

# ADVANCING WITH U.S. INTERESTS IN THE OSCE REGION

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED ELEVENTH CONGRESS FIRST SESSION

OCTOBER 28, 2009

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# ADVANCING WITH U.S. INTERESTS IN THE OSCE REGION

OCTOBER 28, 2009

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## **ADVANCING WITH U.S. INTERESTS IN THE OSCE REGION**

**October 28, 2009**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 2 p.m., in room 212/210 Capitol Visitor Center, Washington, DC, Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe; Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe; Hon. Sam Brownback, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Darrell E. Issa, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Philip H. Gordon, Assistant Secretary, European and Eurasian Affairs, U.S. Department of State; Michael H. Posner, Assistant Secretary, Democracy, Human Rights and Labor, U.S. Department of State; and Alexander Vershbow, Assistant Secretary, International Security Affairs, U.S. Department of Defense.

### **HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. The Helsinki Commission will come to order. I want to welcome all of our guests that are here, particularly our three panelists who are a real contact between the legislative and executive branches of government on the Helsinki Commission and we look forward to their testimony.

It's good to be here with Chris Smith, the Ranking Republican Member of the Helsinki Commission.

This is an important hearing for us to talk frankly about where we are with the U.S. participation in OSCE, where our strengths are so that we can build upon those strengths and where we can really try to correct some of the weaknesses within the OSCE framework.

I think it's an appropriate time to talk about that as we approach the milestone 35th anniversary next year of the signing of the Helsinki final accords. The ministerial meetings will be coming up in December. We're anxious to know the strategies moving into the ministerial meetings. This an unusual one in that the Chair-in-Office recently changed because of the elections in Greece as well as the first time that the Chair-in-Office next year will be from Central Asia, which is, of course, an interesting development within

OSCE and one that adds additional opportunities, we hope, during 2010.

We also, of course, understand the importance of OSCE in that it is not only the largest, regional, international organization in the world, but it's an organization in which both Russia and the United States have equal membership, which is not typical in most of the regional organizations. And, of course, we have so many open issues between the United States and Russia today giving us we hope the opportunity to advance some of those issues through the OSCE framework.

There's much to celebrate within the recent accomplishments of the Helsinki Commission. We looked back to what we did during the Soviet years with the refuseniks and the release of Soviet Jews and we bring that to the current problems of the Roma population through much of Europe and the work that we're doing developing strategies to end human trafficking.

And I want to acknowledge the tremendous leadership of Congressman Chris Smith on that effort. It started within the Helsinki Commission and has now become, I think, the norm among all the countries in OSCE that have a game plan, not only laws but a strategy to end human trafficking. The Commission played a very key role in that.

Today, we are still pushing very hard on election monitoring and the key field missions. And the list goes on and on and on of positive developments within OSCE and, of course, the three representatives in regards to the tolerance agenda.

All these are success stories in large part due to the U.S. participation in OSCE through the Helsinki Commission. But there's reason to be concerned today. There's reason for us to take stock as to how we can do things better.

There's been backsliding in several of the OSCE states that is very troublesome to us all. There are frozen conflicts that are still frozen and I think many of us had hoped that we would have been made more progress.

There's open conflict, for example, between Georgia and Russia in which the process did not work and it causes us to rethink as to whether we have the right framework to deal with those types of challenges.

And, of course, we have the bureaucratic issues in Vienna and how decisions are made within the OSCE and how the budgets are developed within OSCE and the U.S. participation both in Vienna and in the funding on the budget requests that come in to us through OSCE or through its different institutions including ODIHR.

I want to just acknowledge the cooperation that we have received from the Obama administration. I particularly want to acknowledge Secretary Clinton's strong interest in OSCE. She's a former member of the Helsinki Commission. And just recently had the opportunity to talk with her concerning the OSCE and I know that is focused on the need for an Ambassador in Vienna and we hope to have some news on that shortly.

I look forward to the testimony. I look forward to the continued strong relationship between the legislative and executive branch.

It's actually seamless as it relates to the U.S. participation in OSCE.

Congressman Smith.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Mr. Chairman, thank you very much. And I do want to thank you for convening this very important hearing. We have three very distinguished witnesses which I'm looking forward to hearing from.

And I do want to thank you for your leadership in the Commission. We've had a robust schedule of hearings. We've, I think, been very active both within the OSCE PA and the OSCE itself and it's due in no small measure to your leadership so I want to commend you for that.

Mr. Chairman, human rights defenders have been profoundly disappointed—and I say this at the outset—with the words and actions of this administration. In only 9 months, President Obama and many of his senior officials have signaled their disinterest in fundamental human rights in countries ranging from China to Cuba, Egypt, and Burma, and to Venezuela itself as well.

And I raise this issue on human rights. I have tried, Mr. Chairman, for over 20 years, 20 years to get into Cuba to meet with dissidents there. Although Cuba, obviously, is not part of the OSCE, I've been denied each and every time. And yet there's this now new opening that we're seeing with this administration vis-a-vis Cuba and human rights seem to be a distant second or third even if they're on the plate at all. And I will get into that much further if any of our witnesses would like to engage in that, particularly Mr. Posner.

Even the press that has been so supportive of the new President has noted this dramatic demotion of human rights. Mr. Chairman, on this point I'd like to submit for the record a report and an editorial by Fred Hiatt from the Washington Post that ran just a couple of weeks ago. And the report was a Washington Post report, "Human Activists Troubled by the Administration's Approach," which was done this past May 2009.

Yet, at least within the OSCE region, the administration has not so notably deprioritized human rights. As we're all aware that our three witnesses have all shown personal commitment to the promotion of human rights, Secretary Posner has dedicated his life to defending many of the most important human rights. Secretary Vershbow has also worked energetically in many of these issues. We're all grateful for him for his work on Jewish immigration from the USSR. And I recall Secretary Gordon's vigorous reaction to the myriad human rights violations connected to Russia's invasion of Georgia. So I am looking forward to hearing what our witnesses have to say on many issues particularly U.S. policy toward Belarus and the very important and vexing issue of combating anti-Semitism, which appears to be getting worse.

Mr. Chairman, you and I visited Belarus this past July along with other members of the Commission. And we had, as I think most people know certainly in this room, had a private meeting with Alexander Lukashenko.

Lukashenko was aggressive in that meeting demanding that our Government revoke certain sanctions put on his Government by the Belarus Democracy Act, which first became into law back in 2004 and was reauthorized in 2007 and major provisions of it which were adopted into this year's State Department authorization bill. I know from countless meetings with the Belarusian democratic reformers and human rights activists how these sanctions sustain them against the dictator both materially and morally.

And we saw with our own eyes that the sanctions are a big factor in the dictator's thinking. He wants them removed. And so they have to say—if they're going to have it removed, there needs to be substantial progress in the realm of human rights and they must treat those dissidents with respect and not the scorn, and really much worse than scorn, with which Lukashenko and his thugs have done so in the past.

Again, I want to thank you, Mr. Chairman, for convening this hearing. I do believe whether it be election monitoring or human rights, the other baskets, obviously are important, but for this Commission human rights has always been first and Mr. Posner used to—a head of an organization that was called Human Rights First and Lawyers' Committee before that. But I thank you again for this hearing.

Mr. CARDIN. Thank you, Congressman Smith. Let me welcome our three witnesses, two from State and one from Defense. Let me just make an observation and I'm going to introduce our witnesses.

Our Commission has had a very close relationship with the Department of State and we want to thank you for that. There have been consistent briefings from both our Commission trips as well as from the State Department visits to countries of interest and we very much appreciate that close working relationship that exists on a day-to-day basis between our staffs and ourselves. And I just really want to get that on the record.

Let me introduce Dr. Philip Gordon who serves as Assistant Secretary of State for European and Eurasian Affairs. Prior to assuming his position, he was the Senior Fellow at the Brookings Institution. He served as Director for European Affairs at the National Security Council under President Clinton.

Michael Posner serves as the second Assistant Secretary of State for Democracy, Human Rights and Labor. Prior to his current position he was the Executive Director and then President of the Human Rights First. Before joining Human Rights First, Mr. Posner practiced law in Chicago.

Ambassador Alexander Vershbow serves as Assistant Secretary of Defense for International Security Affairs. A career Foreign Service Officer, he served as U.S. Ambassador to NATO, the Russian Federation and the Republic of Korea. He's held numerous senior level foreign policy positions principally focused on the former Soviet Union and the Balkans.

We'll start off with Dr. Gordon.

**PHILIP H. GORDON, ASSISTANT SECRETARY, EUROPEAN AND  
EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Sec. GORDON. Chairman Cardin, thank you very much for having us here. Mr. Smith. It's nice to see you both again. I agree with the Chairman that this is an important hearing to talk frankly about where we are on these issues and with your permission I'll make just a short opening statement. Obviously, I've submitted longer testimony for the record.

The OSCE remains one of the top three key European institutions with which the United States engages alongside the European Union and NATO. The OSCE remains an essential venue for dialogue, cooperation, and democracy promotion precisely with those countries that are not yet members of or do not intend to become members of those two other organizations.

The OSCE's comprehensive approach to security offers a vehicle for engagement across the political, military, economic, and human rights dimensions. That it is a process and that such a process takes time does not lessen its importance or the necessity for sustained United States engagement.

The Helsinki Final Act says that promoting democracy and respect for human rights is fundamental to achieving sustainable security in Europe and Eurasia. It links security among states to respect for human rights within states. Indeed, I think that's one of the most important features of the OSCE is that it recognizes that security is not just about what happens between states or beyond borders, but what happens within them.

The OSCE's core values are among the reasons this organization has a central role to play in advancing President Obama and Secretary Clinton's foreign policy strategy.

Indeed, the remarkable success of the organization during many of the past 35 years is proof of what the Participating states can achieve when we implement commitments based on shared values and objectives. Improvements in the lives of our citizens in the OSCE area are the result of hard work, conviction and persistence.

And I would really like to thank the Helsinki Commission members and staff for working so closely together with us in this endeavor. We very much appreciate the institutional knowledge on the Commission and its staff and its dedication to human rights and the energy that they bring to our joint efforts.

The Helsinki Final Act has long stood as a beacon for the silenced, the disenfranchised and the displaced. The OSCE is among the most effective and cost effective international organizations working on human dimension issues today. It is well known for its election monitoring expertise, its efforts to promote basic freedoms and human rights including religious freedom and freedom of the media, association and assembly and for its groundbreaking work in combating anti-Semitism and other forms of intolerance. The OSCE's 18 field operations play a key role in promoting democracy and developing sustainable institutions.

We look forward to Secretary Clinton's participation in the Athens' Ministerial in December. As the Chairman said, the Secretary is a very strong proponent of the OSCE and she's going to go to Athens in December to make our views on the organization clear.

We will to revitalize the OSCE's contributions in each of the three dimensions of security.

The Corfu process inaugurated by the Greek OSCE Chair-in-Office to take a fresh look at the OSCE itself and European security more generally is at the center of the revitalization effort. We hope OSCE Participating states will not only renew their commitment to the OSCE's core values at Athens but also to begin to chart its future in engaging new and old security challenges as Kazakhstan takes over as the organization's, as was pointed out, first ever Central Asian Chair-in-Office.

I will just very briefly summarize a couple of points from my written testimony in the following areas. The human dimension—the OSCE's human dimension activities are what help set the organization apart from other organizations. We fully support these activities and we'll continue to push for greater implementation of the commitments of all Participating states have made to each other and to their citizens.

The political-military dimensions—arms control and confidence building measures remain a foundation of the long-term security of the OSCE region. Russia's decision to suspend its implementation of the Treaty on Conventional Armed Forces in Europe in December 2007 has raised serious concerns among its CAFE partners and within the OSCE as a whole.

The OSCE plays a central role in our efforts to find peaceful solutions to the protected conflicts within the OSCE region. The United States is a means group co-chair working to make progress in Nagorno-Karabakh. We're an observer in the five plus two mechanism set up to address the Transdnestrian conflict. And we are engaged on a constant basis in efforts to build a stable and secure future for Georgia. I'll also elaborate Georgia in what I hope will be our discussion.

