

CHRONICLE

Smoldering powder kegs in OSCE area

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1. Fragile 'stability' in the OSCE area: Nagorno-Karabakh remains a powder keg

Although no major crises have erupted in the OSCE area in the past several months, the impression of stability and calm might be the wrong one, as tensions remain high at various locations (e.g. in Central Asia, Georgia, Moldova). In particular the situation in and around Nagorno-Karabakh has given reason for concern, reflected in various clashes leading to casualties.

In June, coinciding in time with a visit by the US Secretary of State Hillary Clinton to the region, clashes erupted between Armenian and Azeri troops along the contact line. Both countries accused each other of incursions into their territories with the result that on both sides several people were killed or wounded. This fuelled the fear that a war between the two countries could once again be imminent. Armenia and Azerbaijan are formally still in a state of war, although a ceasefire has been in place since 1994. In spite of this ceasefire, violent confrontations occur now and then, although the June events were more serious than before. Since 1992 the OSCE has been trying to mediate a political solution concerning the future of Nagorno-Karabakh in the context of the so called Minsk Process, but so far without any tangible result.

The heightened tensions and the more or less simultaneous visit of the US Secretary of State to the region immediately gave rise to suspicions that the problems were premeditated and in particular in Azerbaijani academic circles fingers were pointed at Moscow as the possible instigator. The reasoning is that Moscow can only influence Azerbaijan by waving the Nagorno-Karabakh card and demonstrating that the key to the solution of the problems is not located in its ally Armenia, but rather in the Russian Federation. It could also have been a Russian signal to the Americans that Moscow is concerned over Clinton's visit to the Caucasus and over Western pressure on the Russian allies in the Middle East (Iran and Syria).²

Around the same time the OSCE Chairman-in-Office, the Irish Foreign Minister Eamon Gilmore, visited the region and had opportunities to induce the parties to remain calm. On the 12th of June in Yerevan he expressed support for the activities of the Minsk Group, but he also stated: 'However, in order to make progress towards resolving this long-standing conflict, the sides should further advance their work on the general principles of a resolution, remove snipers from the line of contact, agree on a mechanism for investigating incidents on the frontlines and find ways to implement the recent agreement by the Presidents to develop people-to-people contacts,' at the same time emphasizing the need for confidence-building measures. These remarks only demonstrate how far both parties still are from real efforts to come to a solution for this protracted conflict. Nobody can predict the future of the ongoing efforts to mediate in this conflict, but the recent and unexpected upsurge in violent clashes demonstrates how quickly this 'frozen' conflict could explode.

In July the co-chairs of the Minsk Group (ambassadors from the USA, Russia and France) visited the region and added to the long list of statements to the effect that they already had issues over the past decades by calling on the parties to refrain from 'maximalist positions', to respect the 1994 ceasefire agreement, and to abstain 'from hostile public rhetoric'.³ The mediators also discussed the Armenian plan to open an airport in Nagorno-Karabakh which had also resulted in increased tensions. Both sides assured the Minsk Group representatives 'that they will reject any threat or use of force against civil

2 See 'Military Clashes between Armenia and Azerbaijan Threaten Stability in Region', in: Jamestown Foundation, Eurasia Daily Monitor, Vol. 9 issue 112, at: http://www.jamestown.org/programs/edrn/single/?tx_ttnews%5Btt_news%5D=39489&cHash=a3c4f8101fdeed9l84ab04d31d07e33e.

3 See: <http://www.osce.org/mg/92313e>

aircraft, pursue the matter through diplomatic steps, and refrain from politicizing the issue. The Co-Chairs reaffirmed that operation of this airport cannot be used to support any claim of a change in the status of Nagorno-Karabakh, and urged the sides to act in accordance with international law and consistent with current practice for flights over their territory.'

