSCE Representative on Freedom of the Media/OSCE Centre in Bishkek: Eleventh Central Asia Media Conference, Bishkek
20-22 October	Secretariat/Strategic Police Matters Unit: Online regional workshop on police training, Bishkek
21-22 October	ODIHR: Central Asia regional roundtable – freedom of association in Central Asia, Bishkek
28-29 October	OSCE Chairmanship/ODIHR: Second Annual Meeting of the National Points of Contact on Combating Hate Crimes (NPCs), Vienna
28-29 October	Secretariat/Strategic Police Matters Unit: Workshop on policing in Roma and Sinti communities, Vienna
29-30 October	Secretariat/Strategic Police Matters Unit: 2009 Annual Police Experts Meeting on hate crimes and effective law enforcement co-operation, Vienna
5-6 November	ODIHR: Supplementary Human Dimension Meeting: “Gender Equality, with a Special Focus on Combating Violence against Women”, Vienna
5-6 November	Secretariat/OCEEA: Seminar on promoting good governance and fighting corruption in transport infrastructure development in the South Caucasus, Batumi
23-24 November	Secretariat/Strategic Police Matters Unit: Regional workshop on enhancement of comprehensive co-operation in combating illicit drugs in the South-East European region, Sarajevo

- 1-2 December 17th OSCE Ministerial Council, Athens
- 10-11 December Secretariat/OCEEA: Regional conference on migrant investment, return and economic reintegration for development in the South Eastern Europe and Central Asian region, Vienna
- 14-15 December Secretariat/Section for External Co-operation: 2009 Mediterranean Conference, Cairo

2010

- 1 January Kazakhstan takes over the OSCE Chairmanship from Greece. Kazakh Foreign Minister Kanat Saudabayev becomes Chairman-in-Office
- 27-29 January Secretariat/OCEEA: Second Aarhus Centres Meeting, Istanbul
- 1-2 February Secretariat/OCEEA, 18th OSCE Economic and Environmental Forum – Part 1 on “Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region”, Vienna
- 10 February Forum for Security Co-operation: Special FSC Meeting on Small Arms and Light Weapons, Vienna
- 18-20 February OSCE Parliamentary Assembly: 2010 Winter Meeting, Vienna
- 2-3 March Forum for Security Co-operation: 20th Annual Implementation Assessment Meeting, Vienna
- 11 March Dunja Mijatovic assumes the post of OSCE Representative on Freedom of the Media succeeding Miklós Haraszti.
- 15-16 March ODIHR: Consultation meeting on early education, Warsaw
- 15-16 March Secretariat/OCEEA: Second Preparatory Conference for the 18th OSCE Economic and Environmental Forum on “Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region”, Minsk
- 16-17 March ODIHR: Scholars’ meeting on “Roma and the Media – Countering Prejudices and Promoting Tolerance”, Warsaw
- 18 March-10 May Chairmanship: Tolerance, Transparency, Tradition, Trust: OSCE photo contest 2010