Economic and environmental dimension is also important. The OSCE has been a catalyst for regional cooperation on a broad array of economic and environmental activities including transparency, good governance, water resource management, migration assistance, and the disposal of hazardous waste.

Afghanistan—we greatly appreciate the OSCE's recent efforts within Afghanistan such as the recent ODIHR election support team mission deployed for Afghanistan's August Presidential and provincial council elections.

Kazakhstan as the OSCE Chairman in Office—just a brief word about that before I conclude. I think it's another issue we'll want to explore in this hearing. The United States stands ready to assist Kazakhstan in its goal of a successful term as Chair-in-Office. It is critical that the Chair of the OSCE meet the high standards of democracy and fundamental human rights upon which the OSCE is based. We continue to have intensive discussions with the Government of Kazakhstan to encourage authorities to implement democratic reforms in line with their Madrid Commitments.

In conclusion, I'll just say that the OSCE's multidimensional approach to security is directly relevant to the many transnational issues we face as we work together to build a democratic, prosperous, and secure trans-Atlantic community.

Again, Mr. Chairman, Mr. Smith, thank you so much for holding this hearing and I will look forward to your questions and comments.

Mr. CARDIN. Thank you very much for your testimony.  
Secretary Posner.

**MICHAEL H. POSNER, ASSISTANT SECRETARY, DEMOCRACY,  
HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Sec. POSNER. Thank you, Mr. Chairman. I want to thank you both for your long commitment to these issues and to human rights issues in particular. Congressman Smith, you and I have worked over a number of years on issues as diverse as Northern Ireland, Russia, China, anti-Semitism, and refugee protection. The hearings you held over the years on Northern Ireland made a huge difference and led us to the peace process and the Good Friday agreement. Your scrutiny really helped, so I thank you for that.

And Chairman Cardin, I just couldn't be more thrilled that you're the chair of this body and I look forward to becoming a Commissioner and working with you.

I would ask that my written statement to be entered into the record, and I want to just highlight a few main points.

Mr. CARDIN. Without objection, each of your written statements will be put on the record.

Sec. POSNER. When President Obama addressed the General Assembly last month, he reiterated a call for a new era of U.S. engagement in the world. And at HDIM and at OSCE our engagement is guided by three principal tenets.

One is engagement. I think we've gone to the HDIM in Warsaw in the spirit of engagement but also recognizing the importance of standing for our values. We will strenuously resist efforts that undermine OSCE principles or weaken the office of democratic institutions and human rights, the field missions or other human dimension efforts. And those debates are underway.

The second tenet of our approach is universality. We are dedicated to upholding consistent principles that are reflected in the Universal Declaration of Human Rights, starting with ourselves. The President's Executive orders issues on his second day in office announcing a determination to close Guantanamo, to end abusive interrogations, and to review security detention policies, are emblematic of that commitment.

At HDIM I joined a delegation headed by Dr. Michael Haltzel. In exchanging views with states, we made every effort to respond to those concerns expressed about the U.S. record and emphasized that we do not consider such expressions to be interference in our internal affairs. That sends an important signal and hopefully one that other governments will follow.

The third tenet of our approach at OSCE and elsewhere is telling the truth. We went and had bilateral discussions with a number of governments including Russia, Uzbekistan, Kazakhstan, and others, and we had frank discussion sharing views.

In the weeks since the meeting more troubling developments have occurred, and those are the kinds of things we need to monitor. Independent election monitors reported irregularities during the municipal elections that took place in Russia, October 11th.

Such irregularities undermine prospects for accountable, democratic governance.

We're especially concerned by the continuing pressures and violence against members of the NGO Memorial in Russia, a group which I've worked with personally for decades, which has just been awarded the Sakharov Prize by the European Parliament.

During her Moscow visit, Secretary Clinton expressed support for President Medvedev's statements about more open society, but she also met with civil society activists and underscored that the United States stands with those who work for freedom, campaign for justice and democracy, and who risk their lives to speak out for human rights. In Russia, people literally do risk their lives to speak out for human rights.

In Uzbekistan, despite some relatively promising developments last year toward curbing child labor in the cotton sector, the Government again this year has mobilized children to take part in this year's harvest. That's an issue we're attentive to and we need to be pushing back on.

We're concerned about the October 20th arrests in Turkmenistan of a civil society activist Andrey Zatoka. We urged the Government of Turkmenistan to ensure that he gets due process and human treatment. The circumstances surrounding his arrest are troubling given the history of his 2006 arrest and they reinforce fears in the human rights community there.

The list goes on and on. And I have more instances in my testimony.

I want to share Assistant Secretary Gordon's comments about Kazakhstan. We are ready to work with the Government of Kazakhstan, but we've also called on them to show leadership by example and to make steady progress toward meeting all of their Madrid commitments including reducing criminal liability for defamation. We're deeply concerned about an appellate court decision October 20th upholding a conviction in a 4-year prison sentence against human rights advocate Evgeny Zhovtis. We urged Kazakhstan to pursue the upcoming procedure review of his case in accordance to Kazakhstan law and its commitment to international justice standards.

At the HDIM I also made a special point in meeting with NGOs. This is a major theme for President Obama and Secretary Clinton. The subject has special resonance for me because in my years working in the NGO world. And it's one of the strengths of the OSCE process. But I think we need to be attentive to efforts by a number of governments to curtail NGO activism and participation at OSCE and fight those efforts as strenuously as we can.

I look forward to working with you. I thank you for holding this hearing and I stand ready to answer your questions.

Mr. CARDIN. Thank you. We do look forward to you being on this side of the table.

Secretary Vershbow.

**ALEXANDER VERSHBOW, ASSISTANT SECRETARY, INTERNATIONAL SECURITY AFFAIRS, U.S. DEPARTMENT OF DEFENSE**

Sec. VERSHBOW. Thank you, Mr. Chairman. It's good to be here and to be with Congressman Smith as well and to thank you very much for the opportunity to discuss the Organization for Security and Cooperation in Europe and its contributions to a Europe whole, free, and at peace.

With the Athens Ministerial coming up in December, this hearing is a very good opportunity to step back and think about some of the accomplishments that the organization has had over the past four and half decades but also what we'd like to see in the future.

Since the 1975 Helsinki Final Act, the OSCE has played a historical role in helping Europe to transition from a period of protracted conflict to a time of increasing prosperity, freedom and stability. It has offered objective election observer missions across Europe including in Bosnia, Kosovo, and Moldova. It served as a mediator in the Nagorno-Karabakh conflict and it stood, at least for a brief time, as an agent of peace and stability on Georgia's administrative boundary lines with Abkhazia in South Ossetia.

As someone who cares a great deal about the security and freedom of the trans-Atlantic community, I've always valued the important role that the OSCE has played in promoting the vision of its 35 founding states that was expressed nearly 35 years ago. And I recall my first time appearing before this commission when there was still a Soviet Union, and the world has moved on considerably and the OSCE played an important part.

Since today I'm representing the Department of Defense, I'll focus on a few concrete areas of the OSCE success in the defense and security realm before going into some issues that we would like to see addressed as we go forward. Like my colleagues, I have a longer statement which I've submitted for the record. I'll just touch upon some of the highlights.

Recent OSCE security sector achievements include helping states to better control weapons of mass destruction, reducing small arms trafficking, engaging with Mediterranean states, and taking a proactive approach to cybersecurity threats.

First, weapons of mass destruction—WMD acquisition and use by those who mean us harm presents an existential threat to OSCE members. The organization has taken some pragmatic steps to help states better implement U.N. Security Council Resolution 1540 which obliges all U.N. member states to enforce WMD counter-proliferation measures. OSCE will be publishing a best proactive guide on proven and effective means of implementing resolution 1540. And the United States is cooperating with other OSCE member states on further work on 1540 to give its implementation a stronger focus within the organization.

Second, OSCE has implemented initiatives to mitigate the threats posed by small arms and light weapons transfers. It programs to eliminate deteriorating liquid rocket fuel in Armenia and Georgia, to reduce small arms and ammunition in Tajikistan and Belarus, and to decrease the number of man portable air defense systems, or MANPADS, in Cyprus, have all contributed to regional security and stability.

Third, I'd like to mention our dialogue with Mediterranean states on important security issues. The OSCE's partnership has served as a useful forum. Over the past year, the United States has organized seminars in Vienna and in Morocco on the threats to the Mediterranean region posed by MANPADS. And this December's Mediterranean Partners Conference in Cairo will address regional conflict prevention and resolution as well as migration issues.

On cybersecurity we've seen in Estonia and Georgia the threats that cyber attacks can pose to the critical infrastructure of our increasingly networked world. The OSCE is tackling this challenge head on. At a recent cybersecurity workshop, OSCE members and representatives from Egypt, Japan, the Arab League, and NATO, among others, discussed ways to improve cyber defenses worldwide. They agreed to carefully review capacities and deficiencies in national cybersecurity efforts.

And there are also some areas where we hope to see further progress in the near future. One of these is Afghanistan. As you know, the Government of Afghanistan requested OSCE's assistance back in 2007. In response, the OSCE secretariat proposed 16 projects to enhance Afghan border security, including a welcome emphasis on building Afghan capacity. But so far only a few of these projects have been implemented. We still need OSCE wide support on two projects that we believe are critical and in everyone's interest: a proposed training facility at Sher Khan Bandar and a mentoring and monitoring project at Afghan border crossing points. So we hope to get a full OSCE consensus on these projects soon.

Now, as we address emerging challenges, it's also vital that we continue to address the threat of traditional international conflict among sovereign states. As this Commission Co-Chair stated at the time, Russia's August, 2008, invasion of Georgia represented a violation of Georgia's territorial integrity and Principle Four of the Helsinki Final Act. We regret the end of the OSCE and U.N. missions in Georgia and the lack of access to the separatist regions, which impedes efforts to reduce tensions and prevent incidents from spinning out of control.

The OSCE offers a particularly important forum for engagement because as last year's August events show, we have to make existing mechanisms more effective in preventing conflicts. We remain ready to continue our dialogue with Russia in the OSCE about its idea for a new European security architecture, although we are committed to working through existing structures and mechanisms for joint cooperation on European security rather than creating new ones.

We also look forward to continuing our close cooperation with Russia and their other fellow Minsk Group co-chair, France, to support the leaders of Armenia and Azerbaijan as they finalize the basic principles for settlement of the Nagorno-Karabakh conflict.

The most vital of the OSCE security mechanisms are the Conventional Armed Forces in Europe Treaty, CFE, the Vienna Document, 1999, and the Open Skies Treaty. We remain very concerned about Russia's suspension of its legal obligations under CFE and continue to urge that they return to full implementation as soon as possible.

The Vienna document is a complementary confidence and security building mechanism that remains a successful transparency mechanism. We hope all parties will continue to maintain the transparency that remains its core principle.

Open Skies allows each state party the right to observe any part of the territory of other parties, a truly historic step in transparency by all 34 states parties. Significant challenges lie ahead, however, and we'll continue to seek agreement to preserve the benefits of this landmark treaty.

So Mr. Chairman, more than 35 years ago, the Conference on Security and Cooperation in Europe began negotiations to end the cold war and create foundations for a safe, prosperous, and free continent, with its crowning achievement being the Helsinki Final Act. The peaceful conclusion of the cold war and the triumph of Helsinki principles represent a remarkable achievement and the Helsinki process aided by this commission remains an extraordinary example of the exercise of the collective will to prevent war and to consolidate freedom and democracy.

OSCE member states can be proud of their achievements, but we haven't fully secured the foundations of peace and security in Europe, nor have we fully realized our vision of transparency, openness and predictability in military affairs.

So we look forward to working with the OSCE and with this Commission to realize the full potential of this organization and to achieve the goal of a Europe whole free and at peace. Thank you very much.

Mr. CARDIN. Thank you for your testimony.

Let me acknowledge Dr. Mike Haltzel who is here, from a very successful head of our mission to the human dimensions implementation meetings in Warsaw. We got a report back and we know that you were very active and we thank you very much for your leadership in that regard.