2. The Transdniestria problem

The conflict surrounding Transdniestria is another long-lasting territorial dispute on the OSCE agenda which does not show any sign of being resolved at any time soon, in spite of the many efforts by the annually rotating chairmen of the organization. The main development concerning this conflict in the past period is that the official '5+2 talks' are back on track with a high-level meeting in Dublin at the end of February, where the talks basically became immediately derailed once again. Although the OSCE Chairman diplomatically 'welcomed the progress achieved in official 5+2 talks towards a Transdniestrian settlement that ended in Dublin today',⁴ there was in reality nothing to show except for the fact that the meeting took place. Although official reports about the discussions during the meeting are lacking, it became clear that in particular Russia and the representatives of Transdniestria had tabled further demands which do not demonstrate a clear political will to come to a settlement. The main demand was that all parties should be 'equal' which would imply that the government of Moldova and the de facto leadership of the break-away region Transdniestria would be seen as 'equal' partners. This would of course have a major impact on the possible outcome of the negotiations which aim at the maintenance of the territorial integrity of Moldova. 'Equality' would make this virtually impossible and that is probably exactly what the two demanding parties want to achieve. Although the presence of Russian military forces in Transdniestria is a major problem for Moldova, it seemed that this topic could not even be raised during the meeting.

Another development around Transdniestria is the change of leadership in this small strip of land along the River Dniester. The long-lasting leadership of the Soviet hard-liner Igor Smirnov has come to an end as he has been succeeded by younger faces. 'In somewhat surprising elections at the end of last year Evgeny Shevchuk succeeded in becoming Transdniestria's new 'President'. Only time will tell whether he is 'the man to do business with' in contrast to his predecessor.'⁵

3. Situation in the south of Kyrgyzstan is smoldering

Although the tense situation in the south of Kyrgyzstan which came to an explosion two years ago does not make headlines in the mass media at present, this does not mean that the situation is more or less stable. The opposite may be true, as could be learned from a recent International Crisis Group (ICG) report on tensions in Kyrgyzstan's south. The ICG report, 'Kyrgyzstan: Widening Ethnic Divisions in the South,' calls the current peace in Osh 'superficial', noting that 'neither the Kyrgyz nor Uzbek community feels it can hold.' The ICG describes the central government as unwilling or unable to remove nationalist Osh Mayor Melis Myrzakmatov who is blamed for stirring up tensions between the ethnic groups with his strong Kyrgyz-first policy.⁶

4 Statement by the Chairman-in-Office: <http://www.osce.org/cio/88549>.

5 See Vladimir Socor's analysis of the new leader in: Jamestown Foundation, Eurasia Daily Monitor, March 9, 2012, Vol. 9, Issue 49, at: http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=39113&cHash=1820a355aad6791589e35a3e0c9758d4.

6 See: <http://www.crisisgroup.org/en/regions/asia/central-asia/kyrgyzstan/222-kyrgyzstan-widening-ethnic-divisions-in-the-south.aspx>.

The real reasons for the unexpected and widespread ethnic violence in the south of Kyrgyzstan in June 2010 which left hundreds of people dead (mainly from the Uzbek minority) are still largely unclear. This allows both the Kyrgyz and the Uzbek people to continue telling and believing their side of the story, not leading to any reconciliation. Systematic arrest, torture and extortion of in particular young male Uzbek people by the local police reportedly continue unabatedly. The future for the sizeable Uzbek minority within Kyrgyzstan seems to be bleak, but opportunities to migrate to Uzbekistan also seem to be virtually lacking. When numerous Uzbeks fled from Kyrgyzstan to Uzbekistan during the crisis, the Uzbek leader Karimov had them returned to Kyrgyzstan within weeks.

The ICG report therefore depicts a rather gloomy picture of Kyrgyzstan's future and it considers the possibility that the Uzbeks will resort to violence and terrorism to be quite high. And the risk is high that the national authorities might also have to play the nationalist card more than before in order to keep their power base. The need for international mediation and support is therefore needed more than ever.

