

Kazakhstan as the OSCE Chairman-in-Office 2010: success or failure for the organization?

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Introduction

Kazakhstan, one of the most influential states in Central Asia¹, has held the annually rotating chairmanship of the Organization for Security and Cooperation in Europe (OSCE) during 2010. Entrusting the role of Chairman-in Office (CiO) to Kazakhstan was a precedent for the OSCE in several ways.

The decision to grant Kazakhstan this position was, however, far from uncontested among the fifty-six participating States (pS) of the world's largest regional security organization that covers North America, Europe, and Central Asia. The organization's security approach basically comes down to human rights, fundamental freedoms, well-conducted economic and environmental governance being as important as politico-military issues for a sustainable security and peace. The reason for the controversy within the OSCE was that Kazakhstan was considered not to live up to OSCE standards in the fields of human rights and fundamental freedoms, while it should be the very CiO that should actively defend and preferably further these standards.

Kazakhstan ensuring the CiO position

After attempting in vain to gain international support for being assigned the CiO position at an earlier stage, Kazakh diplomacy stepped up its efforts to achieve this goal from 2007 onwards. By then, ensuring this position had become an issue of prestige and national pride for Kazakhstan, since it would be the first time for a former Soviet Union state, a Commonwealth of Independent States (CIS) state, and an Asian state to occupy this position. Moreover, it would also shore up another even more important Kazakh foreign policy goal, i.e. to be seen as different and separate from other Central Asian countries, and as a modern and successful state.

The OSCE pS participating in the Russian-led Collective Security Treaty Organization (CSTO), i.e. the RF, Armenia, Belarus, Kyrgyzstan, Tajikistan, Uzbekistan, and Kazakhstan itself, supported the latter in becoming the OSCE CiO. Analysts point out that they did so as a means to increase the power of the OSCE Russian-led 'Eastern' bloc and to counterbalance the 'Western' influence in the organization. Therefore, these states applied pressure for an unconditional 2009 Kazakh chairmanship. While lobbying for the CiO position, Kazakhstan considered itself to represent the CIS, referring to itself as a 'collective candidate'.

The Kazakh 2009 bid was nevertheless eventually lost, due to some OSCE pS — e.g. the United States of America (USA) and the United Kingdom — feeling that the country did not meet the preconditions for becoming the CiO. After providing Kazakhstan with an additional year to bring its practices and legislation closer to OSCE values, it was finally granted the CiO position for 2010 at the OSCE Ministerial Council in Madrid during December 2007. Once the OSCE has entrusted a state with the CiO position for one of the coming years, the decision is fixed and cannot be subsequently reversed.

However, the chairmanship that was granted to Kazakhstan, partly formal and partly informal, turned out to be a conditional one. Kazakhstan had to meet two preconditions. The first one was not to lend support to Russian initiatives diminishing the role of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the organization's 'watchdog' concerning democracy and human rights. The second was to bring certain laws and practices into line with OSCE human rights and fundamental freedom standards before the end of 2008.

¹ Although there is no generally accepted definition of the term Central Asia, in this article the term refers to the territory of the former Soviet Union, i.e. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

Hence, together with the OSCE, Kazakhstan would prepare itself for its CiO position during 2008 by taking specific steps, in this article referred to as the 'Madrid pledges'. In this way, when Kazakhstan would enter the OSCE Troika² in 2009, it would have implemented political reforms. The steps Kazakhstan pledged to take included amending the Law on the Media, withdrawing draft laws increasing liabilities for defamation in the media, and considering reduced criminal liability for defamation. It would also support the development of self regulation mechanisms in the media field, and liberalize media registration procedures. It would equally reform the Law on Elections, implementing ODIHR's recommendations on the functioning of political parties and on the media coverage of elections, and liberalize registration requirements for political parties. Furthermore, it would proceed with enlarging the prerogatives of local representative bodies within the government system, and it would come up with an improved and more effective model for public dialogue between civil society and the government.