We are joined by Senator Brownback, the senior Republican on the Commission from the Senate and one of the leading advocates for human rights in the U.S. Senate. Senator Brownback—make an opening statement?

**HON. SAM BROWNBACK, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. BROWNBACK. Thank you very much, Senator Cardin, but I don't have one. I am pleased to join the hearing and to hear the testimony. I've got a few questions. It seems to be a pretty propitious time right now for us in Europe and how we engage. So I've got some questions on that line.

Mr. CARDIN. Let me just first start off by saying that we were—the Commission was recently in Athens and met with Prime Minister Papandreou. And he was—he had heard from Secretary Clinton and was very excited that Secretary Clinton will be attending the ministerial meetings in Athens in December.

Let me followup on one point. Look, I think this administration is focused on human rights. I think it's focused on all three of the baskets in OSCE—the security basket, the economic environmental front, where were going to be dealing with global climate change, also within OSCE; and the human rights front. And I must tell

you, the announcement by the Obama administration to close Guantanamo Bay and the changing of the interrogation procedures was extremely well received internationally and was certainly the right way to proceed.

I just want to underscore, though, that in the highly visible international visits, human rights has not been in the spotlight. And I think that's an issue that needs to be corrected and addressed. I mention that as a friend.

Let me just give you one potential opportunity. We've all talked about Kazakhstan taking on the Chair-in-Office in December. They've been working very closely with our Commission. They've been working very closely with our Government to try to be as prepared as possible to take on the challenges. Secretary Gordon, you mentioned the fact that they must use the high standards of OSCE. We expect that from them. They have done some good things, but there are some issues that are outstanding that at this point we thought would have been addressed by now and have not been addressed. And we've been very open about talking about it.

They are talking about the possibility of having a summit of OSCE. I would hope the position of the Obama administration would be that there should be no summit just for taking photographs, but that if we can use the U.S. participation to advance the OSCE agenda on all three baskets, but particularly focused on the human rights issues with Kazakhstan as Chair-in-Office, that presents an opportunity that I think could really underscore the priorities of our nation and our participation within the OSCE.

So I mention that to you as I think we need to focus this better and I say as a person who really wants to work with the administration in that regard.

Sec. GORDON. Could I, Mr. Chairman, respond on a couple of those important issues? First, on highlighting human rights and what the administration does and Assistant Secretary Posner may want to weigh in. Let me just say in this part of the world that I deal with, of course, we can always do more and we should, but on the recent visits to Russia I think both the President and the Secretary did put human rights and democracy front and center. The President spoke about it not just privately in these meetings with all of the top Russian leaders, but publicly in his speech at the New Economic School and in his very visible meetings with human rights groups, NGOs, and opposition figure, and in his interview with Novaya Gazeta, one of the more prominent liberal voices.

And the Secretary did the same thing, meeting at Spaso House with civil society and NGO and human rights activists, doing an interview on Ekho Moskvi, again underscoring the importance of independent media. And I'd like you to quote from what she said, which I think really is at the core of what the administration feels on this issue.

Secretary Clinton in Moscow said that a society cannot be truly open when those who stand up and speak out are murdered and people cannot trust the rule of law when killers act with impunity. She made that very clear, again, both publicly and privately and she told those who speak out that the United States stands firmly by their side. And I wanted that to be underscored.

As for Kazakhstan, we couldn't agree more. As I noted in my testimony, the agreement to allow Kazakhstan to hold the chairmanship came with certain responsibilities and certain agreements on their part. And they are now in the international spotlight. And I encourage you, as you suggested you would, to keep this spotlight on them and insist that they uphold their agreements. That was part of the logic of doing this, is to encourage them to make those commitments and now we need to see that they're upheld. And the world will be watching and just as you will hold them to that standard, so will we.

And then finally, on the issue of a summit, if I might, I would say I think you hit the nail on the head. It's about substance. If a summit can accomplish something, including in the core areas of the OSCE, including human rights, then there should be a summit. But we're not interested in having a summit just to allow somebody to have a summit or to go and waste anybody's time. So again, the process is linked to the substance. If there's something that can be achieved in the important areas of the OSCE, let's do it. And if not, we won't do it.

Mr. CARDIN. Thank you.

Secretary Posner?

Sec. POSNER. Yes, I would just add to that. I think we need to be, in the case of Kazakhstan, particularly attentive to the restrictions they place on advocates, on the use of the criminal liability for defamation. The case I mentioned, the Zhovtis case, is emblematic of that problem. The fact that weeks after the HDIM—the appellate court upheld the conviction, I think is not a good sign and we need to be pushing back. Congress and this Commission ought to do it and we in the administration, we do.

We met with them in Warsaw. We were very clear about our concerns about that. We say uphold the Madrid commitments. So I think we have an opportunity now in Athens and then going forward to say that the notion of having a summit is really dependent on making sure that you live up to the expectations as a leader in this process.

Mr. CARDIN. Thank you.

Secretary Vershbow, I was representing the OSCE parliamentary assembly at the meetings in Corfu, where Russia had brought forward the prospects of a new security arrangement for Europe. There was, I think, almost the total consensus, maybe minus one, Russia, that strengthening the existing organizations, including OSCE was the preferred way to proceed.

Has there been any followup since the Corfu meetings on the specific suggestions brought forward by Russia? Has the United States taken any position with our allies in order to further the discussions that took place in Corfu?

Sec. VERSHBOW. Secretary Gordon can comment on this, too. There have been some discussions in the OSCE at the permanent representative level in Vienna, but I think we're still at a very early stage of this dialogue. But I do think the consensus among, as you said, all but perhaps one or maybe one or two of the member states, that the focus should be on improving the existing network of institutions, rather than trying to invent new ones is the way to go.

And I think that we remain still a little unclear as to what precisely the Russians are driving at. I think they clearly feel that the institutions have not necessarily given Russia the voice, the influence that it wants on European security. But of course we can point to the Russian departure from some of the Helsinki principles as having led to some of the problems, not least the conflict in Georgia.

So we certainly want to work with them because we certainly want to find a better way to prevent conflict, to deescalate tensions in still volatile regions like the Caucasus. There are still problems in the Balkans where OSCE I think can contribute. So we approached this with a constructive spirit, but the sense that in terms of the structures themselves, if it ain't broke, don't fix it.

Mr. CARDIN. Secretary Gordon?

Sec. GORDON. If I could just add, Mr. Chairman, as you witnessed in Corfu we were quite clear what we thought about this idea of European security treaty, which is we are always happy to engage with the Russians or any other partners on European security and to talk about ways in which things could be improved. Sure things can be improved. We just had a war in the summer of 2008. So we don't want to shut off dialogue and we remain open to discussion.

As for whether we need new principles and institutions, we are, as we made clear in Corfu, quite skeptical. Indeed, one of the ironies of the Russian proposal is that it draws attention to the utility of the OSCE because it is an organization that's comprehensive. It has 56 members. Everyone in Europe and Eurasia is a part of it. And it's based on some pretty sound principles—those in the Helsinki Final Act. And that's what we have consistently said to the Russians. Why don't we work on strengthening this organization that we have, which is very good, and why don't we work on implementing the principles that we have agreed to, which are very important, rather than talking about setting up new institutions and new principles or a new treaty that would be very difficult in any case to enforce.

So that has been our consistent line. We've continued to engage with them in the OSCE and in the Corfu process. We remain always ready to look at other ideas to strengthen European security. As for their insistence that more be done on hard security, we have two responses. One is let us not overlook so-called soft security and the human dimension, which we don't want to get away from, and that's why we want to come back to the OSCE. And as for hard security, and we can talk more about it, there is the CFE treaty already, which they have suspended and we would encourage them to come back into compliance in cooperation.

Mr. CARDIN. Thank you.

Congressman Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. Again, I think we're talking to the choir here, three individuals who care deeply about human rights and democracy. But I would just—and echo what the Chairman said, then I said in my statement as well. There is concern among many of us who—I've been in Congress now 29 years. My first trip on behalf of human rights was with the National Conference of Soviet Jewry and Mark Levin—I believe is

here. He usually is here. Maybe not. There he is. For 10 days, stayed in Moscow and Leningrad pushing for refuseniks. And the concern is that—and Mr. Posner, your post was left painfully unfulfilled—unfilled I should say—for far too many months. The Ambassador or the director of the Global Anti-Semitism Review Act, the office that was created by that—and I would note parenthetically, I was the prime House sponsor of that and offered the amendment to make it permanent and to have a person in that position to promote or to combat anti-Semitism to the best of his or her ability. That remains unfilled. The Ambassador at large for religious freedom, to the best of knowledge, still remains unfulfilled. The distinguished Senator, Mr. Brownback from Kansas and I and Frank Wolf worked a decade ago to establish that.

And so it sends a message to many of us that human rights are a talking point, but not central and fully integrated and certainly is not first in the dialogue.

I had a meeting. And I say this and I hope you'll bring this back. Harry Wu is one of my closest dissident friends. I meet with him all the time. When he was being held, after going back into China—actually he held a hearing to call for his release, I did everything I possibly could. It was joined by a whole lot of other people, doing the same thing.

Harry Wu was in my office 3 weeks ago and I've never seen this before with Harry Wu. He's probably the toughest guy you'll ever meet. He had tears in his eyes. And he said, the Obama administration got all worked up, doesn't care about human rights. I said, Harry, calm down. And he had tears in his eyes. And I don't think we should take that and just look at scans and say, here is the man who has paid with his blood close to 20 years in the Laogai system, actually went back and took great risk. Was rearrested at the border, we'll all remember. And just eats, sleeps, and breathes human rights. And when Mrs. Clinton made her trip on her way to Beijing and said, we will not allow human rights to interfere—her words, not mine—with global climate change. And I support the administration on global climate change, voted for the bill in the House, so there's no disagreement there, but not at the expense of human rights and certainly not to sell our treasury bills to finance a debt that is truly unsustainable.

Human rights all of a sudden becomes under the table. I know it won't be that way with you, Mr. Posner, Secretary Posner, because I know you believe this so passionately, but I'm worried about the administration's approach, especially on the eve of a trip to China, which will have repercussions in the Caucasus and throughout the OSCE because what happens in Beijing will be heard around the world, not just throughout all of the PRC.

So those open positions, fill them. We need—acting are fine at religious freedom Ambassador at large, but we need a point person and we need it now. And we need it at the anti-Semitism office as well. So please take that back.

I don't care what administration is in. When Bush was in, when Clinton was in, when Bush I was in, I'm the one who, with David Bonior and Dick Gephardt held press conferences lauding President Clinton in his first year, when he linked human rights with MFN only to find out it was a false promise and he ripped it up.

But and then went in to complain both. But believe me. This is a nonpartisan issue as far as I'm concerned and human rights have to be first, first, and always first. And sadly I don't think they are.

Second, I'd like to raise—and if you want to comment on that in a second, I appreciate if you would—on Belarus. Our Chairman led us to Minsk. We had an excellent meeting. We had more than a dozen members in a face-off friendly but firm with Lukashenko. And I know, Mr. Gordon, I think on the 14th of August, you met with Lukashenko as well. I believe that was the date, whatever date it was.

Sec. GORDON. I didn't actually meet with Lukashenko—

Mr. SMITH. OK, but it seemed as if he wants to obviously see a reversal or a amelioration of those sanctions. My hope is not until we have real deeds and not promises or even minor deeds. We need some substantial deeds from this event. And again, that's the message we heard from our friends in the dissident community. If you could speak to that.

Third, on—if I could—today we marked up a bill on Afghanistan authored by the chairman of the committee and the ranking member of the Foreign Affairs Committee, Mr. Berman and Ileana Ros-Lehtinen, which I'm not sure how it's being looked at by the administration, but I know this frustration among both sides of the aisle about our policies vis-a-vis Iran. And one of the things that seems to be missing is human rights there. And Mr. Brownback has had hearings in this Commission repeatedly on Iranian human rights and democracy building. And I'm wondering if you might want to speak, especially with Russia's, obviously an OSCE member, what you see we should be doing vis-a-vis in the OSCE with regards to Iran and Russia.

