

The OSCE and Kyrgyzstan: no easy way

Arie Bloed*

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* Dr. Arie Bloed is Editor-in-Chief of Security and Human Rights.

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Police assistance for Kyrgyzstan

The bloody events in Kyrgyzstan during the course of 2010 are well known: firstly, there was the completely unexpected ousting of the highly corrupt regime of Kurmanbek Bakiev in April this year which could not even be avoided by orders to apparently open fire on demonstrators indiscriminately. This was followed by the bloody events in June in the south of the country where, virtually unexpectedly, the towns of Osh and Jalalabad suddenly became the scene of widespread looting and the killing of particularly members of the large Uzbek minority in the region. Hundreds of people lost their lives in just a couple of days. The violence and bloodshed were unprecedented in this poor and small Central-Asian country.

Although the OSCE is present in Kyrgyzstan with a Centre in Bishkek and an affiliate office in Osh, the organization has not been able to do much more than simply observing the developing events. And although the Kazakh chairmanship tried to step in by having the ousted President Bakiev leave the country for his present 'holiday' abode close to his friend Lukashenko in Belarus, at the same time Kazakhstan closed all its borders in order to avoid the spread of the Kyrgyz virus into the Kazakh steppes, thereby extensively damaging the Kyrgyz economy. The year-long OSCE police assistance programme for Kyrgyzstan which has brought the country millions of euros in foreign aid also turned out to be unable to prevent the disaster. What the OSCE-equipped and trained police riot squads in both Bishkek and Osh were doing during those days in April and June remains something of a mystery as well. In any event, it was abundantly clear that whatever early warning and early action mechanisms the OSCE has, they all completely failed to alert the international community as to the possible forthcoming mayhem in this strategically located country in Central Asia. This also reflects a lack of political will in the Permanent Council to address major problems head-on.

Apart from numerous visits by OSCE personalities to the country (which definitely form an important part of the organization's political dialogue mandate), the organization has not come up with much substantial assistance. After various assessment trips, the idea emerged to dispatch a Police Advisory Group (PAG) of 52 foreign police officers which received the required consensus in July. Its task would be to assist and advise the Kyrgyz police in the south of the country in coping with the turbulent situation there. Although the idea acquired the necessary consensus within the Permanent Council, so far the group has never been dispatched due to growing unease on the Kyrgyz side. Quite a few Kyrgyz state bodies, in particular also the Kyrgyz police, joined by local officials in the south, turned out to be strongly against this foreign element in the southern region of the country. The powerfully organized criminal mafia in the region probably also had some influence concerning local feelings with regard to the OSCE's planned arrival. It was not only state bodies, but also civil society groups which opposed this OSCE action which was aimed at helping the country to cope with the aftermath of the June turmoil. The result was that the PAG has been buried before its official launch, not as a result of unwillingness on the side of the OSCE, but due to a lack of enthusiasm at the receiving end.

In November this idea was replaced by a Community Security Initiative that received PC approval on the 18th of this month. It strongly resembles what the OSCE has been doing over the past few years in providing substantial assistance to the Kyrgyz police force in the area of police reform and community policing. For this purpose a group of 31 foreign policing experts and 27 local support staff will be created which will advise police units in the south of the country in fostering relations with the community, including with different ethnic groups. However, certain activities may also take place in other areas in the country, again demonstrating that this new initiative is related much more to police reform in general than the specific problems in the south. The main focus of the project will be eight police stations in the south and two police

stations in the Chuy region. The budget for this one-year project is a little over 3 million euros which has to be raised through voluntary contributions from the OSCE participating states. It seems that this new CSI initiative will have even less impact than the originally designed PAG, as it does not seem to be designed to focus on the key problems which lie behind the turmoil in June. This does not mean that this initiative will not have any positive impact on the country, but its impact on the reasons for the ethnic violence in 2010 will be minimal.

