

# **The OSCE and the Middle East and North African region**

## **Not so fast?**

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## Introduction

In response to the Arab Spring, many have turned their attention to the possible relevance that the OSCE could have in the Middle East and North Africa (MENA) region.<sup>1</sup> Some see a value in attempting to replicate the structures of the OSCE in a Middle Eastern context; others have advocated extending the OSCE's assistance programmes to MENA countries as appropriate.<sup>2</sup>

Indeed, the OSCE's structures themselves have begun to address and respond to the events of the Arab Spring. At the 2011 Vilnius Ministerial Council, the participating States agreed that the OSCE's experience can be of benefit to its Mediterranean Partners for Co-operation,<sup>3</sup> and decided to 'further enhance its partnership for Co-operation by broadening dialogue and strengthening practical co-operation and the sharing of best practices' in all three of the OSCE's security dimensions.<sup>4</sup>

This most recent initiative by the OSCE builds on discussions within the OSCE dating back to the 1990s on how the organization should engage in the MENA region, and potentially act as a model to transfer its experiences and expertise to assist democratization processes in OSCE Mediterranean Partner countries. Specifically, the unpredicted developments in the Arab Spring countries have been compared to the 1989 events in Central and Eastern Europe (CEE) in their regional nature, with the support of 'older democracies' to Eastern European dissidents being seen as 'hastening the peaceful transformation of governance across the former Soviet sphere.'<sup>5</sup> However, the characteristics of these democratic transition processes have marked differences, which need to be considered by the OSCE in its efforts to assist Mediterranean Partners in consolidating their democracies.

This article aims to offer a brief overview of OSCE engagement efforts undertaken so far, providing a few caveats and identifying some critical challenges for consideration by the OSCE, should the participating States decide to increase its engagement in the MENA region.

## The CSCE and OSCE as a model for MENA?

Superficially, the flexible security framework of the OSCE, which finds its origins in the CSCE Helsinki Process of the 1970s, is appealing, as it seems to be able — with its broad vision of security — to provide assistance on a wide range of issues and to address the regional nature of conflicts. Since the signing of the 1975 Helsinki Final Act and the end of the Cold War, ambitious proposals for the Middle East based on the CSCE process have been fielded,<sup>6</sup> including the establishment of a Conference on Security and Co-operation in the Middle East (CSCME), proposed by Jordan's Crown Prince El Hassan bin Talal,<sup>7</sup> and the adoption of a Middle East Regional Security Charter. Others have suggested a different track, proposing the

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1 The MENA region includes the OSCE Mediterranean Partner countries of Jordan, Israel, Morocco, Tunisia, Egypt and Algeria.

2 See for example: Monika Wohlfeld, 'The OSCE Contribution to Democratization in North African Countries' Security and Human Rights, Volume 22, Number 4, Winter 2011, pp. 383-397(15); Margret Johansson, 'The 'Helsinki Coup': A Model for American Democratization Efforts in the Middle East' OSCE Yearbook 2004, pp. 517-532 <http://www.core-hamburg.de/documents/yearbook/english/04/Johannsen.pdf>; and Ömür Orhun, 'Middle East: A Region in Flux – Considerations on Regional Cooperation and Security Process/Organization for the Middle East', 2011 Turkish Economic and Social Studies Foundation (TESEV), September 2011; The OSCE Mediterranean Partnership and the Arab Uprisings, Meeting Note of the International Peace Institute (IPI) Panel Discussion, 25 October 2011, [http://www.ipacademy.org/images/pdfs/osce\\_mediterranean.pdf](http://www.ipacademy.org/images/pdfs/osce_mediterranean.pdf).

3 The OSCE's Mediterranean Partner countries are Jordan, Israel, Morocco, Tunisia, Egypt and Algeria.

4 Ministerial Council Decision 5/11, 7 December 2011; the three security dimensions of the OSCE encompass the Political-Military, the Economic & Environmental and the Human Dimensions.

5 Saad Eddin Ibrahim, 'Dissident Asks: 'Can Bush Turn Words into Action?'' Washington Post, 23 November 2003.

6 Yitzak Rabin suggested applying the model of the CSCE to the Middle East in a speech at the Congress of the Socialist International in Geneva (Frank Schimmelfennig, 'Konferenzdiplomatie als regionale Friedensstrategie, Lässt sich das KSZE Modell auf den Vorderen Orient übertragen?', 60 Hamburger Beiträge zur Friedensforschung und Sicherheitspolitik (November 1991), p.7, FN 9.

