

CSIS-IND TASK FORCE

Supporting Kazakhstan's OSCE Chairmanship Agenda

ABOUT THE PROJECT

The Center for Strategic and International Studies (CSIS) and the Institute for New Democracies (IND) launched in 2009 the initiative U.S.-Kazakhstan OSCE Task Force to assist Kazakhstan in shaping its OSCE chairmanship agenda and to help strengthen U.S.-Kazakh relations. The initiative is supported through a grant from the government of Kazakhstan. The CSIS-IND Task Force aims to bring together policymakers, regional specialists, representatives of non-governmental organizations, representatives of former OSCE chairing countries, and business leaders to offer implementable recommendations for shaping a compelling and focused agenda for Kazakhstan's OSCE chairmanship. The CSIS-IND Task Force consists of two working groups based in Washington, D.C. and Astana. The final Policy Paper produced by the Task Force will be released in Washington on December 3, 2009.

This Policy Brief is issued by the project's Washington Task Force. The paper does not represent the views of the government of Kazakhstan or any single member of the Task Force.

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After the Astana Summit: More Questions than Answers

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The OSCE Astana Summit on December 1-2, 2010 concluded with an important Commemorative Declaration outlining the road ahead for the organization, but failed to adopt a tangible Action Plan. While all member states reconfirmed their commitment to the Helsinki Final Act adopted 35 years ago, they missed the opportunity to put these principals into practice and agree on settling the unresolved conflicts in the OSCE region. Moreover, the summit and the preceding review conferences highlighted the irreconcilable differences between member states, particularly Russia and many Western powers. Although the summit ended in acrimony, paradoxically the gathering of 56 heads-of-states-and-governments in Astana was necessary to underscore the real problems within the OSCE: the lack of a common interest among the member states in preserving and enhancing comprehensive security in the OSCE area and advancing the role of the Organization. The differences that Russia labeled "ideological" during the Astana Summit stretch from hard security and military transparency to promoting human rights and democracy and the OSCE field missions operations.



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The Kazakh government approached its 2010 OSCE chairmanship with significant energy and high hopes that the country could contribute to invigorating the organization that many experts considered to be precipitously weakening. The tense situation in Central Asia stemming largely from the war in Afghanistan and several simmering regional conflicts, made Kazakhstan's OSCE chairmanship important for the Organization. Despite its own vulnerability to criticism for insufficient domestic progress in human rights and democratic development, Kazakhstan was in a position to advance the Organization's mandate provided that member states were equally committed to peace, stability, and security in the OSCE region. However, the clashes of state interests over the twenty-year old protracted conflicts in Nagorno-Karabakh and Transnistria and the more recent war between Russia and Georgia in August 2008, have challenged and damaged the core of the OSCE's collective security principles.

The OSCE today is faced by the necessity to take decisive steps to fulfill its mission in providing collective security "from Vancouver to Vladivostok" or it risks becoming a largely irrelevant and obsolete international organization. In the coming year, OSCE would need to agree on a meaningful Action Plan and start to implement its provisions. Further delays by individual member states could threaten the OSCE's core rationale and provoke greater security and humanitarian problems throughout the OSCE region.

Background

The Astana Summit took place 11 years after the last OSCE summit in Istanbul in 1999, which adopted a new Charter for European Security. Although the Charter has a politically rather than a legally binding character, it is recognized as a landmark document outlining the risks and challenges to security and committing its members to the development of a "common security space" within the OSCE area. The

adoption of the Charter in Istanbul reflected a number of new policy initiatives. These included: the adoption of the Platform for Cooperative Security, the development of the OSCE's role in peacekeeping operations, the creation of Rapid Expert Assistant and

the Cooperation Teams (REACT), to enable the OSCE to respond quickly to demands for civilian assistance and for large civilian field operations, and the establishment of an Operations Centre, in order to plan and deploy OSCE field operations.

On the sidelines of the 1999 Summit, 30 states signed the Adapted Conventional Security Treaty (Adapted CFE). The original CFE Treaty, which entered into force in 1992, is a legally binding international treaty. In Istanbul, Russia committed itself to withdrawing from the Transnistrian region of Moldova, reducing its equipment levels in Georgia, as well as withdrawing from two bases (including one in Abkhazia), achieving an agreement on the future disposition of the remaining Russian military bases in Georgia, and reducing its forces in the flanks to the agreed levels of the Adapted CFE. These agreements became known as the "Istanbul Commitments" and were included in the 1999 Istanbul Summit Declaration. However, all NATO members refused to ratify the adapted treaty as long as Russia failed to withdraw troops from Georgia and Moldova. As a result key aspects of the Istanbul accords have never been implemented and Russia has in effect rejected them.