Peaceful elections in Kyrgyzstan

After the violent events in April and June 2010 in Kyrgyzstan, the national elections in the country in October were conducted in a largely peaceful atmosphere. As a matter of fact the Kyrgyz elections are generally considered to have been one of the most free and fair in the Central Asian region for years. Although OSCE election monitoring missions usually more or less strongly criticize elections in the five countries in the region (if they are allowed to observe elections at all), on this occasion the mission expressed its satisfaction about the way the elections had been conducted. The OSCE mission stated that political competition took place in a free environment, the Central Elections Commission's (CEC) work was genuinely 'impartial and independent', and all contesting political parties had equal access to the media. In spite of the praise, the mission also observed a number of deficiencies which should be addressed in the future. This concerns issues such as voter registration and problems with the electoral law. And again there were issues with the presence of unauthorized people in polling stations who in some instances even interfered with the election processes. But the overall assessment was definitely very positive.

The elections are the first after the adoption of the new Kyrgyz constitution which gives this small Central Asian country a system of parliamentary democracy with substantially reduced powers for the president. This is completely in contrast with the situation in the other four countries in the region (including the 2010 OSCE Chair Kazakhstan) which are characterized by a strong presidential system which in some countries come close to political dictatorship. One may wonder, however, how long these fundamental changes in Kyrgyzstan will last. Some of the political parties that won seats in parliament aim at restoring the presidential system, as they are of the opinion that Kyrgyzstan is not ripe for a parliamentary democracy as such. A great deal will now depend on the functioning of the governing alliance that after protracted negotiations finally took shape at the end of the year. Three out of the five parties that overcame the threshold of 5 percent managed to form a coalition, although this was not based on a convergence of political programmes. It was rather based on a 'cattle trade' about which party would get the most powerful political positions of Prime Minister, deputy prime minister and the speaker in Parliament. The negotiations on forming a coalition were a completely new phenomenon in the country and it should not come as a surprise that it took quite some time to achieve an agreement. In any case Kyrgyzstan managed to form a government much quicker than, for instance Iraq, where it took almost a year to come to some kind of agreement.

Next year presidential elections will be held which will determine who will take on the presidency of the country after the unexpected ousting of the former corrupt leader Bakiev who is now 'enjoying' his free time in Minsk, Belarus where he was given asylum by his friend President Alexander Lukashenko.

ICJ ruling on Kosovo creates uncertainty

The ruling by the International Court of Justice on the 22nd of July on Kosovo's declaration of independence to the effect that this declaration 'did not violate general international law' came as a big surprise to many observers, in particular also to the Serbian government which had initiated the case. Serbia had proposed to the UN Security Council that it should ask the ICJ for an advisory opinion as to whether the declaration of

independence by Kosovo in 2008 was in conformity with international law. It definitely did not expect this surprising outcome which is seen by many as opening Pandora's box, in particular also in the OSCE region. Even though it concerns only an advisory opinion and is, therefore, not legally binding, such opinions have an enormous authority in the international community. The ICJ stated explicitly that its ruling addresses only Kosovo's declaration of independence and not the question of independence itself. It also emphasized that it applied only to the former Serbian province and not to other regions of the world. But that, of course, is highly wishful thinking as regions in a similar position as Kosovo will have their own strong opinions.

And that is exactly what happened. Representatives of all three breakaway regions in the Caucasus expressed their satisfaction and called on the international community to recognize them in line with the ICJ advisory opinion. Whether that will indeed be the case remains largely an open question. Abkhazia and Ossetia declared their independence during a war with Georgia at the beginning of the 1990s, but surprisingly acquired Russian recognition after the short Georgian-Russian war of 2008, followed by two more states in Latin America (Venezuela and Nicaragua which in this way expressed their thanks for Russian economic and military support). Their example was not followed by any of the Russian allies in the region of the former Soviet Union. The international community largely considers the situation on the ground in Abkhazia and Ossetia as a Russian occupation.

The ICJ ruling put the Russian Federation in a difficult situation. On the one hand, it has recognized Abkhaz and Ossetian independence, but, on the other, it strongly supports the Serbian position against the legality of Kosovo's independence. The Russian Foreign Ministry therefore issued a vaguely worded statement, emphasizing that its position on Kosovo had not changed and that the ICJ ruling only related to the legality of Kosovo's declaration of independence and did not deal with the wider issue of Kosovo's right to unilaterally separate from Serbia. The Russian statement left the question of the relevance of the ICJ ruling for Abkhazia and Ossetia untouched.