I read Pravda every day. Maybe I shouldn't admit to that. I read the People's Daily every day as well online of course and in English. The saber rattling toward Ukraine and Georgia seems to be getting—growing. There's a crescendo there of animosity reflected in the newspapers. It's also coming out of the mouths of some of the politicians. If you could speak to that as well because all of us are concerned about new eruptions, if you will, in South Ossetia especially.

Sec. POSNER. Can I lead off the points that you've made at the outset? If you were frustrated by my not being in the position, I can assure you I was with you. It was 7 months from the time I had an initial conversation with Secretary Clinton until I took office. And there was no controversy. I was voted by consensus. And so there is something wrong with a process that takes that long. We have somebody identified to be in the anti-Semitism position, an excellent person who's now going through a less onerous, but also exhausting process. And hopefully that person will be in place in a few weeks or certainly within a month.

Mr. SMITH [off mic.]

Sec. POSNER. I can just say that we're in the process and there will be somebody soon. This is something you and I have talked about. I think we were in Berlin together at the OSCE meeting focused on anti-Semitism, which led to the creation of that special representative. I share your commitment to this entirely. And I share your view that the level of anti-Semitic attacks and com-

ments in Europe, in the Middle East, and elsewhere is something of great, great concern. We track these things. We're going to continue to do that.

Two days ago, we rolled out the Religious Freedom Report, which takes a comprehensive view. We were very hard hitting on a whole range of fronts, including on China, including on a number of countries in the Middle East, including on countries in Europe like Russia that still permit too much intolerance against minority religions. This is a big problem and it's something that we are really committed to work on. In fact, I'm very committed. We've had an office on religious freedom and we've had a special envoy on anti-Semitism. My view is let's bring everything together and really integrate this within the State Department, take it to the regional bureaus and say let's make this a more central piece of the way we do foreign policy.

I think these issues are critical and I stand ready to work with you all to make that happen.

Sec. GORDON. If I might, I'll briefly address the three main points that you made. One the first, you asked us to take a message back and I certainly will. I already underscored the way in which I think the President and the secretary, at least in Moscow, drew great and important attention to the human rights issue, but we'll also certainly pass along the perceptions that you raised about the need to do more. And as for these positions, as was discussed, sometimes this process takes too long to get people in place, but we're absolutely committed to doing so. And those positions are important. And they will be filled with the right people.

On Belarus, indeed I appreciated the opportunity we had to compare notes on this after your trip and before mine. To clarify, I spent some time with the Belarusian leaders, but didn't meet with President Lukashenko. That could happen at some other time, but we felt this time it was appropriate to do business at a different level. And the business was what we discussed. And I think we had very much the same message, which is that as the administration has mentioned in other cases, we are open to dialogue and engagement. And we have noticed a couple of signs, not nearly enough, but enough from Belarus to merit talking further about this. And I went to Minsk with a very clear message. And I was the most senior official to go to Minsk for 10 years from the State Department. And we wanted them to notice that as well. And the message was that if they want a better relationship with the United States and certainly if they want any scope for lifting the sanctions that have been put on them, then they need to go about their democracy and human rights practices differently. And that's the core of the issue.

There are other things we care about, like getting our Embassy fully staffed. We welcome the fact that they released an American citizen, Mr. Zeltser, thanks in part to your good work. We took that as a sign that they might want to different and better relationship. And some other modest steps that they had taken about registering NGOs and media. But I made clear to them that they still have a very long way to go and that there was linkage between the two things. So we'll see what comes of that. I think it was a good thing that you all went. I think it was appropriate for me to go and let

them know the different future that could be available if they do different things at home, but also that there won't be a different future if they don't. And we'll see what comes of that. From our point of view, we're going to sustain this approach, but we will need to see results from them before there's a significant change in our policy.

We're also, I should add, working very close with the Europeans on this, who I think have a similar approach. They also have sanctions on Belarus. They also focus on democracy and human rights. And we're more powerful when we work on this together because if one of us slips, then you lose the leverage of the entire West pushing them on the issues that we care about.

Final point on Russia and the OSCE, I think we have seen—we've talked in other contexts about the reset with Russia and what we're trying to accomplish. And I think, honestly, there have been signs of progress in areas where we clearly need to do more and see more.

We have reached some concrete agreements in some important areas. When the President was there in the summer, the Afghan lethal transit agreement, which allows us to have diversified supply routes to Afghanistan and can save us a considerable amount of money by being able to cross Russian air space. It's good for us. It's good for Afghanistan and it's the type of agreement we can have with Russia where we have common interests and we work together. And there are others in the Bilateral Presidential Commission, hopefully a START agreement. We have some common interests and we've seen some constructive work with Russians and we want to pursue that.

At the same time, we have made clear from the start that we have differences and we don't paper over the differences in order to have the successes in the agreements. And you highlighted some of those differences. And we have underscored them as well. And they include Ukraine and Georgia, as you mentioned.

We've have a fundamental difference about Georgia and its sovereignty and territorial integrity, which we recognize and we'll continue to recognize. Fortunately, so does the vast majority of countries in the world. Only Russia and two others have recognized South Ossetia and Abkhazia and we, with the united international community, don't and won't. We have a real difference on that and we have a real difference on the implementation of the August, 2008, cease-fire agreements and on access through humanitarian groups and NGOs to Abkhazia and South Ossetia. And we're very clear with the Russians about that, both within the OSCE and bilaterally.

And we have concerns about Ukraine as well and some of the things that had been said recently there. We have differences on NATO enlargement and one of the core principles of European security that we think countries and democracies in Europe should have the right to join alliances of their choosing. And we have differences on human rights, which I already alluded to that the President and the Secretary both made very clear in Moscow.

Sec. VERSHBOW. If I could just follow on to what Secretary Gordon just said in response to the question about saber rattling by the Russians. I think that this is an area of concern that we watch

very carefully. I was just in Ukraine about 3 weeks ago and in Georgia last week. And one of my purposes was to reassure those two countries, who are feeling a little nervous, that we do stand by them and we support their sovereignty and territorial integrity. I think part of our common work between the Defense Department and the State Department is to try to help these countries strengthen their own institutions, their political institutions, their economies, which is a key part to their becoming more self reliant and able to strengthen their own security.

We also support their legitimate right to self defense and to choose their security alliances. We pledged to assist them and as they pursue their NATO aspirations. This is a process that's going to take some years. They have a lot of work to do, but it's something that as a matter of principle we stand by them on.

The focus of my visits was on strengthening our bilateral defense relation and working on bilateral defense cooperation, helping with their defense reforms. And there too, I think we sometimes are criticized by the Russians, but as a matter of principle, these are sovereign countries that deserve our support and we're very transparent about it.

I think we also do raise these issues, as Phil Gordon just said, in our dialogue with Russia. And I think that as we try to reset our relations with Russia and create more of a mutual stake and cooperation, hopefully it will give the Russians incentives to manage their differences with countries like Ukraine and Georgia, rather than to exacerbate existing tensions.

And I think there are means within the OSCE process where we can help as well. Part of the focus of our efforts in the Corfu process is to strengthen all countries' commitment to those very fundamental Helsinki principles, starting with things like sovereignty and territorial integrity, respect for the independence of all states and for their existing borders.

We, I think, recognize that we could do better in our conflict prevention efforts and if we can find better mechanisms to prevent crises as occurred in Georgia from happening again, we should certainly do that. More transparency about military activities, confidence building measures, these are all things that we will pursue to try to contribute to a de-escalation of tensions.

And I think encouraging Russia and its neighbors to work together on common security projects, which is another area where the OSCE can be useful, things like border security, fighting narcotics trafficking, dealing with nonproliferation issues, this also can give them a mutual stake in cooperative relations that can provide longer term solutions to these problems.

Mr. CARDIN. Senator Brownback?

Mr. BROWNBACK. Thanks, Mr. Chairman. Thank you, gentlemen, for being here and for your work.

Secretary Vershbow, just following up on that about Georgia and Ukraine, is there—what timeframe are you looking at to see their joining NATO because that, as a tangible thing, I would think that would be one of the most tangible that we could stand for and push for aggressively and quickly to stand against the saber rattling by the Russians.

Sec. VERSHBOW. Well, I think it's very hard to come up with a timetable at this point. I mean, NATO has taken a very important decision at its Bucharest summit last year in stating that these two countries will be members of NATO. And there are now mechanisms that NATO has established by which both countries have to demonstrate that they are able to meet NATO standards.

So in part, this is up to them—whether they are prepared to put their shoulder to the wheel and do the necessary preparations, which involves not just military things but strengthening democratic institutions.

Mr. BROWNBACK. But you could help them with the military things: administration—

Sec. VERSHBOW. We certainly—in a responsible way because we're trying to maintain stability as we go forward and we're very transparent about our defense relations. But we do stand ready to be their mentor in this process. Even though NATO itself has the mechanisms by which they pursue their aspirations.

Mr. BROWNBACK. So what timeframe are you—

Sec. VERSHBOW. I think we're talking about a matter of years. But I wouldn't want to put a number on it because a lot depends on the efforts of Ukraine and Georgia. And also, at the end of the day, there has to be a political decision based on consensus by all the members of NATO as to when they could be admitted.

Mr. BROWNBACK. But you would agree the sooner the better? And you're going to be pushing for that? The administration will?

Sec. VERSHBOW. We believe that we should stand by the decisions NATO has made and assist these countries moving as quickly as they're prepared to go. And then NATO will have to make its decision at the appropriate time.

Mr. BROWNBACK. Well, as I understand—I had a Ukrainian official in my office yesterday—they're prepared to go right now, very quickly. And I really think some strong prodding by the administration and then tangible support would be a key thing in standing up in this pretty aggressive Russian atmosphere right now toward both of those countries.

Sec. VERSHBOW. I think in the case of Ukraine—and this is a subject of my defense consultations when I was there a few weeks ago—they have a lot of work to do to stay on track for meeting the NATO standards. So their defense budget has declined precipitously. They've missed opportunities this past year to participate in Partnership for Peace exercises because their parliament couldn't pass the necessary legislation. So there are issues on the home front that Ukraine has to tend to which may be easier to address after their elections early next year.

But ultimately, the pace is really more for the candidate members to determine rather than for us. But we, as I said, are openly ready to advise them and assist them. We have FMF for both countries. We have other defense cooperative activities. So we will do our part but they have the lion's share of the work to do themselves.

Mr. BROWNBACK. If I could submit to you, this could be one of the most tangible positive steps that the administration could really put its shoulder into to help out and as I said I would hope you would. Since Secretary Posner on Iran—we've put forward different

funds over time for democracy and civil society building in Iran and at different times we've had various responses from administrations whether or not to use those funds.

I think it's one of the most positive things we can do, given the desire from a lot of people in Iran to move forward, to have a bigger say in their own governance. When we had the various revolutions taking place in Eastern Europe, it seemed to me the ones that took root the most were those that had some civil society platforms built into the countries already.

Ukraine was one. Georgia had done a lot. In the 'Stans, maybe a lesser standard but Kyrgyzstan probably done more than others even though they've all had some difficulties. And yet we're hearing now that they're pulling funds back from—State Department's not renewed the grant for the Iran Human Rights Documentation Center at Yale University. And other reports that it seems like we're pulling back from some of these fundings. Now, I hope that's not to try to get concessions from the regime in Iran. But I hope it's not taking place. And if you could shed any light on that, I would appreciate it.

Sec. POSNER. Thank you for asking that and I, in fact, I was going to come back on Iran and also say also to Congressman Smith—obviously we share your concern about the long-term systematic repression in Iran. I testified yesterday at the U.N. General Assembly in the Third Committee about three countries: North Korea, Burma, and Iran.

I talked not only about the systematic repression but the post-election violence, the use of forced confessions—there is a very serious and very, very troubling situation. I don't know the specific grant you referred to. I've been at the State Department a month—and one of the things I'm looking at is, across the board, how we direct funds to civil society, to NGO activists, to independent press—in particular in closed societies.