22 March	ODIHR: Expert meeting: “Incitement to Hatred vs. Freedom of Expression: Challenges of combating hate crimes motivated by hate on the Internet”, Warsaw
15-16 April	OCEEA in co-operation with the Finnish Government, the IOM, the ILO, ODIHR, and the Council of Europe: Training Seminar on gender and labour migration, Helsinki
16 April	ODIHR: Roundtable: “Sustainable Solutions for Displaced Roma, Ashkali and Egyptians and Policies to Improve the Reintegration of Repatriated Roma”, Belgrade
18-19 April	Parliamentary Assembly: Bureau Meeting, Copenhagen
6-7 May	ODIHR: Supplementary Human Dimension Meeting: “Promotion of Gender Balance and Participation of Women in Political and Public Life”, Vienna
17-19 May	ODIHR: Human Dimension Seminar on strengthening the independence of the judicial system and public Access to justice, Warsaw
18-19 May	Secretariat/External Co-operation: 2010 OSCE-Korea Conference on “OSCE and Asian Partners for Co-operation’s Vision of a Comprehensive Approach to Security Issues”, Seoul
20-21 May	Secretariat/Strategic Police Matters Unit: 2010 Annual Police Expert Meeting on further enhancing OSCE police-related activities, Vienna
24-26 May	Secretariat/OCEEA: 18th OSCE Economic and Environmental Forum – Part 2 on “Promoting good governance at border crossings, improving the security of land transportation and facilitating international transport by road and rail in the OSCE region”, Prague
25-26 May	Representative on Freedom of the Media: Twelfth Annual Central Asia Media Conference, Dushanbe
27-28 May	Secretariat/Action against Terrorism Unit/International Civil Aviation Organization (ICAO): Workshop on promoting the ICAO Public Key Directory, Vienna
7-9 June	Secretariat: Open Skies Treaty Second Review Conference, Vienna
10-11 June	Chairmanship: Copenhagen Anniversary Conference – 20 years of the OSCE Copenhagen Document: status and future perspectives, Copenhagen
14-16 June	Chairmanship: Annual Security Review Conference, Vienna
14 June	OSCE/UN/Council of Europe: High-Level Tripartite Meeting on gender and comprehensive security, Vienna

17-18 June	Secretariat/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Tenth Alliance conference on trafficking in human beings for the purpose of domestic servitude, Vienna
29-30 June	Chairmanship: High-level Conference on Tolerance and Non-discrimination, Astana
8-9 July	Strategic Police Matters Unit/Chairmanship: Conference on combating the threat of illicit drugs and strengthening control of precursor chemicals, Vienna
12-13 July	Secretariat/OCEEA: Regional seminar on promoting integrity in customs and border services in Central Asia and the South Caucasus, Almaty
16-17 July	Chairmanship: Informal Ministerial Meeting, Almaty
22-23 July	ODIHR: Supplementary Human Dimension Meeting: "Education of Persons Belonging to National Minorities: Integration and Equal Opportunities", Vienna

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- ODIHR*, Report of OSCE-ODIHR Expert Meeting “Role of the Internet Industry in Addressing Hate on the Internet”, Amsterdam 2010.
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Abbreviations

ABL	Administrative Boundary Line
ABM Treaty	Anti-Ballistic Missile Treaty
ACMF	Advisory Committee on Management and Finance
AIAM	Annual Implementation Assessment Meeting
AMG	Advisory and Monitoring Group
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASRC	Annual Security Review Conference
ATU	Action against Terrorism Unit
AU	African Union
BMO	Border Monitoring Operation
BOMCA	Border Management Programme for Central Asia
BSEC	Black Sea Economic Cooperation
BSMC	Border Security and Management Concept
CACO	Central Asian Cooperation Organization
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CCES	Co-ordinating Committee for Emergency Situations
CCS	Council on Collective Security
CDE	Conference on Confidence- and Security-Building Measures and Disarmament in Europe (Stockholm)
CEC	Central Election Commission
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CENTCOM	Central Command
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CIG	Centre for International Governance
CiO	Chairman-in-Office/Chairperson-in-Office
CIS	Commonwealth of Independent States
CIVPOL	Civilian Police
CMD	Council of Ministers of Defence
CMFA	Council of Ministers of Foreign Affairs
CoE	Council of Europe
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre

CPC/OS	Conflict Prevention Centre/Operations Service
CPC-OS/PAT	Conflict Prevention Centre – Operations Service/Planning and Analysis Team
CRRF	Collective Rapid Reaction Forces
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSO	Committee of Senior Officials
CSSC	Committee of Secretaries of the Security Councils
CST	Collective Security Treaty
CSTO	Collective Security Treaty Organization
CTC	Counter-Terrorism Committee
DDR	Disarmament, Demobilization, Reintegration
EAG	Eurasian Group on Combating Money Laundering and Financing of Terrorism
EAM	Election Assessment Mission
EASI	Euro-Atlantic Security Initiative
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EC	European Community
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECS	Energy Charter Secretariat
EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
ENP	European Neighbourhood Policy
EOM	Election Observation Mission
ESDP	European Security and Defence Policy
EST	European Security Treaty
EU	European Union
EUBAM	EU Border Assistance Mission to Moldova and Ukraine
EUMM	European Union Monitoring Mission
EurAsEC	Eurasian Economic Community
EUSR	European Union Special Representative
FBA	Folke Bernadotte Academy
FCNM	Framework Convention for the Protection of National Minorities
FDPs	Formerly Deported Persons
FSC	Forum for Security Co-operation
FUB	Free University of Berlin
G8	Group of Eight
G20	Group of Twenty
GDP	Gross domestic product
GNI	Gross national income