7 During a 1990 CSCE Meeting in Palma de Mallorca, this proposal was developed by the 4+5

Group, consisting of the EC member states of France, Italy, Spain and Portugal and five participants of the Arab Maghreb Union (Algeria, Libya, Mauritania, Morocco and Tunisia) with Malta as an observer. Due to a lack of consensus the initiative ended with a non-binding report. See also Willy Brandt, Eine Friedensordnung für den Nahen Osten, Europa Archiv 5/1991), pp. 137-142.

extension of the Helsinki process to the Mediterranean Partner countries, leading to an expanded OSCE membership.<sup>8</sup> Some have advocated a focus on the creation of a regional co-operation and security process as a starting point to provide a framework of rules and procedures focusing on dialogue, transparency and co-operation.<sup>9</sup>

### Is the CSCE process transferable to the MENA region?

There are a number of reasons, however, why the CSCE process and the resulting 1975 Helsinki Final Act are not immediately transferable to the Mediterranean Partner countries or indeed the larger MENA region. The histories and structures of the conflicts in Central and Eastern Europe (CEE) and MENA regions show that the conflict in Europe was defined by a bipolar international system, with clear ideological fault lines, dominated, but also stabilized, by a political status quo of competing political systems made up of states and alliances of states. The MENA region, by contrast, is multi-polar, fragmented, with disputed borders under international law, and small and large states vying for a dominant role.<sup>10</sup>

Secondly, the linkage between security and human rights within the CSCE process, and the premise that the human rights and democratic principles underlying the Helsinki Final Act have the sole power to serve as a model to transform and consolidate democracies in the MENA region may represent a fallacy if the corresponding political incentives are not given in the MENA region to create a stable security environment. Within the CSCE process, both East and West had strong incentives to improve the security situation and create stability, which led to human rights provisions being included in the Helsinki Final Act in exchange for the recognition of the principle of the non-violability of borders by the use of force. In the MENA region, a comparable security policy agenda does not exist, with numerous complicating factors, including oil and the Arab-Israeli conflict hampering regional co-operation efforts, and by no means automatically leading via human rights principles alone to democratic transformation in the MENA countries.

Thirdly, the signing of the Helsinki Final Act led to the mobilization of civil society and dissident groups in Eastern Europe,<sup>11</sup> which established links with the West and demanded the implementation of the human rights and democratic principles enshrined in the Helsinki Final Act. This led to divisions within the ruling elites of the former Eastern European governments and pacts with the opposition, resulting in liberalizing compromises and alternate phases of repression against its citizens, until the liberalization of the political system and the activation of civil society could no longer be reversed. In the Arab Spring countries, in contrast, the 'popular upsurge' by citizens came first, before the divisions in the ruling elites became apparent, and the calls for democratic change are still largely driven by citizens and civil society, rather than government actors. This is also clearly reflected in the positive response by civil society to OSCE offers of assistance.

### The OSCE as a 'Toolbox' for assistance after the Arab Spring

As noted above, the Mediterranean dimension of the OSCE in 1990 was initially conceived as a diplomatic forum only, with no commitments, institutions or implementation mechanisms foreseen to turn the increasingly structured relationship between the Mediterranean Partners and the OSCE — which was mostly focused on including Mediterranean Partners in regular OSCE meetings, conferences and providing access to documents — into tangible assistance.<sup>12</sup> Now, the events of 2011 have raised the possibility for the OSCE to underpin its relationship with Mediterranean Partners with substantive assistance, making the OSCE 'an effective venue for dialogue and a flexible mechanism for implementation' for its Medi-

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8 Commission on Security & Co-operation in Europe, US 'Helsinki Commission' Hearing, 'U.S. Policy and the OSCE: Making Good on Commitments' remarks by US Congressman Benjamin Cardin, 28 July 2011.