The reasons why Kazakhstan was finally and unanimously appointed as CiO in 2010 were manifold, and included strategic, coercive, rewarding, and evading aspects as well as furthering the national primary interest. Strategically, Kazakhstan had a huge potential to act as a mediator between the Russian-led OSCE 'Eastern' bloc and the other OSCE states, in short the 'West'. If Kazakhstan as such would mediate successfully, this could ideally lead to a lessening of the rifts and a revival of the organization which, since at least 2002, had been suffering from an identity crisis. Furthermore, Kazakhstan as the CiO would inherently concentrate on Central Asia, where the interests of the 'East' and the 'West' coincide to a considerable degree, inter alia Afghanistan, Kyrgyzstan, border issues, and the trafficking in drugs, weapons and people. Substantial progress on Central Asian issues then could lead to enhanced trust between the 'East' and the 'West' and even spill over into other areas of concern for the OSCE. Also, concerning Afghanistan, Kazakhstan would chair several other international organizations during 2010, among them the Shanghai Cooperation Organization (SCO), which is a security organization. As chairman of these organizations, Kazakhstan would be able to efficiently coordinate between them, and specifically between the OSCE, SCO, CSTO, and the North Atlantic Treaty Organization. This would shore up efforts to enhance Central Asian issues in an OSCE context, contributing to the main attempt to revive the organization. Finally, concerning the OSCE human dimension, granting Kazakhstan the CiO position could motivate the country to keep on the democratic path. If Kazakhstan would then, being influential in Central Asia, improve its democratization and human rights record, this might stimulate other Central Asian countries eventually to do the same.

Coercively, unlike during earlier attempts to become the OSCE CiO, Kazakhstan publicly pledged political reforms in the field of democracy and human rights. Now that these reforms were publicly pledged, political pressure on Kazakhstan to adhere to its promises strongly increased. Subsequently, once appointed the OSCE CiO, more intense scrutiny of the Kazakh human rights and democratization records would automatically follow, further upholding the political pressure on Kazakhstan to fulfil its publicly pledged promises.

Rewardingly, Kazakhstan was appointed as the OSCE CiO as a token of recognition for its international and regional position as a state which has succeeded, within less than twenty years of independence, in modernising in accordance with Western models and attaining an economic development level enabling it to pursue a more or less independent, ambitious foreign policy. Furthermore, another rationale for entrusting Kazakhstan with the CiO position included the positive role that Kazakhstan plays internationally in the

2 The Troika consists of the incumbent, the immediately preceding, and the immediate future country chairing the OSCE.

banning of nuclear arsenal, and the experience it has with environmental issues, respectively dealt with in the OSCE context in the first politico-military basket and the second economic-environmental basket.

Evadingly, Kazakhstan had hinted that a refusal to award it the OSCE CiO position might induce Kazakhstan to stop the ongoing co-operation with the 'West' and to shift policies towards Russia and China instead. Finally, in furthering primary national interests the importance of oil and/or gas deals between Kazakhstan, on the one hand, and the European Union (EU), respectively individual EU pS, on the other, cannot be ignored. The EU, which signed a Memorandum of Understanding with Kazakhstan in 2006 for future intense cooperation, Kazakhstan being the number one Central Asian EU trading partner, also supported the Kazakh OSCE CiO bid in the hope for Kazakh support for the relatively new EU Central Asia strategy. Individual EU pS supported the Kazakh 2009 CiO bid in exchange for Kazakh pledges to guarantee stability in natural resources contracts.

Kazakhstan and the 2007 Madrid pledges

Between December 2007 and December 2009, while grooming itself for the 2010 CiO position, Kazakhstan touched upon some of the pledges made in Madrid in 2007. Pundits noticed, however, that no real substantial reforms were implemented or initiated, while these low-key reforms were actually made before or after influential OSCE meetings.

In preparation for the amendment of the Law on the Media and honouring the pledge to liberalize media registration procedures, a working group including representatives of civil society came up with a draft law in February 2008. It proposed liberalizing media registration procedures by replacing the current system (requiring new media to obtain permission from the state in order to start operating) by one in which informing the appropriate ministry would be sufficient. However, this was twice declined. Subsequently, the ministry set to work on drafting a new law, hence establishing a new working group, this time composed of ten government and four NGO representatives. During November 2008, the government sent these draft amendments to Parliament, but they contained relatively minor changes, did not address the core problems, and did not initiate any real change.

In the meantime, state media control was consolidated by the state-run company Samgau buying half the Khabar stock, the country's largest media conglomerate, on the 21st of March 2008. Hence, it became a 100% government controlled media network, one which actually includes radio and TV stations and is the owner of the only channel to be seen in all sixteen Kazakh provinces. While the media draft law was finally enacted during February 2009, during July another package of amendments to the media and internet laws was enacted, regarding all forms of internet content — Websites worldwide, chat rooms and blogs included — as potential 'internet resources', hence falling under the existing restrictive laws on expression. These amendments furthermore expanded the grounds for banning certain media reports on strikes, public assemblies, as well as elections, using broad language potentially giving rise to arbitrary interpretation.