In December 2007, Russia suspended its observance of CFE Treaty obligations, an unprecedented step with no basis in international law. The problem was exacerbated following the Russo-Georgian war in August 2008 when Russia used its southern flank troops to occupy Abkhazia and South Ossetia and has since consolidated its troop presence in these Georgian provinces. The invasion of Georgia was considered by the West as a major violation of the

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core principles of the OSCE. These unresolved problems, along with serious differences between Russia and the West in implementing human dimension commitments, were the main contentious issues among OSCE member states during the Astana Summit.



The Astana Summit

The Astana Summit was expected to make decisions on ending the stalemate within the OSCE, advancing security in the South Caucasus and Moldova, developing the crisis response capacities of the Organization to tackle conflicts such as the unrest in Kyrgyzstan during 2010, and undertaking decisions on OSCE involvement in Afghanistan. Most of these agreements were blocked by the Russian government. Negotiations over the two major Summit documents – the Declaration and the Action Plan - were difficult and continued hours after the formal end of the Summit.

Although agreement was finally reached on the Commemorative Declaration, the document did not contain concrete measures to address the most divisive problems. Instead, it underlined the areas where the OSCE must reach agreements in order to be effective in protecting security and advancing human rights in the OSCE region. The declaration

reconfirmed the commitment of OSCE members to the territorial integrity and security of each OSCE member state. It also asserted that no member could consider any part of the OSCE area as its sphere of influence. These were the two most important commitments signed at the Summit by all OSCE members, including Russia, and can serve as the basis for finding solutions to existing conflicts within the OSCE region.

In addition, serious differences in the human dimension became evident during the Summit. While several Western democracies emphasized the deficiencies in the implementation of human dimension commitments by some member states, Russia considered that the OSCE has become unbalanced because of its intensive involvement in promoting human rights.

Summit Proposals

Kazakhstan's proposals for the OSCE Summit were outlined by Konstantin Zhigalov, Deputy Foreign Minister of Kazakhstan, at the opening of the OSCE review conference in Warsaw on 30 September:

1. Renewed commitment by all participating states to the founding principles of the Helsinki Final Act, the Charter of Paris for a New Europe and the Charter for European Security. Re-engaging with this body of principles in a new context may require willingness to consider updating them in specific areas.
2. The participating states should seek to work with greater focus to resolve outstanding security problems that divide the OSCE area. This would entail strengthening the arms control and CSBM regime by securing progress on the CFE Treaty and by updating the Vienna Document 1999. In addition, the participating states should work together to set protracted conflicts in the OSCE area on the path towards peaceful settlement.

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3. The participating States should seek to step up collective efforts to counter transnational threats – from illicit drug trafficking, organized crime, cybercrime and trafficking in human beings to international terrorism, including those threats emanating from outside the OSCE area, notably Afghanistan.
4. Building on discussions in the Corfu Process, where OSCE has made tangible progress, the OSCE participating states should work to strengthen the efficiency and effectiveness of the OSCE in providing for comprehensive and indivisible security. This would involve strengthening the legal framework of the Organization and its capacities in conflict prevention, crisis management and post-conflict rehabilitation, and deepening OSCE interaction with Partners for Co-operation as well as other international organizations
4. Addressing the persistent lack of implementation of commitments in the human dimension and reaffirming Helsinki Final Act principles on fundamental freedoms of expression, association, and assembly.
5. Exploring ways to address in all three dimensions transnational threats stemming from Central Asia, including strengthening the border management framework between the Central Asian countries and Afghanistan as well as assisting in economic development by facilitating commercial and financial activities in the region.

In addition, the U.S. made proposals to support transparency and anticorruption measures in the economic and environmental dimension, including endorsement of the Extractive Industries Transparency Initiative and establishing an ad-hoc group to address emerging energy security issues, and expanding OSCE engagement with Afghanistan across all three dimensions.

