

CHRONICLE

Ukraine at the helm of the OSCE

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Ukraine takes over OSCE chairmanship

As of the 1st of January 2013 Ukraine took over the chairmanship of the OSCE from Ireland. This will be the second time that a member of the CIS (the Commonwealth of Independent States, the group of most of the former Soviet republics) leads the OSCE after Kazakhstan's rather successful chairmanship in 2010. The Ukrainian Foreign Minister, Leonid Kozhara, outlined the country's priorities for the 2013 chairmanship during a session of the Permanent Council on 17 January. These priorities are, in particular, progress on the resolution of protracted conflicts, combating trafficking in human beings and the promotion of media freedom.

The protracted conflicts are related to the problems around Transdniestria, the Geneva talks on the August 2008 war between Russia and Georgia, and the conflict in and around Nagorno-Karabakh. As a direct neighbour of Moldova and one of the 'guarantors' of any peace settlement in that country, Ukraine is uniquely placed to play an influential role in achieving progress in this decades-old problem, although at the end of the day it is the Russian Federation which in practice has the final say. It is not surprising that the new chairman of the OSCE chose Moldova as the first country to visit in his new capacity. There is general agreement among the OSCE participating states that a settlement of the Transdniestria problem is within reach.

The most sensitive part of the Ukrainian chairmanship is related to the OSCE Human Dimension, since the country is strongly criticized for its treatment of political prisoners and, in particular, the imprisonment of the former Prime Minister Yulia Tymoshenko. It seems that Ukraine's 'priorities' in this area are rather modest, focusing strongly on media freedom and youth human rights education. It was striking to see that none of the delegations addressed this issue during January's Permanent Council meeting. As a matter of fact, the OSCE Human Dimension keeps the participating States deeply divided. Russia and a group of its allies are, in particular, annoyed about the OSCE's election monitoring activities and they do their utmost to gain a firmer grip on the so far autonomous way of functioning of the Office for Democratic Institutions and Human Rights. These CIS countries are officially of the opinion that the OSCE is too much focused on human dimension issues, whereas all remaining OSCE states strongly oppose this approach. The latter prefer the policy of doing more on the economic and political-military dimensions, not doing less on the human dimension. Russia has again kidnapped the budget process of the OSCE to put pressure on the organization, something it has done several times before. As a result Ukraine has inherited an OSCE without an adopted budget for 2013 which could seriously hamper the smooth functioning of a great deal of its activities. Whether the Ukrainian chairmanship will be in a position to break this deadlock within the organization remains to be seen, but this is rather unlikely. Combined with its highly controversial human rights record on its own territory, Ukraine is facing a difficult year ahead.

OSCE Parliamentary Assembly breaks with ODIHR

The group of OSCE states which aim at reducing the organization's attention to human dimension issues must have been delighted about a development which few would have considered possible until recently: in an angry move the OSCE Parliamentary Assembly (PA) has cancelled the Co-operation Agreement with ODIHR from 1997. This implies that from now on both institutions will go their separate ways in observing elections in OSCE states with the likely outcome that they will also produce different assessments and recommendations for improvement which is an ideal situation for countries to play the one institution against the other. From the beginning of the 1990s both institutions have been observing elections in OSCE participating states which has sometimes resulted in some problems. The Co-operation Agreement was intended to improve co-operation and reduce friction and disagreements by regulating many issues. But at the end of last year the Parliamentary Assembly for some reason decided to terminate the agreement with ODIHR.

In another highly remarkable development the PA sent a letter to the

President of the European Parliament, accusing ODIHR of continuously failing to comply with the Co-operation Agreement and 'to acknowledge the leadership role of the elected parliamentarians'.¹ Although it remains a question of speculating about the real reasons for the break, it seems that the PA decided to discontinue cooperation with the ODIHR because it could not always have its points of view accepted in the joint consultations which had become a habit during election observations. It is an open question how the PA will organize its missions from now on, without the essential logistical support from ODIHR which is widely seen as the most professional agency on election observation in the international community. It is also a question of how the OSCE from now on will be able to come up with a unified position on election observations. If the ODIHR and the OSCE PA will issue different opinions about their assessment of elections, this will be highly detrimental to the credibility of the organization as a whole.

Since Moscow has been fighting against the autonomous role of the ODIHR in election observations for years, this recent spat must have been warmly welcomed by the Russian authorities and their allies in the CIS. It is cynical to observe that parliamentarians themselves started to undermine the important role of the OSCE in this area, actually one of the few areas where the organization still has added value in comparison with other organizations.

Political developments in Georgia raise international concerns

It seems that the 'Georgian Dream' alliance that won the parliamentary elections in Georgia on 1 October last year is not really living up to the democratic standards that many observers had hoped for. After the unparalleled acceptance of the defeat by the then ruling party, headed by President Mikhail Shakhshvili, a really peaceful change of power took place which is still a rare phenomenon in most of the post-Soviet republics.

However, the new government that took over in Tbilisi apparently could not resist the temptation to use the powerful state tools in order to settle accounts with people who are considered to be close to the former administration. This is reflected in the fact that very soon after assuming power, some leading military officers were arrested on what many consider to be politically motivated charges. A more recent development is the fact that the new regime has suddenly discovered around 200 'political prisoners' in the Georgian penitentiary system which, according to the new leaders, have been harassed or jailed by the previous government on political grounds. This was the result of hasty work by a working group set up by the new 'Georgian Dream' government which used the work of some NGOs, in particular the Georgian Helsinki Committee. However, two other leading NGOs (including the highly authoritative Georgian Young Lawyers Association) left the group, as they were dissatisfied with the superficiality of the work carried out. However, it did not prevent the 'Georgian Dream' alliance from proceeding with its allegations.

It seems that Georgia is on track to become a replica of Ukraine, where the present administration, quickly after coming to power, launched a destructive campaign against its political opponents, with the result that the main opposition leaders (like the former Prime Minister Yulia Tymoshenko) are behind bars with tough prison sentences based on sometimes clearly trumped-up charges.

¹ See the blog on this issue at: http://www.shrblog.org/blog/OSCE_Parliamentary_Assembly_takes_unilateral_decision_to_withdraw_from_the_1997_Cooperation_Agreement_with_ODIHR_a_blow_to_OSCE_election_observation_.html?id=254



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