GSG	Global Strategy Group
GUAM	Georgia, Ukraine, Azerbaijan, Moldova
GYLA	Georgian Young Lawyers Association
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HT	Hizb ut-Tahrir
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IEA	International Energy Agency
IFI	International Financial Institutions
ILO	International Labour Organization
IMEMO	Institute of World Economy and International Relations
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPU	Inter-Parliamentary Union
IRPT	Islamic Renaissance Party of Tajikistan
ISFED	International Society for Fair Elections and Democracy
JCC	Joint Control Commission
JCIC	EU Joint Cooperation Initiative in Crimea
JPKF	Joint Peacekeeping Forces
KazISS	Kazakhstan Institute for Strategic Studies
KGB	Komitet Gosudarstvennoy Bezopasnosti/Committee for State Security
LEOM	Limited Election Observation Mission
LNG	Liquefied natural gas
LROM	Limited Referendum Observation Mission
MFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MPC	Mediterranean Partner for Co-operation
MSU	Mediation Support Unit
MVD	Ministerstvo vnutrennykh del/Interior Ministry
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Area
NAM	Needs Assessment Mission
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute
NGOs	Non-Governmental Organizations
NMCT	National Movement of the Crimean Tatars
NPCs	National Points of Contact on Combating Hate Crimes

NRC	NATO-Russia Council
NSS	National Security Service
OAS	Organization of American States
OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
ODA	Official Development Assistance
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OECD-DAC	OECD Development Assistance Committee
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of the High Representative
OIC	Organisation of the Islamic Conference
OMIK	OSCE Mission in Kosovo
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
OPEC	Organization of Petroleum Exporting Countries
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PC	Permanent Council
PCA	Partnership and Cooperation Agreement
PfP	Partnership for Peace
PKF	Peacekeeping Forces
PPMSU	Policy Planning and Mediation Support Unit (UNDP)
PR	Proportional Representation
RFOM	Representative on Freedom of the Media
SAA	Stabilization and Association Agreement
SADUM	Spiritual Administration of the Muslims of Central Asia and Kazakhstan
SALW	Small Arms and Light Weapons
SCO	Shanghai Cooperation Organisation
SDPK	Social Democratic Party of Kyrgyzstan
SECI	Southeast European Cooperative Initiative
SEEC	South-East European Cooperation Process
SPMU	Strategic Police Matters Unit
SRSG	Special Representative of the UN Secretary-General
SSR	Soviet Socialist Republic
START	Strategic Arms Reduction Treaty
TACIS	Technical Assistance for the CIS
TANDIS	Tolerance and Non-Discrimination Information System
UN/UNO	United Nations/United Nations Organization
UNCHR	United Nations Commission on Human Rights

UNDP	United Nations Development Programme
UNDPA	United Nations Department of Political Affairs
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR/ UNOHCHR	United Nations High Commissioner for Human Rights/ Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women,
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMOT	United Nations Mission of Observers in Tajikistan
UNODC	United Nations Office on Drugs and Crime
UNOMIG	United Nations Observer Mission in Georgia
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UOC-MP	Ukrainian Orthodox Church of the Moscow Patriarchate
UOC-KP	Ukrainian Orthodox Church of the Kyiv Patriarchate
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
VD	Vienna Document
WCO	World Customs Organization
WDI	World Bank Development Indicators
WEU	Western European Union
WHO	World Health Organization
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

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