And one of the things that's apparent is that we don't have an Embassy in Iran. We don't have an Embassy in North Korea. The process of figuring out what to fund is usually driven by local diplomats working for the U.S.—we don't have that there. And I think we ought. And I'd love to work with Members of the Congress to think about setting up a fund that explicitly looks at—as we did 20 years ago at Eastern Europe in closed societies—how do we deal with closed societies today and give that kind of support that you're talking about to the people that are fighting from within to try to change things?

There are issues, and again, the first response I've gotten from some people is in a place like Iran, there's certain dangers to people inside the country. We have to be careful of how we do it. I accept that. But I think the principle is sacrosanct. We ought to be on the side of those who are challenging these Governments from within and we ought to be looking for creative ways to open up space for them to challenge their own societies. So I'm with you on that. I will look into the particular—

Mr. BROWNBACK. If you would.

Sec. POSNER [continuing]. Grant you described.

Mr. BROWNBACK. I would appreciate that and just, it's been a frustration for me that for years we've gotten some funding for civil

society and democracy building in Iran and then a lot of times it doesn't get spent by the administration. And I presume they use the same sort of statement that you have, well, it's, kind of, hard to tell because we don't have somebody in on the ground but there are a number of groups working on these topics.

And then, just that lack of any infrastructure of civil society—then when you get a moment where change could actually happen, you don't have any fertile soil for the seeds to take root and move forward with. And so I would urge you—you may have to take some risk in doing that. And then finally, the Congress is close to appropriating \$30 million for Global Internet Freedom programming. Maybe this is for you, I don't know, maybe Gordon, but perhaps for Assistant Secretary Posner.

During the Iran revolutionary—not the Iran revolution—but the Iran election and the followon to that—some very creative folks outside the system set up ways that people could access Twitter and Facebook. You look at it and it's almost like with sticks and knives that they whittled this thing together. But they did it. And it gave people a way to communicate.

I would hope that these sort of funds, with some others, could open up that Internet. That could really be just a huge benefit in any of the closed societies around the—particularly Iran and China but other closed societies too. Thanks, Chairman.

Sec. POSNER. We actually have a group in our Democracy, Rights and Labor Bureau that's looking just at this issue. And I feel very strongly that there are lots of opportunities. I think this is the new activism. As in the '80s, the Russians were trying to keep books out of the Moscow Book Fair.

I think we're now looking at a new generation of activists who use Twitter, as they did in Iran, and who used the Internet and used new means of communication to talk with each other and to talk with the world. It is in our interest to open up that space and I'm delighted that Congress is supportive of that. We're equally interested in trying to 3:30 p.m., when your schedule—make sure I have the right—let me talk about a couple areas specific. Let's start with Georgia because we did have some discussions about Georgia. But I do want to get your assessment as to how stable things are in Georgia today without having an international mission there, without having access to certain areas. What is the prognosis and is there any suggestions as to how we could, perhaps, provide greater monitoring as to what's happening?

Sec. GORDON. Thank you, Mr. Chairman for raising that issue. The situation in Georgia is clearly unsatisfactory. I don't think we see signs of any imminent conflict re-emerging but it's certainly not time to be complacent given such an unstable situation. We regret, as you point out, that the diverse international monitoring groups that were there are, for the most part, no longer there.

The U.N. is no longer in Abkhazia and the OSCE is no longer in South Ossetia. We regret that because they were performing an important role of transparency. They were our eyes and ears on the ground. We got to a point where we could no longer, we could not go along with the conditions that the Russians were trying to put on their continued presence which were, in our view, would have changed the status of Abkhazia and South Ossetia.

We insisted all along that any U.N. mission or any OSCE mission be status-neutral. They couldn't agree to that and therefore, we, and the Georgian Government even more importantly, wouldn't agree. And that led to the department departure of the OSCE and the U.N. missions, which was regrettable. Fortunately, the European Union stepped in and has provided monitors. And right now, those are the only eyes and ears on the ground. It is far better than nothing because they're able to independently verify.

You sometimes get murky reports about what's happening at checkpoints and what different people are doing with military forces. And it's helpful to have the European Union monitoring mission there although it's not in all of Georgia. And we believe, continue to believe, there need to be independent international, unbiased monitors throughout the whole country.

So that's why I say it's not a satisfactory situation nor is it satisfactory in terms of access of humanitarian assistance and NGOs to Abkhazia and South Ossetia. And we raised this at the highest levels and frequently with Russia but have yet to get satisfaction in terms of getting those NGOs and humanitarian groups in. We continue to do so. We'll do it again at the OSCE Ministerial in Athens.

But we're not satisfied, we also—let me just repeat—believe that Russia needs to fully implement the August and September cease-fires of 2008 which would require them to bring their forces back to the positions that they held before August 7th, 2008. And they haven't done that. So we have a lot of work to do. We don't see any imminent threat of a military conflict breaking out again. But it can't be excluded and, therefore, we have a lot more work to do.

Mr. CARDIN. Well, I think our observations are the same here so we—it's a little frustrating because without having the international mission there, it's difficult for us to know whether there are changes taking place, getting objective information about it. And clearly that's needed. So I hope we'll continue to work on a strategy that can try to cool that circumstances down so that we don't have a threat of open conflict.

We've invested a lot in the Balkans and there's certainly been a lot of positive signs in the Balkans. Many of the countries are emerging much stronger. They're our allies in NATO; they're our allies in many other areas. They're just strong democracies that are coming out of the Balkans. But there's one country that's backsliding and that's Bosnia. And I say it openly and with regret.

We were in Bosnia not too long ago. And I think we all held out hope that we would be much further along in regards to NATO and in regards to the EU than we are today. And we still, obviously, that's our goal. And we're going to continue to focus on that. But quite frankly, there's been concern that the ethnic factions within Bosnia are preventing the type of constitutional reforms that are necessary for Bosnia to make the transition.

And troubling to us is that we're not sure there is the will within Europe to firmly stand behind the necessary constitutional reforms before moving to the next step in Bosnia—particularly with the Office of High Representative. So if you could, could I get your assessment as to where you think we are in Bosnia?

Sec. GORDON. Sure, thank you. We share much of your assessment, certainly about backsliding in Bosnia. And that's in contrast

not only to much of Europe overall where, broadly, over the 14 years since the Dayton Agreement we've made significant progress in Central Europe, Northern Europe and parts of Eastern—but even in parts of the Balkans. Albania and Croatia have joined NATO.

Serbia, with which we have some differences over Kosovo, has elected a Government that is pro-Western, pro-European Union, cooperative with us, the general trend in the region is, with all the difficulties, countries gradually reforming economically and politically and moving toward the West. Bosnia, as you point out, on the other hand, has stagnated, at best, or slid backward, at worst.

So we certainly share that analysis, which is what motivated us recently to enhance our engagement. I think in the Obama administration, there are a lot of people who have great experience and expertise in the Balkans; we went through that in the Clinton administration. Many senior officials including the gentleman to my left, were very deeply engaged in it at the time, and now are back in office and are very interested in Bosnia and committed to our engagement there.

So in recent weeks, we recommitted and we did so, as I'm sure you followed, together with the European Union, and this will allow be to address your point about whether the Europeans are equally committed. We felt that was necessary because ultimately, we can only do this together with European partners.

Bosnia's in Europe; the greatest motivating factor for many of these countries in the Balkans is their ultimate desire to join the European Union and join the West, and Euro-Atlantic institutions. Indeed, one of the few things, frankly, that all Bosnians do agree on is ultimately the desire to be a part of Europe, visa-free travel, membership in the European Union, and the prosperity and democracy that comes with it. So we have to do this together with the European partners. And there I would actually say we're very satisfied with the degree to which we see it in the same way and are committed to doing the same things.

So Deputy Secretary of State Jim Steinberg together with Swedish Foreign Minister Carl Bildt in the rotating EU Presidency have been twice together to Sarajevo in the past several weeks to try to make clear to the Bosnians, we are ready to help.

We've been frank with them, as the Vice President was when he took a trip there last spring, about their backsliding. And we have told them that if they want this future in Europe and in Euro-Atlantic institutions, they need to get over these ethnic and nationalist disputes. And they need, at least, to get on the starting line toward European integration. And that requires some domestic changes in having a functional Government.

We don't believe that there can be a massive reform of Bosnia's constitution immediately because the parties aren't ready for it. But to make changes that would allow them to be a candidate for European Union membership, to have a functional Government, to deal with the issue of dividing state property, we think we put on the table a very reasonable package that would allow them to do that.

And, again, Secretary Steinberg and Foreign Minister Bildt have presented that. The parties are considering it. We appreciate the

fact that they have all come to these meetings and engaged even though there are differences, and we're going to continue to work it because ultimately, as you suggested, we've already invested a lot in Bosnia over the past 15 years and more. And it is in Europe's interest as a whole to have a more stable Bosnia on the path toward Europe.

Mr. CARDIN. Well, I'm glad to hear that we're working closely with Europe. There was some concern about that. Congressman Issa?

**HON. DARRELL E. ISSA, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. ISSA. Thank you, Mr. Chairman. Secretary Posner, President Obama made a statement or a series of statements—but one of them was about dictators loosening the clench of their fist. And he was referring, in many cases, to the countries in the East. That was very reminiscent of Ronald Reagan or George W. Bush. What is different in this administration? How is that going to be accomplished vis-a-vis not just some of the remaining nondemocratic states, but also Russia's impact on maintaining some of these strongmen?

Sec. POSNER. Congressman, I think the approach of this administration, which is in the long term going to get results, is a combination of a willingness to engage in a principled way; a determination to hold every Government to a single, universal human rights standard; and a tenacity about telling the truth.

So when I met in Warsaw with my Russian counterpart, the conversation was about Natalia Estemirova, the memorial researcher in Chechnya, who was killed, and the failure to investigate. It is not for us, necessarily, the only issue. There are other issues on the agenda.

But we are going to be direct and forthright in raising the concerns about civil society, about the ability of people within a society to challenge Government actions. And we're going to look for results. It's going to take time. It's going to take energy. It's partly what I'm there to do. I'm determined to do it in a way that brings in my colleagues who work on these issues day-to-day in each of the regions, and to do it in a principled but practical way that really affects real people.

We're going to struggle with some of these, I don't have any doubt. These are the toughest issues, in some cases, to take up with a Government like Russia. But they've made a commitment in the Estemirova case that they're going to investigate, and I think it's critical that we hold them to that commitment.

Mr. ISSA. Do you believe you'll be holding the Syrian Government to that same standard for the assassination of Rafiq Hariri?

Sec. GORDON. Absolutely. It is in our interest, again, to be honest and to hold every Government—including ourselves—to a set of standards that are outlined in the universal declaration of human rights. That's what this is about. And is it easy to do it? No. But it's the only way, I think, to get results.

Mr. ISSA. Secretary Gordon, this is not intended to be astray but it will sound astray at first: As I look at the Eastern and Western European situation, it seems to be Russian-centric because of Rus-

sian oil and natural gas—no surprise—and we have here on the Hill today a large group of EU parliamentarians who are very concerned and very involved in seeing that we live up to a cap-and-trade agreement.

Having said that, it's not the cap-and-trade agreement I want to talk about. It's if we assume for a moment that Europe dramatically reduces its dependence on carbon-based fuels through any means, it's probably good for their reducing their dependency on Russian carbon products.

However, if the United States is competing for those same resources—in other words, if, in some cases, it's—do we get alternate energy or not—and in the case of the Europeans, if Russia's allowed to continue using it as a weapon during the interim to those who need it, isn't it, in a sense, going to simply raise the cost of doing business but not deter the Russians from using it as a weapon?

In short, how is it we use cap-and-trade, global warming, the reduction on carbon fuels—how can we use it as a positive part of creating a situation in which Russia's weapon is less powerful?

Sec. GORDON. Thank you. I think it actually would make a positive contribution to the political side of the energy security equation. Those who are most focused on cap-and-trade and alternative energy—and no doubt the European parliamentarians you saw are interested in it primarily for climate change reasons. That's the main thing on their list. But if you're reducing your dependence on carbon, which, in Europe's case means imports—

Mr. ISSA. And from Russia for the most part.