The proposals made by the United States and the European Union generally coincided with the agenda outlined by the Kazakh Chairmanship. For 27 EU countries and the United States, which comprise half of the membership of the OSCE, the most important issues in more or less the same order were:

1. Enhancing OSCE crisis response capacities in order to address emerging crises in all three dimensions in a more affective and timely way. The EU stressed that the OSCE should move from early warning to early action, with an improved decision-making process.
2. Giving new impetus to the peaceful settlement of the protracted conflicts, including the restoration of a meaningful status-neutral OSCE presence in Georgia.
3. Substantially enhancing and updating the Vienna Document to improve military transparency. As an important pillar for joint security, the EU and US support strengthening and modernizing the conventional arms control regime in Europe to ensure greater transparency and predictability.



Summit Disagreements

Russia's positions expressed at the summit or at the preceding review conferences were often contrary to those of the U.S. and EU. The only issue where interests coincided was in combating trans-national threats, particularly narcotics trafficking. The Russian

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Federation asserted that it is willing to cooperate with OSCE partners regarding issues of energy security, combating corruption, money laundering and financial terrorism. While Moscow stressed that such work must be done on the basis of uniform standards and in cooperation with international organizations, Russia also devoted special attention to the issue of safeguarding the maritime environment and stopping illegal transportation by sea.

The most serious disagreements occurred over the unresolved territorial conflicts, the proposed crisis management mechanism, the importance of the human dimension, and the operations of the OSCE field missions. The Astana Summit also missed the opportunity to develop a plan for substantive OSCE involvement with Afghanistan – an issue of special concern for Central Asia that was specifically advanced by the Kazakh chair in 2010.

Protracted Conflicts: EU representatives outlined their first priority as dealing with regional conflicts, both emerging and existing. The EU has made specific proposals for an early resumption of formal negotiations over the Transnistrian settlement process. It has re-emphasized the principles of a peaceful settlement proposed by the Minsk Group as the best option to reach an agreement on Nagorno-Karabakh. In recent months, the EU has also called for restoring a meaningful OSCE presence in Georgia to deal with both the security situation and humanitarian and human rights issues, and with full respect for the territorial integrity and sovereignty of Georgia.

Almost all EU and U.S. speakers at the Astana Summit emphasized the resolution of the Georgian conflict and reestablishing an OSCE mission in Tbilisi. These positions were consolidated by the highly publicized speech of the Georgian President Mikheil Saakashvili in the European Parliament on November 23, where he unveiled peace initiatives aimed at reducing tensions between his country and

Russia. They include a commitment to the non-use of force against Russian occupying forces in Abkhazia and South Ossetia and a readiness to engage in high-level talks with Moscow without preconditions. In contrast, the Russian President mentioned Georgia only to blame its leadership for the conflict over South Ossetia in August 2008.

Negotiations on the Action Plan at the Astana Summit underlined a deep division between Russia and the West on how to resolve conflicts in the OSCE area. The debilitating dispute that arose over Georgia was perhaps inevitable given the entrenched positions and domestic political imperatives of all parties. The United States and its allies insisted on upholding Georgia's internationally recognized borders, which includes the breakaway regions of Abkhazia and South Ossetia. Western governments wanted to include a reference to "the conflicts in Georgia" in the summit documents, whereas the Russian government adamantly sought to justify its unilateral detachment and recognition of Abkhazia and South Ossetia as independent states allegedly having no legal ties with the Georgian government in Tbilisi. Russia's Foreign Minister Lavrov insisted that, "There can be no question about Georgia's territorial integrity within its old borders." According to some sources, Russian opposition to the original wording was so strong that the entire draft text had to be discarded and a new one rapidly written.

Russia also blocked proposals to revive the OSCE presence in Abkhazia and South Ossetia as a part of a unified OSCE mission in Georgia, which had ceased operating in 2009. Restoring an international presence in South Ossetia is essential for enabling Georgian refugees from the region to feel sufficiently confident to return. In her opening speech, U.S. Secretary of State Hilary Clinton criticized Russia's veto of the OSCE missions in Georgia: "It is regrettable that a participating state has proposed to host a mission and the OSCE has not been allowed to respond," she observed. "We here at this table must

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let this organization do its job, and restore a meaningful OSCE presence to Georgia. We also call on all parties to fully respect and implement the August and September 2008 ceasefire arrangements."

Presidents Serzh Sargsyan of Armenia and Ilham Aliyev of Azerbaijan exchanged mutual accusations over the failed negotiations over Nagorno-Karabakh. Sargsyan threatened to formally recognize Karabakh as an independent state if Baku acts on its threats to try to reconquer the disputed territory and the Azerbaijani districts surrounding it. Although the two presidents signed in Astana a joint statement to continue the peace negotiations in the presence of Russian President Dmitry Medvedev, French Prime Minister Francois Fillon, and U.S. Secretary of State, Hillary Clinton, the bitter dispute during the two days of the Summit torpedoed the chance of agreement on a comprehensive Action Plan.