9 See supra/above, 5-6.

10 Margret Johansson, 'The Helsinki Coup', A Model for American Democratization Efforts in the Middle East?, p 522.

11 The so-called 'Helsinki Groups'.

12 Istanbul Charter for European Security; Maastricht OSCE Strategy to Address Threats to Security and Stability in the XXI Century and the 1994 Budapest Summit decision, which established the Contact Group with the Mediterranean Partners for Co-operation within the framework of the Permanent Council. It is an informal group that meets periodically 'to facilitate the interchange of information and the generation of ideas'. See also: <http://www.osce.org/ec/43245>.

terranean Partners, in the words of the Secretary General of the OSCE, Lamberto Zannier.<sup>13</sup>

This idea has also been taken up by Mediterranean Partner governments. In a speech to the OSCE Permanent Council in March 2012, the Foreign Minister of Jordan, Nasser Judeh, stated that ‘The OSCE, due to its multidimensional approach to common, comprehensive, co-operative and indivisible security, and its partnership scheme, provides the appropriate forum for a genuine dialogue on security in the Mediterranean.’<sup>14</sup>

Some steps have already been taken. The OSCE – in particular its institutions such as the Office for Democratic Institutions and Human Rights (ODIHR) — has increased its engagement in support of the Mediterranean Partner countries through the organization of training for civil society from Egypt in election observation and human rights monitoring in July 2011 in Warsaw, the training of election observers from Egypt, Tunisia and Morocco in Budva in October 2011, and the OSCE- Mediterranean Partner Countries’ Conference for Civil Society on the margins of the Ministerial Council in Vilnius in December of that year.<sup>15</sup>

### A lukewarm response

Nonetheless, those who advocate greater engagement by the OSCE in the MENA region need to recognize that despite the relatively enthusiastic declarations on the part of the OSCE and its leaders and institutions, the response to the OSCE’s overtures has been subdued. At the time of writing, only one Mediterranean Partner country has requested concrete assistance from the OSCE (Tunisia), and no other Mediterranean government has currently requested to become an OSCE Partner. In times of rapid political transition, MENA governments indeed appear reluctant to turn to inter-governmental organizations for support, perhaps fearing that the OSCE’s work with, and assistance to, civil society organizations could unpredictably fuel desires of increased participation.

By contrast, the demand for OSCE assistance from civil society in the Mediterranean Partner countries has been high, as the recommendations of the 2011 OSCE Mediterranean Civil Society Conference clearly demonstrate,<sup>16</sup> although their inclusion in OSCE processes and events has not always been supported by their governments. The reluctance of Mediterranean Partner governments has implications for the OSCE’s overall capability to provide assistance to this region.

### What could the OSCE offer?

To review some of the key issues facing the reforming states of the Arab Spring is to go over a list that is familiar to the OSCE’s institutions and programmes: ensuring democratic elections, political party development, guaranteeing participation for national and religious minorities, reforming the security sector, and media reform. After more than 20 years of programmes implemented in the former Soviet Union countries of Central and Eastern Europe, but also on occasion in the OSCE’s Western participating States, MENA governments could draw on a wealth of experience and a number of significant achievements in all these fields when designing further steps in democratization in the region.

Over the last 20 years, the OSCE has developed a ‘toolbox’ that could and should be seriously considered in crafting a policy response for sustaining and supporting democratization in the MENA region. First and foremost, the OSCE could highlight the evolved acquis of the OSCE’s commitments in the human dimension, commonly agreed among its participating States, that provide clear and advanced benchmarks in the field of human rights, democracy, the rule of law, elections and national minorities. The OSCE’s implementation architecture has also developed a number of advanced expert institutions charged with assisting states with the implementation of these standards — among which we can list the High Commissioner for National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and the Representative for the Freedom of the Media. Beyond that, the OSCE has had a remarkable field presence, with up to 30 field missions and offices — 15 still remain. Annual mandated meetings on the human dimension have also provided numerous occasions for meetings of experts, national representatives and NGOs to consider key issues in the human dimension.

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13 Address by Ambassador Lamberto Zannier, Secretary General of the OSCE, to the OSCE Parliamentary Assembly’s Mediterranean Forum: ‘Making the Mediterranean a Safer Place: Creating an Area of Freedom, Security and Justice’, Dubrovnik, 9 October 2011.