Sec. GORDON. Natural gas from Russia; oil from both Russia and other places—then it would have a positive corollary in political and security terms because you would be less dependent. We have seen that countries that are exceedingly dependent for energy on Russia are naturally, inevitably, at least partly dependent on them politically.

So in that sense, the focus on reducing energy imports for reasons of the environment has a positive political corollary from which we would all benefit. We have put great emphasis on European energy security for both of those reasons, but including the one that we believe that countries that are dependent on a single supplier—and this is more true of gas than oil because oil, being fungible, can come from elsewhere—

Mr. ISSA. At least in some cases, yeah.

Sec. GORDON. In some cases—but if you're dependent on a gas pipeline, you can't just build a new gas pipeline the next day. So we've been very much focused on that and believe—I mean, there's not one fix to this problem.

As you know, the President and Secretary named Ambassador Dick Morningstar to focus solely on this question of Eurasian energy security because it is so important to us. We know there's not one fix to this problem. It's not just going to be renewable; it's not going to be diversification; it's not just going to be conservation, but all of those things together will hopefully contribute it to the lessening of political dependence of Europeans on Russians.

Mr. ISSA. And then this last question along that line, the previous administration was very supportive of Kazakhstan and other

Caspian Sea exports—the idea being that if they exported around Russia, it created a genuine second path; if they exported through Russia, it actually made it more difficult for us to have an independent relationship with some of the 'Stans, particularly Kazakhstan.

Will this administration follow the same tact of finding ways to create those opportunities for oil and also now natural gas to come out of that region?

Sec. GORDON. Diversification is the key to this. We strongly believe in that. It's the corollary to the answer I gave to your first question about dependence. And therefore, alternative sources of energy—be they Caspian, Central Asian or other—lessen Europe's energy dependence and therefore political dependence on Russia.

That's why we've been promoting the Southern Corridor—without committing to any particular pipeline or another—the idea that even if the gas and oil comes from Central Asia, if it passes through Russia, then you're still at least some part dependent on Russia. If you have another corridor for gas and oil, then you have alternatives. And that, we think, has political end and economic and energy benefits.

Mr. ISSA. And then for actually any of you that feel comfortable answering it, we who are here look at Russia-Iran, Russian-Eastern and Western Europe. Is there a tradeoff? In fact, are we giving up—when we push hard to get something on the Iran front, are we, in fact, selling out European, if you will, strong pushes and vice versa? And if so, how do we maximize the ability to do enough to deter Iran, with Russia's help, and at the same time, not sell out the efforts for democracy and rule of law in Eastern Europe?

Sec. GORDON. I'll make a brief comment; I don't know if others will want to weigh in. Obviously, there are always potential challenges and tradeoffs in diplomacy; what I would say is that the President has made very clear—certainly where Russia is concerned—that our desire for a better and more constructive relationship with Russia, and even concrete agreements with Russia, will not come at the expense of our principles or our friends.

So when we look to sign a START treaty with Russia or an Afghan lethal transit agreement with Russia, or anything with Russia, we're doing so because we think we have a mutual interest in doing so with Russia. And we don't compromise on important principles that we have about supporting the territorial integrity and sovereignty of our friends in Europe or their right to choose their alliances or anything else, for that matter.

Mr. ISSA. Thank you, Senator.

Mr. CARDIN. Congressman Smith?

Mr. SMITH. Thank you very much, Mr. Chairman. Let me just—on Bosnia very briefly—and you may want to comment or not comment, but it seems to me that entity voting remains the reason why the parliament, the legislature in Bosnia, is dysfunctional.

When a small group, a small clique, of people can block virtually everything the parliament does, leaving it all to the high representative—I know that it was a very substantive suggestion made that could have led to, I think, serious reform. And we had our own small states/big states problem at the beginning of this democracy,

and we resolved it by having two Senators and representation by the House to reflect population.

I would hope that the idea that was put forward will be revisited. I know it's been largely rejected thus far but I think we have an impasse until something along the lines of that idea, which you know very well all about, is resurrected and promoted. And I hope our European friends would buy into it as well. To the best of my knowledge, they have not. But we've got to make that parliament functional—or at least encourage it; they've got to do it themselves, of course.

On another issue, we had a hearing just a few days ago, several days ago, where the three personal representatives from the OSCE on the anti-Christian efforts—to combat that—the anti-Muslim and anti-Semitic—all made very cogent presentations. Rabbi Andy Baker, who is there to combat anti-Semitism, made a very important point that there are a large number of projects that are falling through the cracks because of insufficient funding.

One would be the Train the Trainers program, which we initiated back during the Berlin conference. It came in collaboration with the American Jewish Committee here in the United States, and it is an excellent example that with a very small amount of money, huge benefits can be realized. And I would hope that project in particular and others that Rabbi Baker has outlined would be looked at to see if a small amount of money—and we're not talking big change in a Capitol now that's talking trillions and not even billions anymore—could make an enormous amount of difference in combating anti-Semitism and those other forms of intolerance. So I would ask you, if you could take that back?

Sec. POSNER. I'll take it up.

Mr. SMITH. Thank you very much.

Mr. CARDIN. The record will remain open for written questions, and we do appreciate your time, and thank you for your input. And we look forward to continuing to work with you, and in Mr. Posner's case, we look forward to you joining us in our workload on this Commission. With that, the Commission will stand adjourned.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

## APPENDICES

### **PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Today's hearing provides a unique opportunity to assess the strengths and shortcomings of the Organization for Security and Cooperation in Europe as a vehicle for advancing U.S. interests in the expansive OSCE region and beyond. We meet as preparations are getting underway for the Athens Ministerial Meeting, scheduled for early December, capping off the Greek OSCE chairmanship. Next year will mark the 35th anniversary of the Helsinki Final Act, an historic document providing a comprehensive framework for advancing security in all its aspects through the military security, economic and human dimensions.

In his Berlin speech as candidate, President Obama emphasized that we are heirs to a struggle for freedom—a struggle in which freedom eventually prevailed in bringing down the walls of a divided city, country and continent. He spoke of the importance of strong institutions as vehicles for promoting cooperation. The two decades that have followed have witnessed stunning successes as well as serious setbacks. Throughout, the principles reflected in the Final Act have withstood the test of time and proven their enduring value as we seek to address lingering and new challenges.

A survey of developments in the OSCE is a reminder of the scale of work that remains: from simmering tensions throughout the Caucasus region and so-called frozen conflicts elsewhere to continual concerns in the Balkans and the impasse with Moscow over the CFE treaty. The recently concluded Human Dimension Implementation Meeting highlighted troubling trends in the human dimension: from adoption of restrictive laws aimed at reigning in freedom of religion and other fundamental freedoms, including freedom of expression and media, to the plight of national minorities and Roma as well as other manifestations of discrimination and intolerance, particularly anti-Semitism.

Indeed, these and many other issues confronting the participating States today are multidimensional in nature whether we are talking about combating corruption or trafficking in human beings. As such, the OSCE is uniquely positioned to contribute to efforts to address that and other common challenges.

But addressing today's challenges requires that we fundamentally assess why the comprehensive security to which the OSCE aspires to, and where many early successes were achieved, remains an elusive goal today. Why are so many of the OSCE participating States backsliding on their commitments across the three dimensions? Why are key principles such as respect for the sovereignty and territorial integrity of States being violated; and why, in spite of years of efforts, have we not been able to resolve the protracted conflicts? Is the OSCE effectively examining these questions through the ongoing Corfu Process?

I welcome this opportunity to hear from our Administration witnesses on how, together, we can make better use of OSCE as vehicle for advancing our country's interests in the OSCE region and beyond.

**PREPARED STATEMENT OF HON. ALCEE L. HASTINGS,  
CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION  
IN EUROPE**

Mr. Chairman, thank you for convening this hearing on the OSCE and its value in advancing our country's interests in the countries that are part of the Helsinki Process. For the past dozen or so years I have devoted considerable time engaging with government officials, parliamentarians and representatives of civil society on issues of mutual concern. At times, these discussions have highlighted sharp differences in substance; in others considerable common ground. I welcome the administration's commitment to engage in robust bilateral and multilateral diplomacy, including through organizations like the OSCE.

As President of the OSCE Parliamentary Assembly, I had the unique opportunity to travel extensively throughout the OSCE region, an area stretching from Adak, Alaska to Anadyr in Russia's Far East. I have headed OSCE election observation missions to Azerbaijan, Belarus, Georgia and Ukraine, and participated in numerous others as an observer. Beyond the participating States, I have had extensive contact with the OSCE's six Mediterranean Partners for Cooperation, including Israel. Finally, I have attended the major OSCE conferences on combating anti-Semitism and other forms of intolerance. In sum, I have been a practitioner in this process.

The Helsinki Process provides an action plan for peaceful democratic change based on commitments to which all 56 countries have agreed. The historic changes we witnessed twenty years ago were brought about by internal pressures from courageous human rights activists and external pressures from other participating States. Clearly, some leaders are resistant to that kind of change and are intent on maintaining the status quo. Inevitably, change will come.

Meanwhile, our responsibility is to prevent the erosion of core OSCE principles; to support the efforts of human rights defenders and others working to realize peaceful change; and to draw attention to violations when and where they occur. In this regard, I cannot exaggerate the importance of the U.S. leading by example.

Thank you, Mr. Chairman.

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,  
RANKING MINORITY MEMBER, COMMISSION ON SECURITY  
AND COOPERATION IN EUROPE**

Thank you, Mr. Chairman, and welcome to everyone here this morning.

Mr. Chairman, human rights defenders have been profoundly disappointed in the actions and words of this administration. In only nine months, President Obama and many of his senior officials have signaled their disinterest in fundamental human rights in countries ranging from China to Cuba, Egypt and Burma to Venezuela.

Even the press that is so supportive of the new president has noted his dramatic demotion of human rights. Mr. Chairman, on this point I'd like to submit for the record a report and an editorial from the Washington Post.

Yet at least within the OSCE region, the administration has not so notably de-prioritized human rights. And we are all aware that our three witnesses have all shown personal commitment to the promotion of human rights—Secretary Posner has dedicated his life to defending many of the most important human rights; Secretary Vershbow has also worked energetically on many of these issues, and we are all grateful to him for his work on Jewish emigration from the USSR; and I recall Secretary Gordon's vigorous reaction to the myriad human rights violations connected to Russia's invasion of Georgia.

So I'm looking forward to hearing what our witnesses have to say on many issues, particularly U.S. policy toward Belarus, and combating anti-Semitism.

Mr. Chairman, you and I visited Belarus this July, along with other members of the Commission, and we had a private meeting with the dictator, Aleksandr Lukashenka. Lukashenka was very aggressive in that meeting, demanding that our government revoke certain sanctions put on his government by the Belarus Democracy Act, which became law in 2004, was reauthorized in 2007, and major provisions of which were adopted into this year's State Department authorization bill.

I know from countless meetings with Belarusian democratic reformers and human rights activists how these sanctions sustain them against the dictator, both materially and morally. And we saw with our own eyes that the sanctions are a big factor in the dictator's thinking. He wants them removed—and so they have to stay, until there is substantial change for the better in "Europe's last dictatorship."

Anti-Semitism is also a big problem in the OSCE region, and for years now this commission has taken the lead in putting the fight against anti-Semitism on the OSCE agenda, and on the national agenda of many participating states. Mr. Chairman, I remember that you and I have worked on this issue since 2002, when this commission held its first hearing on the chilling rise in anti-Semitism in Europe, and Mr. Hastings and I are now working on the steering committee of the Interparliamentary Coalition Combating Anti-Semitism.

Unfortunately, it has not been so easy to get our own government to take this issue seriously. I want to take this opportunity

to urge the administration to restore vital funding for the OSCE's Law Enforcement Officer Program for Combating Hate Crime, an extremely effective program training police in spotting, reporting and fighting hate crime impacting not only Jews but all communities. Our government, which established this program, so ably led by Paul Goldenberg of the New Jersey State Attorney General's Office, and then removed funding for it, should become again an active leader in the program.

