

OSCE Chronicle

OSCE's 'Community of Values' Endangered

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1. Growing Divisions within the OSCE

Although the OSCE is officially a 'community of values' and a 'community of responsibilities', where all 57 participating states share equal norms and standards, practice is showing growing dividing lines within the group. If and when a vast majority of OSCE states accuse another large OSCE country of violating basic human rights standards and strangling civil society and when the accused country is then quietly explaining that its recent measures merely aim to strengthen democracy in line with OSCE standards, there just seems to be a serious problem.

This situation happens concerning the Russian Federation which last year enacted new legislation which to most independent observers simply aims to silence political criticism by strangling critical non-governmental organizations. The law obliges all international and Russian NGOs which are involved in 'political activities' to register as 'foreign agents', if they receive foreign funding for their activities. Moreover, they have to inform the authorities regularly about their activities. This new law was the basis for a wave of official 'inspections' of many NGOs which started in March, all of which caused great concern in the US and EU countries. Targeted organizations were, among others, the Moscow Helsinki Group, Memorial, Amnesty International and Human Rights Watch. None of these and other organizations had registered, as they simply do not consider themselves to be 'foreign agents'. This was also the case with the Russian election watchdog "Golos" (which is Russian for 'voice' or 'vote') which was clearly a primary target for the Russian officials and which can probably expect a hefty fine. It is obvious that the Russian authorities are not pleased with the activities of this Russian association which exposed substantial fraud during the notorious parliamentary elections in December 2011 and the presidential elections in March 2012, leading to widespread protests and demonstrations against Putin and his allies.

The issue has even resulted in increased tensions between Germany and Russia, as the Russian law enforcement bodies in February also raided the offices of two German political foundations: the Konrad Adenauer Foundation, which represents the Christian Democratic party of Germany, and the Friedrich Ebert Foundation which is related to the Social Democratic party. The work of these two state-funded organizations seems to be paralyzed as a result of the Russian actions. Although the raids on both foundations were officially based on the same law on NGOs as 'foreign agents', the action might also be related to Russian anger about the Eurogroup policy towards Cyprus which in Moscow's eyes strongly and one-sidedly affected Russian financial interests. This is the more likely, since both German political foundations always act very carefully and are not involved in any way in work that might be seen as supporting the Russian opposition to Putin's regime.

At its regular weekly meeting on the 12th of April the OSCE Permanent Council discussed the issue which became a painful demonstration of the deep dividing lines within the OSCE. What the EU clearly observed as "curtailing the civil freedoms of the Russian population" and the US as the "Russian authorities continu(ing) to take actions that restrict space for civil society" was defended by the Russian delegation as "an important step towards building an open and democratic society in Russia". The Russians defended the new law as being aimed primarily at enhancing the transparency of the activities of these NGOs as well as their sources of funding. They also expressed the view that the Russian people have the right to know where the money is coming from and how it is being spent. In this way they simply disregarded the American references to solemn pledges by all OSCE states to respect the important role of civil society and the media in protecting human rights, democracy and the rule of law. This pledge was endorsed by the heads of state and government as recently as 2010 in the so-called Astana Commemorative Declaration. For these reasons the US authorities

expressed their deep concern about the Russian steps: “ These inspections and searches launched against the Russian and international NGO community seem to be aimed at intimidating and disrupting the work of civil society and run counter to Russia’s OSCE commitments. These raids, taken together with the recent package of legislation that restricts the operations of civil society constitute a disturbing trend.”

But at the Permanent Council meeting the Russian delegation did not respond directly to the US statement, but directed its defence on earlier comments by a US State Department representative. The Russian ambassador described the American statement as “an overt interference in Russia’s internal affairs”, as the Americans had publicly announced that the US “will continue to fund [NGOs] in Russia through intermediaries in third countries in circumvention of Russian legislation”. This allegation again shows how far practice in the OSCE has become different from the formal rules: time and again the OSCE participating states have confirmed that all issues of human rights and fundamental freedoms are issues of international concern and do not belong to the domestic jurisdiction of OSCE states. Invoking the non-intervention principle in order to avoid a debate is therefore an outright violation of the OSCE’s own standards. But paper is patient, as this argument is being used increasingly often within the OSCE which is another sign of the deep splits within the security organization.

Also the Council of Europe has expressed its concern. Its Commissioner for Human Rights, Nils Muiznieks, emphasized the important role of nongovernmental organizations in defending human rights for which a facilitating environment is needed. Moscow so far does not show any signs of reducing its overt campaign against the most critical parts of its vibrant civil society.

2. Ukraine Tries to Push for a Settlement of the Transdnistria Conflict

As the new Chairman-in-Office of the OSCE, the Ukrainian Foreign Minister Leonid Kozhara has declared progress in the protracted conflict in Transdnistria as one of his main priorities for this year. Since Ukraine borders Moldova and Transdnistria it also has strong national interests in bringing forward a settlement of this conflict which is already more than twenty years old. Transdnistria is also responsible for a great deal of contraband entering Ukrainian territory and it is clear whether the authorities in Kiev would welcome a permanent solution.