It is striking to note, however, that the ICG report hardly mentions the role of the OSCE in the existing tensions and also does not address specific recommendations to this organization. This may be a reflection of the author's opinion about the (lacking) importance of the role of the OSCE in this issue. This is clearly reflected in the negative opinion about the OSCE's multi-year efforts to help with the reform of the police in Kyrgyzstan which allegedly has had 'no appreciable effect'. The report only mentions that the OSCE withdrew its staff from Osh during the fighting in June 2010, whereas the ICRC kept its staff on the ground.⁷ In contrast, the role of the UN is being discussed much more. In response to the 2010 crisis the OSCE has deployed a small group of police advisors in the south of Kyrgyzstan (the so-called CSI, the Community Security Initiative), but the fact that the ICG report does not even mention this clearly shows that it has hardly had any impact, if at all. The OSCE is also completely absent in terms of mediation or the promotion of dialogue between the parties in Kyrgyzstan which again shows that the ICG does not have a high opinion about its role in this tinderbox in the highly important Central Asian region.

Although the OSCE has a well-staffed Centre in Bishkek with an affiliate in Osh, it seems that its role in assisting the Kyrgyz authorities in solving the main crisis in the country remains very limited, possibly also because the national authorities are not interested in OSCE involvement.

4. 20th anniversary of the High Commissioner on National Minorities

At the end of this year precisely 20 years will have passed since the official establishment of the OSCE High Commissioner on National Minorities (HCNM). This institution started functioning from January 1993 onwards, as built up by the successful first HCNM, Max van der Stoep. As a lead-up to this anniversary the European Centre on Minority Issues in Flensburg, Germany, organized a one-day conference on 'HCNM 20 Years On' on the 6th of July 2012 which was addressed by the present HCNM, Knut Vollebaek. It was also at this very place that the first HCNM made his first public speech as High Commissioner in 1993.

In his address, Vollebaek reflected on the political context in Europe 20 years ago and the challenges that the institution was established to meet. He also identified new issues that he faces in his work. While ethnic tensions have not gone away, their manifestations have changed, he said. In some cases, the countries and people suffering the destabilizing effects of ethnic conflicts are the same; in others

⁷ The UN was also prevented from deploying staff on the ground during the conflict due to what some called 'excessively cautious internal security protocols'. (See footnote 102 in the ICG report.).

the flashpoints have shifted. He pointed to the rise in kin-State activism and ‘passportization’ as serious concerns. ‘I believe the HCNM has an important role to play both in trying to stem these tendencies and to develop rules of engagement that can guide States in their policies and communication on cross-border minority matters,’ Vollebaek said.

He also considered how the institution is adapting to meet new challenges, and the special contribution it can make to international affairs. ‘Few, if any, other international institutions have developed instruments like the HCNM,’ Vollebaek said. This meant there was ‘a niche where the HCNM can and does play an important role as a neutral and trusted actor,’ he added.

5. Pending Ukrainian chairmanship

Ukraine has been one of the ‘trouble spots’ where the High Commissioner has become involved very recently, just a few weeks after the conference in Flensburg. This time it concerned the new language law which has given rise to enormous debate within the country which is scheduled to take over the OSCE’s chairmanship at the end of this year. The High Commissioner came to the conclusion that the language law in its present form is ‘deeply divisive’, and it was clear that the present Ukrainian leadership had not heeded his earlier recommendation not to adopt the law in this format.

‘The disproportionate favouring of the Russian language, while also removing most incentives for learning or using Ukrainian in large parts of the country, could potentially undermine Ukraine’s very cohesion,’ Vollebaek said. He warned that the law is likely to lead to the further polarization of society.

In meetings with Members of Parliament, the High Commissioner also expressed concern at the manner in which the law was adopted. He particularly referred to the parliamentary majority’s refusal to consider any of the more than 2,000 amendments put forward.

‘In the present pre-election climate, tensions surrounding the language law could easily escalate,’ said Vollebaek. ‘I therefore call on all parties to engage in a substantive dialogue on the issues raised by the law with a view to finding a suitable compromise.’