Thank you, Mr. Chairman, for calling this hearing.

INCLUDED FOR THE RECORD:

WASHINGTON POST, "THE MEETING THAT WASN'T," BY FRED HIATT,  
EDITORIAL PAGE EDITOR, MONDAY, OCTOBER 12, 2009

"Our concern is that the Obama administration is perceived to be softening on human rights."

If that comment came from a human rights lobbyist, you might not pay too much mind. But I heard it from Anwar Ibrahim, a Malaysian leader who is one of the world's foremost spokesmen for Islamic democracy—and who is himself under threat from authorities at home. If Anwar says that people throughout Asia and the Middle East are wondering about President Obama's commitment to human rights, the administration ought to pay attention.

Obama has committed himself to the cause of democracy in every major foreign policy address of his young presidency. He has met with freedom fighters, in Moscow and elsewhere. In announcing Friday that he would accept the Nobel Peace Prize, he saluted, obliquely but unmistakably, the democracy marchers of Tehran and a former Nobel laureate, Aung San Suu Kyi, who, for her courageous advocacy of democracy, languishes under house arrest in Burma.

But Obama's choice last week not to meet with the Dalai Lama, an advocate of freedom, broke with bipartisan tradition and—following several other seemingly small decisions and ambiguous administration statements—reverberated across the globe. In an odd way, it showed the flip side of the willingness that he expressed, especially during the campaign, to meet with the enemies of freedom.

Both positions in their way reflect the president's self-confidence, his impatience with show and pretense, and his disdain for aspects of his predecessor's policy. Both have a compelling logic. But both also carry dangers.

When Obama suggested early on that he would meet with an Ahmadinejad or a Kim Jong Il, he was rebuking what he saw as George W. Bush's diplomatic arrogance. But he was also rejecting protocol and hang-ups about status: If America is so powerful, why should we be afraid to meet with anyone? And why would anyone worry that meeting with Hugo Chávez, or accepting an anti-American book from him, could influence Obama for the worse?

But Obama discovered quickly that, whatever it meant to him, allowing Chávez to shake his hands and press him with gifts had significance throughout a continent. A meeting with Obama would be a coup for Kim, not to be given away for nothing. A debate, as proposed by Ahmadinejad, would benefit Iran's regime but not

America. And so the administration, like that of Bush's second term, is trying to steer the bad guys of the world into discussions with the United States and its allies—the six-party talks on Korea, the P-5 plus 1 on Iran—and away from one-on-one diplomacy.

Some of the impulses behind the non-invitation to the Dalai Lama are similar. It's not that they've given up on the Tibetan cause, administration officials say, but that they want achievements, not gestures. Bush could feel good about himself for inviting dissidents into the White House, but what did he accomplish? By postponing a meeting that administration officials fear would inflame China's leaders, Obama will get a chance to raise the issue with them in quiet conversation. If he gets nowhere, officials say, there will be ample time to welcome the Dalai Lama to the White House.

That again may reflect Obama's self-confidence: He knows how he feels about human rights, so why should he have to thump his chest and prove it to the world? Why not try to get something done?

Yet as with Chávez's small public relations coup, such calculations on the Dalai Lama may underestimate the impact in the world. China unabashedly browbeats other governments that dare meet with the Dalai Lama or other dissidents. When Denmark once supported a U.N. resolution criticizing China's human rights record, a Chinese government spokesman likened Denmark to "the bird that pokes out its head" and said the resolution "will, I think, in the end become a rock that smashes on the Danish government's head."

Once they see Washington deferring, fewer governments elsewhere may dare poke up their heads. On such matters, many nations still look to America to lead.

Throughout the autocratic world, there are people fighting back—priests and poets, honest reporters, incorruptible lawyers. Most of us will never know their names. But they watch what happens in the White House. When a dissident is turned away, they take note. When a dissident is welcomed, they take heart. To them, no gesture is empty.

"Of course, your government has to decide what is the best strategy," Anwar said during a visit to *The Post* last week. "But the perception also is important. Because once you give a perception that you are softening on human rights, then you are strengthening the hands of autocrats to punish dissidents throughout the world."

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"HUMAN RIGHTS ACTIVISTS TROUBLED BY ADMINISTRATION'S APPROACH," BY GLENN KESSLER AND MICHAEL D. SHEAR, WASHINGTON POST STAFF WRITERS, TUESDAY, MAY 5, 2009

The Obama administration has backed away from overt expressions of support for human rights and democracy in favor of a more subtle approach, worrying advocates who say that the issues are being given short shrift as President Obama seeks to rebuild relations with allies and reach out to adversaries.

Although Obama moved quickly to announce the closure of the detention center at Guantanamo Bay, Cuba, drawing praise from

human rights activists, many say other actions by the administration have been troubling. Administration officials have suggested that sanctions against human rights pariahs Burma and Sudan could be eased, that concerns over China's treatment of Tibetans and dissidents should take a back seat to issues such as climate change, and that the United States might once again grant Egypt's autocratic government veto power over the disbursement of U.S. funds to nongovernmental groups.

"They need to be careful here that they don't set a pattern they will regret later on," said Jennifer Windsor, a former Clinton administration official who is executive director of Freedom House, a group that supports democracy activists. "There are some good people in the administration, but the instinct of abandoning everything President Bush has stood for has done a disservice."

Administration officials acknowledge they have approached the issue of human rights differently but deny that there has been a reduction in commitment. Instead, they say, they are first seeking to restore U.S. credibility on the issue by acknowledging U.S. failings and then pushing for progress on human rights and democracy.

In a speech last month in Istanbul, for instance, Obama noted his decision on Guantanamo and the fact that until recently the United States "made it hard for somebody who looks like me to vote." Then he urged Turkish authorities to bolster the rule of law and reopen a Greek Orthodox seminary, a step that U.S. officials say would ease religious animosity.

Former President George W. Bush made promoting "freedom" and "ending tyranny" around the globe one of the central themes of his administration. But, in the view of Obama advisers, Bush undermined that effort with an often-strident tone and an inconsistent application.

Human rights advocates now fear the pendulum may be swinging too far the other way, with the criticism of Obama from the right particularly intense.

"The most striking thing about the first steps in foreign policy of this administration is its sharp turning of its back on the issues of human rights and democracy and the victims of the abuse of human rights and the absence of democracy," said Joshua Muravchik, whose 1991 book, "Exporting Democracy," helped form the basis of the neoconservative policies of the past eight years.

Muravchik and others say Obama and Secretary of State Hillary Rodham Clinton have gone out of their way to play down concerns about human rights and democratic movements in favor of an approach to other countries and their leaders that emphasizes cooperation on issues such as containing Iran's nuclear ambitions.

Just before visiting Beijing in February on her first trip overseas, Clinton said that pressing China on human rights "can't interfere with the global economic crisis, the global climate change crisis and the security crisis." Then, while traveling in the Middle East in March, Clinton appeared to play down human rights issues in Egypt and Turkey that had been raised in recent State Department reports. Clinton later tried to repair the damage by declaring that "a mutual and collective commitment to human rights is [as] im-

portant to bettering our world as our efforts on security, global economics, energy, climate change and other pressing issues.”

Lorne W. Craner, a former assistant secretary of state for human rights under Bush, said he thinks Obama and Clinton had strong records on human rights before they came into office. But he said he has been surprised at the administration’s initial steps.

“I am finding these guys very reactive and not creative. You can’t just offer hope to Castro, Chávez and Mubarak,” Craner said, referring to the leaders of Cuba, Venezuela and Egypt. “You have to offer hope to others” toiling in those countries for greater liberties.

Administration officials counter that they have a consistent vision of how to emphasize human rights in international discourse, which includes taking on tough issues but in a respectful and less rhetorical manner. “Any fair reading of this set of issues over the course of a broad sweep of time underscores that it’s a fundamental issue for the president,” said Denis McDonough, director of strategic communications at the National Security Council.

During a November 2007 Democratic primary debate, Obama eloquently insisted that American security is not more important than human rights, saying the two aims were “complementary.” As Obama put it, “We’ve got to understand that, if we simply prop up antidemocratic practices, that that feeds the sense that America is only concerned about us and that our fates are not tied to these other folks.”

But outside activists say they have a hard time perceiving such a balance, at least at this early juncture.

Many human rights activists have been shocked at the administration’s apparent willingness to consider easing sanctions on Burma and Sudan. The Obama presidential campaign was scornful of Bush’s handling of the killings in Sudan’s Darfur region, which Bush labeled as genocide, but since taking office, the administration has been caught flat-footed by Sudan’s recent ousting of international humanitarian organizations.

Obama appointed a special envoy for Sudan, retired Air Force Maj. Gen. Scott Gration, who has alarmed activists by telling them privately that he is looking at easing sanctions imposed by Bush and at whether Sudan should be removed from the list of state sponsors of terrorism. “He thinks that to keep banging on Khartoum is not the right way,” said Omar Ismail, a Darfurian refugee and policy activist who has met with Gration three times. “He said he wants to build rapport with Khartoum.”

Gration did not respond to a request for comment, and administration officials refused to say whether lifting sanctions was under consideration.

Eric Reeves, an activist who closely watches Sudan, said, “The real situation on the ground is extremely grim, and getting worse in many places. The Obama people must know this, which makes the decision to go the accommodationist route even more bewildering.”

**PREPARED STATEMENT OF PHILIP H. GORDON, ASSISTANT  
SECRETARY, EUROPEAN AND EURASIAN AFFAIRS, U.S.  
DEPARTMENT OF STATE**

**“U.S. FOREIGN POLICY AND THE OSCE: SHARED CORE VALUES”**

INTRODUCTION

Chairman Cardin, Co-Chairman Hastings, Members of the Commission: Thank you very much for inviting me here today to discuss U.S. policy and the Organization for Security and Cooperation in Europe. The OSCE remains one of the top three key European institutions with which the United States engages, alongside the EU and NATO. While NATO and EU enlargement have perhaps enjoyed more prominence in recent years, the OSCE nonetheless remains an essential venue for dialogue, cooperation and democracy promotion precisely with those countries that are not yet members of, or do not intend to become, members of these two other organizations. The OSCE’s comprehensive approach to security offers a vehicle for engagement across the political-military, economic, and human rights dimensions. That it is a process, and that such a process takes time, does not lessen its importance or the necessity for sustained U.S. engagement.

The Helsinki Final Act says that promoting democracy and respect for human rights is fundamental to achieving sustainable security in Europe and Eurasia. It links security among states to respect for human rights within states. OSCE’s core values are among the reasons this organization has a central role to play in advancing President Obama’s and Secretary Clinton’s foreign policy strategy.

Indeed, the remarkable success of the Organization during many of the past 35 years is proof of what the participating States can achieve when we implement commitments based on shared values and objectives. Improvements in the lives of our citizens in the OSCE area are the result of hard work, conviction and persistence, and I would like to thank the Helsinki Commission members and staff for partnering with us in this endeavor. Our cooperation is only increasing. I especially appreciate the institutional knowledge and abiding dedication to human rights that the Helsinki Commission team brings to our joint efforts.

The Helsinki Final Act has long stood as a beacon for the silenced, the trafficked, the disenfranchised and the displaced. The OSCE is among the most effective—and cost effective—international organizations working on human dimension issues today. The OSCE’s eighteen field missions in the Balkans, Central Asia, Eastern Europe and the Caucasus, and the Office of Democratic Institutions and Human Rights (ODIHR) are the front line of this work. They continue to be instrumental not only in helping new democracies build sustainable political institutions and vibrant civil societies, but also in addressing a myriad of critical needs when they arise, from border monitoring to crisis prevention to combating human trafficking and corruption. More widely known, of course, is OSCE’s election monitoring expertise, its historic efforts to promote basic freedoms and human rights, including religious freedom and freedom of the media, association, and assembly and

its groundbreaking work in combating anti-Semitism and other forms of intolerance.