Since last year the old negotiation format of 5 + 2 has been revived: in this format the Ukrainians, Russians, Moldovans, Transdnistrians and the OSCE convene with the US and the EU as observers. The OSCE Chair convened a first meeting of the 5 + 2 in 2013 in Lvov, in the northern Ukraine, where it hoped to make some progress in the various agenda items, including the future political status of the region. However, Moscow clearly blocked this and was only interested in discussing economic and social issues as some kind of prerequisite to discussing the more important political and security issues. The new Transdnistrian leader Evgeny Shevchuk, of course, followed the Russian lead and was not even willing to meet the Moldovan prime minister in a separate bilateral meeting.

Although Russia and Ukraine share a long border and a long common history and often speak the same language, it does not seem that the Ukrainian chairmanship of the OSCE will be of much help in bringing about a settlement of the conflict. As a matter of fact, the OSCE Chairman was confronted with an even further enlarged list of preconditions from the Transdnistrians which have to be fulfilled before talks about political issues could start. This new list referred in particular to transportation issues, which would imply a de facto recognition of Transdnistria and which, therefore, is unacceptable to Chisinau.

3. Media Representative Reappointed

At the beginning of March the OSCE's Representative on Freedom of the Media, Dunja Mijatović of Bosnia and Herzegovina, has been reappointed to a second three-year term. She is the OSCE's highly active media watchdog that raises its voice whenever she considers the free media to be in danger, ranging from attacks on journalists to legislative plans that might infringe on the freedom of information and expression.

The Ukrainian Chairman-in-Office, Leonid Kozhara, welcomed her reappointment, emphasizing that three consecutive OSCE Chairmanships, including Ukraine, have made media freedom a priority. "The mandate of the Representative, agreed by all 57 participating States of the OSCE, provides the Representative with the practical tools to highlight challenges to media freedom as well as to promote legislative and other steps for ensuring free and pluralistic media environment and safety of journalists. I am confident that Mijatović's experience and expertise will serve us well in the future," Kozhara said.

4. Breakthrough in Negotiations Serbia and Kosovo

Under strong pressure from the European Union the governments of Serbia and its former province Kosovo have reached an agreement on the possible settlement of their disagreements on the 19th of April. Since Serbia aims at joining the EU, it was forced to come to a deal which was a condition sine qua non for Brussels to start accession negotiations.

Kosovo declared its independence five years ago after a NATO intervention in 1999 resulted in the separation of this Albanian-dominated former province of Yugoslavia. Although more than 100 states recognized Kosovo's independence, Serbia was never willing to formally give up its province.

The agreement between Serbia and Kosovo – which was almost immediately ratified by the Kosovo parliament – consists of 15 points. The most sensitive issues concern the status of the Serbian minority in the north of Kosovo and the international status of Kosovo which due to Serbian opposition is still unable to join international organizations (including the OSCE). Both parties have agreed that there will be one Kosovo police force in the country, but that the places with Serbian majority will have the right to appoint regional police commanders of Serbian ethnic origin. The agreement also contains other arrangements for the protection of the Serbian communities in Kosovo. The text of the agreement does not contain a provision on the issue of Kosovo's international status. It only states that both parties will not "block, or encourage others to block, the other side's progress in their respective EU path". This seems to be more relevant for Serbia which is eager to join the EU than to Kosovo which is unlikely to become an EU member state, but which will develop other forms of close cooperation with the EU.

The agreement has still to be approved by the Serbian parliament where groups are strongly opposed to any deal which may lead to the recognition of an independent Kosovo. The OSCE warmly welcomed the agreement between both parties: Chairman-in-Office Kozhara called the agreement "an important step in the normalization of relations and stability in the region." The OSCE has the largest international civilian mission in Kosovo which aims at supporting the Kosovo authorities in the areas of the rule of law, democracy and human rights.

5. Ukraine's Internal Developments Remain a Reason for Concern

The fact that Ukraine has taken over the OSCE Chairmanship has not resulted in a better treatment of its 'political prisoners'. The efforts to have many opposition figures behind bars for many years are continuing


unrelentingly which has resulted in frosty relations with the Western world. In February the Ukrainian President Viktor Yanukovich visited Brussels for an EU-Ukraine Summit, but the most important outcome of this event was the very fact that it took place. On earlier occasions Brussels had cancelled such high-level meetings as a demonstration against the Ukrainian persecution of its political opponents, the most well-known of whom is the former Prime Minister Yulia Tymoshenko.

In February the Ukrainian authorities officially launched an investigation into Tymoshenko's involvement in a high-profile murder case in 1996 with the allegation that she had a business conflict with the victim. Even the former Ukrainian President Leonid Kuchma stated that Tymoshenko's name was never even mentioned in the context of the investigation of this case which took place during his presidency, implying that this case might again be a trumped-up charge against the former Prime Minister for purely political reasons.¹

Such developments definitely do not enhance Ukraine's influence in the international community and they also negatively affect its impact on the OSCE Chairmanship, although these issues do not seem to be 'publicly' debated at OSCE meetings.



1 See the Jamestown Foundation's Eurasia Daily Monitor at: http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Bsword%5D=8fd5893941d69d0be3f378576261ae3e&tx_ttnews%5Bany_of_the_words%5D=Ukraine&tx_ttnews%5Bpointer%5D=1&tx_ttnews%5Btt_news%5D=40503&tx_ttnews%5BbackPid%5D=7&cHash=a146d5f9792f9b577d35389288b7a6d3.



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