The Astana OSCE Summit: the mountain gives birth to a mouse¹

Preparations

The second part of the year 2010 was strongly dominated by the preparations for the OSCE Summit in Astana, Kazakhstan, on 1-2 December. After the decision was taken in mid July, the OSCE went into hyper-drive in order to prepare for a successful meeting. It will be the first one since 1999, so for almost everybody involved it is a completely new experience which puts extra pressure on all the work involved.

A lot of time was devoted to the 'review conference' which according to OSCE rules should precede every summit. This time this conference was broken down into three phases: a first meeting for the review of human dimension issues took place in Warsaw (in place of the regular Human Dimension Implementation Meeting which takes place during all years without a summit) in September and October. This was followed by a second meeting in Vienna, more devoted to politico-military issues, while in November a last meeting took place in Astana, dealing with all the remaining issues. It is the first time in the OSCE's history that a review conference has been split into phases and even held in three different countries.

The Warsaw review conference received some extra attention due to the efforts by Turkmenistan to ban some non-governmental organizations from the meeting premises. It concerned two Turkmen exiles who had

1 http://www.shrblog.org/blog/OSCE_summit__the_mountain_gives_birth_to_a_mouse.html?id=58.

pre-registered to attend the meeting, but at first were blocked from entry because of Turkmen accusations that both had committed criminal acts. At the end the Secretary General decided to admit one of them to the meeting. It seems that Kazakh diplomats had warned both that if they would come to the Astana summit they could face problems. Rumours were circulating that Turkmenistan was threatening to block progress at the summit if the two Turkmen would be allowed to attend the summit as part of the civil society activities. In the end it seemed that the Kazakh authorities caved in to the Turkmen threats with the result that both persons did not succeed in acquiring the necessary entry documents for Kazakhstan. The Turkmen President attended the summit himself and used the opportunity to show off to the US Secretary of State Hillary Clinton. Whether both high officials discussed the contents of the leaked US cables (see below) during their encounter is unknown, but it is obvious that the Turkmen President — in the cables described as ‘vain, vindictive, fastidious, a micro-manager and a bit of a (...) nationalist’ — will not easily forget this public humiliation.

The summit: mixed results

The Kazakh authorities will undoubtedly look back at the Astana summit in December with pride: at least they managed not only to acquire the OSCE chairmanship for the year 2010, but they even managed to organize the first OSCE Summit in more than eleven years. The Summit even succeeded in adopting a solemnly worded ‘Astana Commemorative Declaration: Towards a Security Community’ which is the first major political document which acquired consensus after eight years of continuous disagreement.

Even though the Astana Summit was well organized by the host, was well attended by a large number of heads of state or government and other top officials from the participating states, and resulted in the adoption of a consensus-based political declaration, it is fair to say that the event almost ended in complete failure. It seemed that the Kazakh hosts had seriously underestimated the explosive nature of the ongoing ‘frozen conflicts’ in the OSCE area which almost resulted in a failed summit.

Due to the very short time for preparation, a draft concluding document had been developed by the Kazakhs with the help of the Secretariat, but not by the participating states as has been the habit in the past. The document consisted of two parts: a political declaration, basically reiterating all the main OSCE commitments from documents in the past and stressing the fact that the OSCE is largely a community of values; and an action plan for future activities. However, participating states failed to reach an agreement because of two key issues. The first issue was the demand by several EU and North American states to include strong language about the human dimension of the OSCE. The focal point became a famous clause from the 1991 Moscow Document on the Human Dimension which emphasized that all human dimension commitments are issues of ‘direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned’. Several states objected to including this text in the Astana document, mainly coming from the ranks of the Russian Federation and its closest allies. In the end a compromise was found with the result that this important OSCE principle was literally included in the Astana Declaration. This was the first time that an OSCE Summit had adopted a text like this, implying that no OSCE country is entitled to invoke the notorious non-intervention principle in the human dimension domain (which has become a widely practiced habit over the past decade).