A working group was equally set up to reform the Election Law at the start of 2008. From the outset, however, it was forbidden to reverse the May 2007 constitutional amendments and to amend other laws regarding elections. It could only amend up to fifty per cent of the existing laws, and it was denied the right to draft new laws. The OSCE as well as ODIHR were prevented from participating in this working group, and no serious steps were taken to have the OSCE recommendations incorporated. On the 11th of November 2008, Parliament received a draft amendment to the Law on Election Reform from the government, but it seems to

contain relatively minor changes; it does not address core issues, and does not provide any real change.

Relating to the Madrid pledge to proceed with enlarging the prerogatives of local representative bodies within the governmental system, no progress has been made concerning the draft law regarding the selection of regional and local government leaders (akims), submitted by the government during 2006. Currently, akims are appointed by the President, who also has the authority to dismiss them. The draft law is awaiting adoption by Parliament and it still provides for the appointment rather than the election of akims.

Notwithstanding the pledge to come up with an improved and more effective model for public dialogue between civil society and the government, the work of local civil society groups pressing for reforms became more difficult, even though several human rights-related working groups were established, among them one that should draft a National Plan on Human Rights for 2008-2011.

Also during 2010, being the CiO, Kazakhstan defaulted on the Madrid pledges, and when it did address them, no fundamental change occurred. In several respects, the situation even worsened. Restrictive new amendments to media and internet laws were maintained, and websites and weblogs were blocked. Journalists suffered from excessively harsh penalties for civil defamation, were accused of criminal libel, and were physically assaulted by unknown persons. Proposals decriminalizing defamation did not make progress in Parliament, and restrictive rules on freedom of assembly remained in force. A major opposition party had its registration refused, and a long-time opposition political activist, Evgeniy Zhovtis, was convicted in a seemingly politically motivated trial; appeals to open a new independent investigation into the case of this leading human rights activist, sentenced to four years imprisonment, were turned down.

Kazakhstan as the OSCE CiO

Kazakhstan, as the OSCE CiO, put the limelight on Central Asia and more generally had a very active attitude. It tried to set up a role for the OSCE in Afghanistan — after all a ‘partner for co-operation’ of the OSCE — in the fields of soft security issues and civil affairs. Concretely, it tried to promote the idea of training Afghan anti-drugs police officers, border guards, and customs officers, using OSCE pS instructors, mainly financed by the EU. Furthermore, it proposed to involve ODIHR in the reform of the Afghan electoral system by means of legal recommendations and providing training to Afghan election experts. To further these activities, the appointment of an OSCE Special Representative for Afghanistan was foreseen, as well as an OSCE presence in Afghanistan itself. Finally, it offered nation-building assistance to Afghanistan.³

The RF, however, as well as some EU pS, was not in favour of any OSCE role in Afghanistan. Already on the 1st of July 2010, the Russian representative stated at the OSCE Permanent Council that ‘Referring to border, customs, and anti-drug projects to assist Afghanistan...we cannot support the ideas of the OSCE operating on Afghanistan’s territory, nor can we support attempts to extend human rights and democracy obligations to this country. Nor do we see any grounds for creating the post of OSCE chairmanship’s special representative for Afghanistan’.

With regard to Kyrgyzstan, Kazakhstan established conditions allowing the OSCE dialogue there during April 2010 to be effective, preventing bloodshed by convincing its then President Bakiev to leave the country, facilitating this by guaranteeing his unharmed departure and offering him a safe haven in Kazakhstan before

3 V. Socor, ‘Kazakhstan Building a Legacy in its Chairmanship of the OSCE’, Eurasia Daily Monitor Volume: 7 Issue: 146, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=36678.

going on to Belarus. Furthermore, it promoted sending an OSCE multinational police mission to the south after the June events, which was approved by the OSCE's Permanent Council in Vienna on the 22nd of July 2010. Since then, however, the initiative to send an OSCE police mission to Kyrgyzstan has stalled. Equally, it led an effort to provide humanitarian aid during the June events.

However, critics see the actions of Kazakhstan as the OSCE CiO pleading against international intervention during the Kyrgyz June events, and closing off its border with Kyrgyzstan for persons as well as economically directly after the April events, as harmful for Kyrgyzstan. They consider these Kazakh actions to be inspired by national and regional interests, and not as being in line with the OSCE approach in these events.

Ending the Kazakh chairmanship: the Summit

Organizing an OSCE 2010 Summit was one of the main goals of Kazakh foreign policy during 2010. As it would be the first one in more than a decade (the last one was held in Istanbul in 1999), it became a matter of prestige for Kazakhstan. For the OSCE, a Summit could put the organization back on the map after more than a decade, underlining core OSCE values, and furthering the Corfu process, i.e. the discussion in an OSCE context about the European security infrastructure.