Human Dimension: The EU and U.S. underscored their concerns over the serious and widespread problems of non-compliance with the norms established in the OSCE's human dimension. In their opinion, the protection of human rights needs to be strengthened, including through a more effective and systematic peer review. The OSCE needs quicker and more effective adaptation to rapid change, particularly in the media field.

In contrast to calls by Western democracies to address deficiencies in the implementation of human dimension commitments by a number of states, the Russian delegation stressed the need to overcome the "functional imbalance" stemming from the OSCE's emphasis on the human dimension. This statement illustrated the wide gap between Russia and the Western members on questions of respect for human rights and developing democratic mechanisms. Indeed, President Medvedev sought to shift the attention of the Summit from the lack of sufficient democratic reforms in the CIS countries to the EU's visa requirements for travel by Russian citizens.

Crisis Management Mechanism: Russia objected to changing the decision-making mechanism of the OSCE in order to more effectively address crisis situations. Its representatives emphasized unconditional consensus as the foundation for all OSCE activities involving crisis management and resolution. Russia refused the proposal to authorize the Chairman-in-Office to dispatch fact-finding missions to crisis areas, thus retaining its veto power on all OSCE decisions. Accordingly, the Russian delegation stated that they "see no sense in creating new, and moreover intrusive, early-warning and conflict-prevention mechanisms." They argued that any change to existing methods would "effectively give the OSCE expanded powers and undermine the principle of consensus-based decision-making."

In addition, Russian representatives reiterated that any OSCE field presence must be in strict response to requests from the authorities in the host country. They also stated that any joint initiatives the OSCE undertakes with other organizations must be carried out exclusively at the request of the host countries. This would apply to all NGOs operating within the OSCE's area of responsibility.

Field Missions: Perhaps the largest issue of concern for the Russian delegation was that of the OSCE field offices and their mandates. Moscow's ambivalent

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position stems from what they perceive to be the “questionable quality of the coordination between these missions and the authorities in the host country.” Among their key questions was the status of an OSCE field mission when the host country joins NATO. Essentially, the Russian argument is that winding down such missions out of a notion of political expediency demonstrates the need for the OSCE to better define the criteria for assessing the effectiveness of missions and the importance of devising an exit strategy. Further points of contention included the appointment process for Heads of Missions and amendments to the OSCE Staff Regulations and Staff Rules.

The Russian delegation also pointed to the recent crisis in Kyrgyzstan as an example of the need to “refine the preventive diplomacy skills of the field missions,” arguing that the OSCE Center in Bishkek failed not only to predict the violence in April and June 2010, but also proved inadequate in its assessment of domestic politics. However, no explicit mention was made of Georgia in any of the prepared statements that dealt with OSCE field activities. The Russian delegation also indicated that while Moscow has “nothing against the aspirations of the Balkan states to integrate with Europe,” the use of OSCE resources for this purpose evidently exceeds the Organization’s mandate.

Conclusions

The Astana Commemorative Declaration Towards a Security Community outlined a path for the OSCE to overcome its internal stalemate and advance its role throughout the OSCE area. It commissioned the Organization to complete agreements on the Action Plan and start its implementation in 2011. Finding solutions to the protracted conflicts, updating the Vienna Document, reviving the CFE Treaty, and addressing emerging transnational threats to strengthen European security will be important OSCE tasks during the coming year. Lithuania, as the OSCE

Chair for 2011, together with Kazakhstan and Ireland as members of the OSCE Troika, will need to complete and implement the Action Plan. Otherwise, confidence in the OSCE as an organization for ensuring collective security and cooperation will further erode.

ABOUT CSIS AND IND

The U.S.-Kazakhstan OSCE Task Force Policy Brief is produced by the New European Democracies Project at the Center for Strategic and International Studies (CSIS) and the Institute for New Democracies (IND). CSIS is a private, tax-exempt institution focusing on international public policy issues. Its research is nonpartisan and nonproprietary. IND is a nonpartisan and nonprofit organization dedicated to promoting good governance, human rights, and the rule of law in countries undergoing political transformation. CSIS and IND do not take specific policy positions.

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