The biggest problem, however, was caused by the ‘frozen conflicts’ in Georgia and Nagorno-Karabakh. Georgia insisted on the recognition of its territorial integrity within its internationally recognized borders, so including

the break-away regions of South Ossetia and Abkhazia. It should not come as a surprise that this was totally unacceptable to the Russian Federation which has officially 'recognized' both regions as 'independent states', even though not a single other OSCE state has followed this remarkable policy. A conflict also arose about Nagorno-Karabakh, where Armenia and Azerbaijan failed to reach agreement about a text to be included in the concluding document. As a matter of fact, the Armenian and Azerbaijani Presidents traded bitter recriminations in their speeches at the summit which demonstrate that a resolution of the dispute seems to be much further away than recently assumed. The flurry of Russian interventions to bring the two parties together and the activities of the Minsk Group seem to have been fruitless, at least so far, and this definitely characterized the angry mood of both leaders during the Astana summit.

As a result the summit came to the brink of collapse: although the meeting was supposed to be concluded on the 2nd of December around noon, it took another twelve hours to come to some kind of consensus. Only after midnight could the Kazakh President Nazarbaev formally conclude the Summit by adopting the Astana Declaration. The action plan had been completely dropped due to a lack of consensus. Although this may be seen as a pretty meagre result, the fact that consensus could be reached on a high-level political document within the OSCE can be seen as a sheer success. But the Astana events also demonstrate that the various conflict zones within the OSCE area continue to be major stumbling-blocks within the organization and it is unlikely that this situation will soon come to an end. It is now up to the new Lithuanian chairmanship for 2011 to put more flesh on the bones of the Astana declaration.

Wikileaks and the OSCE

The continuing release of around 250,000 confidential diplomatic cables sent by the US State Department continues to stir debate in the international community. Even though it remains unclear whether the release of these documents is illegal, it definitely is a huge embarrassment for the US diplomatic community. Opinions vary widely about the usefulness of publishing these confidential documents. Leaking secret information has a clear purpose when the governments concerned try to hide or even distort the truth. However, that is not the case in this particular situation, as the cables mostly confirm (albeit in more juicy language) the official US positions on many global and regional issues.

Apart from the question whether the leaking of such documents, originating from theft by a US soldier, has a purpose, it is interesting to see what the leaked cables have to say about the OSCE. So far, that seems not to be particularly much. When the leaking of the cables started around the time of the Astana summit, the OSCE Secretary General Marc Perrin de Brichambaut made it clear that the OSCE has 'nothing to hide'. According to an Ukrainian source, the Secretary General reportedly stated the following at a press conference in Astana: 'Everything we do and discuss within the framework of the OSCE is made public. We are not afraid of civil society, not afraid to explain what we are doing, to admit weakness and recognize challenges when responding to crises'²

The volume of documents made public on the Wikileaks website is so large that it will take a considerable time to check them for references to the OSCE. So far, there has not been sufficient time to undertake this task. However, it is obvious that interesting American assessments about leaders of OSCE participating states have been made public. One concerns the Turkmen leader Gurbanguly Merdymukhamedov who is described in

2 <http://www.kyivpost.com/news/world/detail/91747/>.

cables as ‘a not very bright guy’ and a fussy control freak.³

The Russian Prime Minister Vladimir Putin and President Dmitri Medvedev were also not very pleased with the contents of some leaked cables which described the current situation in Russia as a mafia state controlled by the security services. The cables were also very open about the relationship between the two gentlemen, whereby Medvedev is basically described as a figurehead president with all the real power being in Putin’s hands. Putin responded sharply, demanding that the US should mind its own business. In any case, the diplomatic assessment of the situation in Russia confirms the dire state of human rights and the rule of law in this important OSCE state.



3 Turkmenistan News Brief, Issues 47-48 (2010), November 30 — December 3, 2010.



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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

Netherlands Helsinki Committee
Het Nutshuis
Riviermarkt 4
2513 AM The Hague
The Netherlands

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