The idea of a Summit was originally not endorsed by most OSCE pS. However, in April 2010 both the USA and Kazakhstan started to work on a substantive agenda for a possible summit, while the negative attitude of most EU pS towards the summit changed after their positive perception of the Kazakh role during the Kyrgyz events in April 2010. Although from June onwards this positive perception of Kazakhstan decreased when President Nazarbaev and his family were granted lifelong immunity and in the light of the Evgeniy Zhovtis case, the idea of holding the summit was by then no longer contested. The final decision to hold the summit definitively in Astana can be traced back to the shared American and Kazakh interests in increasing OSCE activities in Central Asia and Afghanistan. The Summit had to be held during 2010 because the RF would not accept a summit hosted by a country which is not perceived to be a close ally.

During the 17th OSCE Ministerial Council in Athens on the 1st and 2nd of December 2009, the idea of a Summit had still been put on hold. This was allegedly because U.S. representatives requested some time to reconsider the issue, since it was not yet clear which questions would concretely be discussed at such an event. On the 17th of July 2010, Kazakhstan did finally receive the green light to hold the Summit. The USA stated that it would only participate in the summit if it would be directed towards a real attempt to find solutions to current international problems. Furthermore, the USA expected from Kazakhstan that it would continue its efforts to promote the OSCE functioning inside the border of Northern Afghanistan, in an effort to assist Afghanistan with strengthening its border. Two projects would then be of specific importance, i.e. establishing a training base for Afghan border guards in Sherkhan-Bandar, as well as their training directly at check-points in the northern part of the country.

So, on the 1st and 2nd of December 2010, the summit took place in the Kazakh capital Astana. Issues on the agenda were, among others, the future shape of the organization, conflict resolution, regional security threats (e.g. Afghanistan, South Caucasus, and Kyrgyzstan), combating discrimination, as well as arms control. Other themes on the agenda were terrorism, extremism, and arms and drugs trafficking. Concerning the issue of trafficking in persons, special attention was given to children.

For those considering the summit to be a litmus test regarding the Kazakh ability to bridge the rift between

the 'East' and the 'West', the summit did not yield any direct results, as the Kazakh chairmanship had not been able to do so during 2010. For insiders, the summit was rather considered as a next, higher level step in furthering the Corfu process. Other issues during the summit included Afghanistan and the need to address the so-called frozen conflicts.

The summit did yield a result regarding the need to address security threats, and a statement reaffirming the most important OSCE principles, like the Human Dimension, territorial integrity, as well as the non-existence of spheres of influence on OSCE territory. Furthermore, in the Astana Commemorative Declaration Towards a Security Community, those steps which the OSCE needs to take to agree on future problems to be tackled have been identified.

However, neither a political declaration identifying these problems to be tackled, nor a concrete Action Plan could be agreed upon. The final statement which was issued had been agreed upon twelve hours after the planned ending of the conference. This was due to Georgia insisting on the inclusion of a reference to its territorial integrity regarding Abkhazia and South Ossetia in this text, and the RF fiercely opposing such a reference. Furthermore, pS remained profoundly divided concerning 'key democratization issues, including human rights standards'.

It was this division, keeping in mind the OSCE consensus decision-making procedure, that reduced the chances for coming up with a more concrete political declaration and an Action Plan. Apart from the Georgian-Russian controversy, consensus could not be reached with regard to the frozen conflicts of Transnistria and Nagorno-Karabakh, respectively pitting Moldova against the RF, and Armenia against Azerbaijan. The former conflict, just as the conflict concerning Abkhazia and South Ossetia, pitted the 'West' against the RF, the former wanting the latter to withdraw its troops, the latter unwilling to do so. Neither were there any concrete results concerning the Corfu process. The OSCE Secretary General finally pleaded that the summit should not be perceived as a total failure, since allegedly the OSCE pS were able to agree upon 90% of the text of the Action Plan, hoping that during the coming year they will be able to agree upon the other 10%.

Conclusion

Entrusting Kazakhstan with the CiO position for 2010 was an important step for the OSCE in trying to bridge the gap between the 'East' and the 'West'. This attempt, if successful, would initiate a process ideally leading to the revival of the organization and putting an end to its current identity crisis.

However, neither the Kazakh chairmanship, nor the summit that should crown it, led to instant solutions for bridging this gap. For both to do so would indeed be a far way to go, after a period of nine years without substantial progress. Certain progress has nevertheless been attained.