14 Speech by the Foreign Minister of Jordan, Nasser Judeh, at the OSCE Permanent Council on 15 March 2012.

15 See <http://www.osce.org/odihr/elections/87217>.

16 <http://www.osce.org/odihr/85800>.

## Can the OSCE's tools realistically be used?

It is less clear to what extent these tools are that useful for the specific context of the MENA region. The OSCE's commitments — while advanced and clear — remain politically binding only on participating States of the OSCE. On the ground in MENA states they will remain of secondary interest. Furthermore, OSCE Field Operations can only be deployed, according to the OSCE's own rules and mandates, by consensus among the 56 participating States and the agreement of the host country — this is currently not likely to be extended beyond OSCE participating States to the Mediterranean Partner countries. Lastly, one can question whether practitioners and civil society groups from MENA will find the OSCE's human dimension meetings relevant to their immediate needs.

## The OSCE's specialized institutions — a leading role?

The OSCE Institutions as the expert bodies of the OSCE, responsible for a broad array of handbooks, guidelines, manuals and training tools, would be in a position to flexibly adapt their tools to different contexts. They have also been the most experienced in reaching out to other partner organizations — the ODIHR's long-standing co-operation with the Council of Europe's Venice Commission on legislative assistance comes to mind.

Yet, the Institutions are hamstrung by the OSCE's rules on funding for programmes outside the OSCE area. Activities by the Institutions using core funding require a consensus decision by all 56 participating States. Some may indeed question whether ODIHR and the other OSCE institutions really have a robust enough mandate to work in MENA countries. Others may also ask whether an engagement with MENA countries would not be an unnecessary distraction for OSCE institutions, given the grave and ongoing challenges to democracy and human rights that exist on the OSCE's 'home turf'. Lastly, in a moment when many donor and democracy organizations are rushing to take up opportunities in MENA, it is important for the OSCE to avoid the pitfalls of duplication, and to really consider where its niche advantages may be.

## Conclusion

A measured approach for OSCE engagement in the Mediterranean. Due to systemic requirements within the OSCE actual assistance can only be requested by government actors. Of their own volition, OSCE institutions can only recommend engagement in certain areas. The perceived reluctance on the part of MENA countries to fully engage with the OSCE should not suggest that the OSCE and its institutions should refrain completely from offering support to MENA countries; rather, assistance should be carefully tailored, account for the plurality of democratization assistance providers, and be driven by actual needs.

Concretely, a number of basic conditions can be identified. First, OSCE programmes should be based on an honest analysis of what key needs of MENA societies can be paired with OSCE programmes and products. Second, programmes need to be conceived — including from a budgetary perspective — in such a way that OSCE resources are not distracted from their core mandate in the OSCE states themselves. Ideally, this can and should be achieved through synergies between OSCE and MENA programmes. Finally, the experiences of the last few years suggest that there is real interest among civil society organizations and some institutions in MENA countries to access the OSCE and the experience of the transitions in the post-Communist world. Thus, choosing and working with the right partners — that can truly complement the work of the OSCE and help to translate it to a local context — will be essential.


If support in democratic transition is to be taken seriously in the form of free elections, the rule of law, participation and pluralism, the OSCE must consider that its Mediterranean engagement must be inclusive for all key actors, including civil society, governments and opposition groups. It is particularly the governments of the Mediterranean Partner countries that the OSCE must seek to engage and reassure that support, in particular in the Human Dimension of the OSCE, is tangible, predictable in its results, and tailored to their specific context and needs. The OSCE's expertise and its ability to offer a 'tool-box' of methodologies within the mandates of its institutions may be the means to achieve this, if limitations to its implementation are lifted.

While the OSCE has always given preference to the diplomatic 'process', rather than a quick impact, it may be time to take stock of concrete achievements that the political dialogue over the last 15 years may have facilitated. A Mediterranean review conference could heighten awareness within the OSCE that its Mediterranean partnership requires a concrete programme for action, if it is to be enhanced beyond diplomatic protocol. At this point, and in a year in which the democratic

progress achieved in 2011 in some of the Mediterranean partner countries is fragile, perhaps the question is not so much whether the Mediterranean partners should be brought closer into a multilateral structure composed of 56 states, but rather if the OSCE can be a productive partner to them.







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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.

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