Since Ukraine will take over the political leadership of the OSCE next year, the situation concerning the new language law is particularly sensitive, as it is also considered by the OSCE community as a clear signal as to how the country will handle such situations in the OSCE area. There are serious concerns that such unfortunate events will have a serious impact upon its chairmanship.

6. Pussy Riot: fundamental freedoms threatened in Russia

Although there are growing concerns about the future Ukrainian chairmanship of the OSCE, developments in several other OSCE participating states are also reasons for concern. The political developments in the Russian Federation, where Vladimir Putin has again taken over the presidency of the country, are often considered as a major regression in terms of human rights and the rule of law. To some observers these developments remind them of the dark days of the former Soviet Union.

A clear example is the infamous Pussy Riot case. On the 17th of August, three young members of this punk band received harsh prison sentences as punishment for a non-violent protest against the long-time Russian leader Vladimir Putin in the main Russian Orthodox Cathedral in Moscow in February this year. In their

protest song, the women called on the Holy Mary to ‘chase Putin out’.

They were sentenced because of ‘hooliganism motivated by religious hatred’, which has drawn international condemnation, as many observers see this as a sign that legislation meant to counter hate crime in Russia is being used to silence political opposition groups. It is the common opinion in the outside world that the Russian leader wanted to show the three young women exactly who is the boss in Russia. But the reality is that he has displayed Russia as a country where the leadership is apparently tampering with the rule of law and human rights.

After the controversial verdict, the OSCE’s Representative on the Freedom of the Media, Dunja Mijatovic, immediately issued a public statement in which she warned of a dangerous tendency towards curbing freedom of expression:⁸ ‘I see a trend in various countries where the authorities, social and religious groups and courts are taking a more restrictive stance on content considered to be offensive, morally questionable or dangerous for children. Most of the time it is a pretext for censoring content that is simply not mainstream and critical,’ said Mijatovic. This is clearly diplomatic wording to soften the view that the political leadership in several OSCE countries are curbing human rights in order to repress political opposition.

This becomes clear from her next statement: ‘Charges of hooliganism and religious hatred should not be used to curb freedom of expression. Speech no matter how provocative, satirical or sensitive should not be restricted or suppressed and under no circumstances should it lead to imprisonment.’


Mijatovic correctly pointed out that OSCE participating states are obliged to be restrictive in their curbing of freedom of expression within their countries and that any limitation should be ‘prescribed by law, pursue a legitimate aim and be necessary in a democratic society.’ The Russian authorities apparently do not feel committed to such limitations.

The leadership of the Russian Orthodox Church has called for ‘mercy’ for the three young Pussy Riot band members in the hope that they will not repeat their acts of ‘blasphemy’. The three young women have been kept in pre-trial detention since February, even though two of them are young mothers. Although Putin might have wanted to demonstrate his ‘power’ by using the judicial system to punish his opponents, the outcome might very well be the opposite. It has demonstrated to the world once again the worrisome developments in Russia in the area of human rights and the rule of law. This seems to have deteriorated further since Putin resumed the Russian presidency in March this year. This case could also strengthen the resolve of the opposition against Putin in Russia. The German news magazine *Der Spiegel* does not need many words to express its opinion in a short title for its analysis of the Pussy Riot case: ‘Putin’s Russia is Becoming a Flawless Dictatorship’, describing the Pussy Riot case as the climax in his campaign against the opposition.⁹ Even the usually very moderate Thai daily *Bangkok Post* used strong language: ‘The suppression of Pussy Riot was a demonstration of Russian state brutality at its ugliest’, adding that ‘Stalin smiled in his grave’. The editorial also remarked that ‘Pussy Riot, it needs saying, is a rather unpleasant group of politically militant females’, although it correctly adds: ‘But freedom of speech controversies seldom involve politeness.’¹⁰

8 See: <http://www.osce.org/fom/92939>.

9 See: <http://www.spiegel.de/international/europe/spiegel-cover-story-on-pussy-riot-trial-andputin-a-849697.html>.

10 <http://www.bangkokpost.com/opinion/opinion/308404/vlad-putin-is-afraid-of-girls>.



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