Those steps needed to bring the OSCE pS together have been outlined in the final declaration of the summit. Furthermore, the OSCE re-endorsed all commitments from the past, including those referring to the Human Dimension, territorial integrity, and the non-existence of spheres of influence on OSCE territory. As the CiO, Kazakhstan played an important role in facilitating the departure of the then Kyrgyz President Bakiev during April 2010, hence preventing more bloodshed. It put the OSCE in the limelight by attempts to increase its role in a Central Asian security infrastructure, and by holding the 2010 Summit. The drawbacks included the absence of a document outlining the future direction of the organization and a concrete Action Plan.

Realizing that appointing Kazakhstan as the CiO might perhaps serve to revive the organization — though taking into consideration the entrenched opposing Russian and American views concerning a future security infrastructure and the OSCE's future — the OSCE nevertheless decided to give it a go. The decision to do so must have had its roots in the prevalence of hard security issues, not only in Russian, but also in American and European foreign policies.

The USA, the last OSCE pS blocking the Kazakh CiO bid due to its human rights record, finally gave priority to its Afghanistan policy, among other things in view of an eventual withdrawal in the near future. The EU Central Asia policy, described by critics as an incoherent list of EU members' wishes without prioritizing, at field level rather crystallized into plain Realpolitik, with hard security issues, energy politics, and trade seemingly as top priorities. This rise in Realpolitik was then influenced by the EU's fear of Kazakhstan approaching the RF and China rather than the EU, and possibly the human rights 'fatigue' of the EU and the USA, mainly due to a lack of results pressing for human rights and democracy in an open and direct way.

It remains to be seen, however, if this Realpolitik as applied by the USA and the EU, eventually combined with pressuring for human rights more covertly, will in the long run further security, peace, and pro-Western energy politics. Allowing human rights and democratic processes to decrease, as shown this year in Kyrgyzstan, can severely endanger a state's internal stability, entailing severe international consequences.⁵ Likewise, accepting an abatement in the importance of the Rule of Law, the stability of contracts, international economic ones included, can hardly be upheld. Kazakhstan toughening its oil and gas investors' policy once more during 2008, after it had become the OSCE CiO, actually endorses this point of view. Therefore, in the long run security, peace and Western energy politics might be better served by securing human rights, democracy and the Rule of Law, as the OSCE does, rather than by USA and EU Realpolitik.

Finally, concerning the USA and EU fear of Kazakhstan approaching the RF and China instead of them if it was not granted the OSCE CiO position, following earlier Kazakh hints in this direction, the USA and the EU should realize that a differentiation of income from natural resources forms the core of the Kazakh freedom of foreign policy. Hence, in order to uphold its freedom of foreign policy, Kazakhstan has to balance carefully between the interests of China, the RF, the EU, and the USA. So, it is not only important for the EU and the USA to have all sorts of ties with Kazakhstan, but it is equally important for Kazakhstan to have all sorts of ties with the EU and the USA, and not exclusively with the RF or China. Therefore, approaching the RF and China exclusively not being an option for Kazakhstan, the USA and the EU, the latter especially as a norm and standard-setting organization worldwide should continue to press for human rights and democracy. However, this might be formulated more frequently as a good governance issue, due to the relative ineffectiveness of direct approaches and human rights fatigue, at the receiving as well as at the outgoing end, and the negative perception of the word democracy in many 'Eastern' countries.


The question whether, at the end of the day, the OSCE has been strengthened or rather weakened by the Kazakh chairmanship, is a tough one to answer. The rift between the 'East' and the 'West' has not been bridged during 2010, and no concrete problems to be tackled or a concrete Action Plan have been agreed upon. Even worse, accepting lower human rights standards for a country chairing the OSCE has been detrimental to the standing of the organization.

On the other hand, then, a major crisis in Kyrgyzstan has been prevented, probably through personal links and the good understanding of Central Asian politics by Kazakhstan. Furthermore, holding a summit has put the

OSCE back on the map, furthering the Corfu process by discussing it on a higher level. In any case, also during 2011, the OSCE will continue to function as before as a forum for its pS, facilitating dialogue, and functioning as a safety valve and as a way to further communication between big powers and smaller states on an equal footing.

During 2011, then, under Lithuanian chairmanship, the organization will have to concentrate on the path of continuing to bridge the gap, as described in the Astana Commemorative Declaration Towards a Security Community. Issues to be worked on will have to include the completion of the Action Plan and commencing with its implementation. Concretely, among other things, this will come down to attempts to solve protracted conflicts and combating transnational threats.





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