We look forward to Secretary Clinton's participation in the Athens Ministerial in December, which would be the first time since 2004 that the Secretary of State has participated in such a meeting. In Athens, we will highlight the accomplishments of the OSCE, and work to rejuvenate the OSCE itself through revitalizing its contributions in each of its three dimensions of security—the human dimension; political-military aspects of security; and economic and environmental issues. The “Corfu Process,” inaugurated by the Greek OSCE chairmanship to take a fresh look at the OSCE itself and European security more generally, is at the center of that revitalization effort.

We will continue to press for the re-establishment of an OSCE field presence in Georgia, the mandate for which does not prejudice Georgia's territorial integrity. We will also continue our efforts to advance the OSCE-Afghanistan border security initiative by gaining agreement to pursue technical assistance in northern Afghanistan. We expect the Ministerial to endorse future OSCE work on media freedom, rule of law, gender equality, energy security, counterterrorism and police reform consistent with respect for human rights, as well as on combating trafficking and hate crimes. It is our hope that the Euro-Atlantic family will not only renew its commitment to OSCE's core values at Athens, but also begin to chart its future in engaging on new and old security challenges and putting at its helm in 2010 the organization's first-ever Central Asian Chair-in Office (CiO).

#### EUROPEAN SECURITY PROPOSALS AND THE CORFU PROCESS

In June, the Greek CiO launched the “Corfu Process” as a structured dialogue among all participating States. The process offers an opportunity to review the state of play in European security, including the implementation of existing commitments, as well as a chance to identify new challenges and discuss ideas for reinvigorating or re-inventing the mechanisms we have available for dealing with traditional and new challenges. In 2008 Russian President Medvedev called for a fresh look at European security institutions. We strongly believe that any dialogue must take place primarily within the OSCE and build upon existing institutions. Most importantly, such a dialogue should be based on the OSCE's comprehensive concept of security, which encompasses all three dimensions of security: human, economic/environmental, and political-military. There have been six Corfu sessions in Vienna so far, with several more to follow before the Athens Ministerial.

The United States participates actively in this broad dialogue and we are open to ideas for improving European security. We hope that a substantive agenda can be agreed in Athens that will enable us to take further, more detailed and concrete work in the following year. If the Corfu dialogue identifies a worthwhile substantive agenda at the Athens ministerial, we would expect even more fruitful discussions next year under Kazakhstan's chairmanship. This is an open-ended dialogue at the moment, the outcome of which is not pre-ordained.

As for ongoing work in each of OSCE's three dimensions, allow me to say the following.

#### HUMAN DIMENSION

The OSCE's democracy promotion efforts are one of its true success stories. The Office for Democratic Institutions and Human Rights (ODIHR) is engaged in promoting democracy and human rights in many contexts. Although ODIHR has been under attack from some, its election observation methodology remains the "gold standard" in the field, with OSCE election observation missions generally enjoying worldwide respect for their objectivity and credibility. The means by which ODIHR carries out its democratization mandate is fully transparent: procedures are spelled out in online handbooks, reports are publicly available, and procedures are linked to core OSCE consensus commitments. We support the practice that election monitors from any single country should not exceed ten percent of an election mission's staff and will press back against any attempt to undermine ODIHR election observation.

The promotion and protection of human rights and fundamental freedoms is central to the OSCE's mission and is critical to promoting the rule of law, democratization and conflict prevention. One of the most important, and most moving, activities ODIHR coordinates is the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw. We value the HDIM as an opportunity to focus on human rights issues exclusively, and as an important occasion on which NGOs, speaking outside of the confines of governmental control, can directly express their concerns and criticisms to participating States. In some cases human rights defenders risk their lives, the safety of their families, and their own personal freedom to call authoritarian regimes to account. A record number of over 300 NGOs also participated in this year's HDIM, showcasing the OSCE's special ability to promote civil society through active cooperation. We are grateful for the participation of the Helsinki Commission staff as part of the United States delegation.

Russia and a number of participating States that host OSCE field missions have continued to criticize the work of ODIHR. They assert that there are "double standards" on human rights and complain about ODIHR's alleged "interference" in domestic issues, or that there is a "lack of balance" in the OSCE's activities. They have singled out for special mention the OSCE's election-related activities, specifically its election observation procedures, and asserted that a lack of standardized election criteria (i.e., uniform one-size-fits-all criteria that would not take into account the size of a country or the complexity of monitoring a particular election) have led to politicized election assessments. Some OSCE states have increased their efforts to try to prevent access by NGOs to OSCE review meetings.

The United States strongly disagrees with these criticisms and works actively to counter any efforts to undermine the objectivity and independence of ODIHR and its election observation mission. Supported by the vast majority of participating States, we have stressed continuously that there are no OSCE double standards on human rights. All OSCE participating States signed on to the same

commitments to respect fundamental freedoms and human rights and to hold free and fair elections. We all need to stand by them.

The OSCE is actively engaged in combating intolerance and discrimination. The United States has provided significant financial and political support for that work. The Chairman-in-Office has three personal tolerance representatives who work to raise governments' awareness of the need to combat intolerance and discrimination. ODIHR has also organized and supported tolerance-related programs and projects in the fields of legislative reform, law enforcement training, capacity-building for NGOs, education on the Holocaust and anti-Semitism, and all forms of anti-ethnic, racial or religious prejudice, including intolerance against Muslims.

The OSCE continues to be the pre-eminent Europe-wide institution for confronting the trafficking-in-persons. The OSCE's geographic breadth helps to address the transnational nature of the problem, with much front-line work taking place in OSCE's field operations. The Chairman-in-Office's Special Representative and the OSCE Anti-Trafficking Assistance Unit (ATAU), as well as ODIHR, all work to combat trafficking through specialized police training, legislative advice, and other assistance. Secretary Clinton, Under Secretary Otero, Ambassador CdeBaca and I remain resolute in confronting the problem of trafficking in persons through multilateral fora such as the OSCE, as well as through bilateral engagement.

#### POLITICAL-MILITARY DIMENSION

OSCE's work in the political-military dimension has for decades been another of the organization's hallmarks. The pol-mil side of OSCE is diverse, encompassing complex agreements on arms control and confidence building, such as the CFE Treaty and the Vienna Document, and issues of shattering immediacy, such as the protracted conflicts in Nagorno-Karabakh, Moldova, and, of course, Georgia.

Traditional arms control and confidence building measures remain a foundation of the long-term security of the OSCE region. OSCE's Vienna Document promotes military transparency and openness through a rich catalog of measures, ranging from on-site inspections to sharing of defense budgets. Arms control is one area where significant differences have emerged among OSCE member states. Russia's decision to "suspend" its implementation of the Treaty on Conventional Armed Forces in Europe (CFE) on December 12, 2007, has raised serious concerns among its CFE partners and within the OSCE as a whole. It is fair to say that virtually all the members of the OSCE regard CFE's system of equipment limitations, data exchange, and verification as a cornerstone of European security, whether or not they are parties to the Treaty. Many OSCE participating States have said they would like to join the CFE regime when that becomes possible. The United States will continue to try to find a way forward, working with our NATO Allies, Russia and other Treaty partners, that addresses the concerns of all, and preserves the important benefits of this Treaty.

OSCE plays a central role in our efforts to find peaceful solutions to the protracted conflicts within the OSCE region. The United States is a Minsk Group co-chair, working to make progress in

Nagorno-Karabakh; we are an observer in the 5+2 mechanism set up to address the Transnistrian conflict; and we are engaged on a constant basis in efforts to build a stable and secure future for Georgia.

The OSCE Mission to Georgia was closed in June of this year. It was the first OSCE field operation to be closed without host country consent. There is no glossing over this: Russia's unwillingness to agree to a status-neutral mandate for continuing the mission in Georgia led to its withdrawal. The United States believes that was a serious mistake, which heightens tensions and the potential for further conflict. Over and over again, members of the OSCE Mission provided timely and impartial reporting on incidents in the South Ossetian region. That type of reporting is now impossible: members of the European Union observer mission in Georgia are not allowed into the areas of conflict in South Ossetia and Abkhazia. Despite this, the OSCE has continued efforts to reduce tensions in the region, and furthered international efforts through the Geneva process to develop incident prevention and response mechanisms and facilitate the safe, voluntary return of internally displaced persons. The Greek Chair-in-Office is looking into possibilities for returning an OSCE presence to the region. But it is our firm view that a robust OSCE presence throughout Georgia, including South Ossetia and Abkhazia, active in all three dimensions of security, would be a source of transparency, stability, and conciliation throughout the region. We continue to urge the Russian Federation to meet its 2008 cease-fire commitments, and to join other OSCE participating States in supporting a Mission in Georgia.

The OSCE's work on counterterrorism is too little recognized. OSCE works with other international organizations to help train regional authorities to implement tougher security and counterterrorism practices in areas such as law enforcement, shipping, and document issuance. The United States and Russia have cooperated closely on two high-level Public-Private Partnership (PPP) conferences in a continued effort to explore ways for governments to cooperate closely with the private sector and civil society to combat terrorism. The main focus of OSCE's counterterrorism efforts has been to promote norms and standards in four important areas: protecting critical infrastructure, partnering with civil society in countering violent extremism and radicalization, addressing conditions conducive to the spread of terrorism, and combating terrorist financing. In February next year, the State Department will sponsor a conference in Vienna that will bring together energy security experts from OSCE capitals to discuss new ways of combating multi-faceted terrorist threats to critical energy infrastructure.

On border security, the OSCE developed a set of sixteen projects related to Afghanistan and its Central Asian neighbors and worked in 2008 to find new ways to facilitate capacity-building for border services and to reinforce cross-border cooperation in the OSCE region. We have yet to reach consensus on two border security projects within Afghanistan and hope that Kazakhstan will renew efforts for the OSCE to work inside Afghanistan's northern border

to strengthen border controls and reduce trafficking in drugs, weapons, and other illicit goods.

The OSCE's Forum for Security Cooperation (FSC) is developing a set of best practices guides for national implementation of the provisions of UN Security Council Resolution (UNSCR) 1540, which is aimed at preventing the spread of weapons of mass destruction and related materials. To better monitor the weapons trade in recent years, the FSC actively reviews implementation of the documents it has adopted which are aimed at controlling stockpiles of small arms and light weapons (SALW) and conventional ammunition, including export controls for man-portable air defense systems (MANPADS) and exchanges of national practices on arms brokering and end-use certificates and related mechanisms.

#### ECONOMIC AND ENVIRONMENT DIMENSION

The OSCE has been a catalyst for regional cooperation on a broad array of economic and environmental activities, including good governance, water resource management, migration assistance, and disposal of hazardous waste. The United States supports the OSCE's efforts to play a complementary role—through its field missions and along with other international organizations—in confronting emerging trans-boundary challenges, such as energy security and environmental protection. The 2008 Ukrainian-Russian gas crisis highlighted the need for continued OSCE involvement in energy security issues. In July 2009, the United States co-sponsored, in collaboration with Russia and the European Union, a two-day OSCE conference in Bratislava to help fulfill a mandate on promoting an energy security dialogue within the OSCE region. The Athens Ministerial will provide an opportunity to advance this work, and we will advocate incorporating transparency and energy infrastructure protection initiatives into the discussion.

#### EFFORTS BEYOND THE OSCE REGION

We greatly appreciate the OSCE's recent efforts outside the region itself, with and within Afghanistan, such as the recent ODIHR Election Support Team (EST) mission deployed for Afghanistan's August Presidential and Provincial Council elections. The EST will re-deploy for the November 7 Presidential run-off and will produce a report that outlines a set of recommendations for future elections in Afghanistan several weeks after the second round. There is scope for additional cooperation in other areas outside the OSCE region. For example, in late 2004, the Palestinian Authority requested the OSCE to provide assistance for its January 2005 elections, and the OSCE responded by sending a Training Needs Assessment Team, resulting in a number of recommendations to the Palestinian Authority on how to improve the conduct of elections. We believe ODIHR's encouragement of democratization in areas of instability is money very well spent.

#### KAZAKHSTAN AS OSCE CHAIR-IN-OFFICE

The United States stands ready to assist Kazakhstan in its goal of a successful term as Chair-in-Office. There are frankly many challenges, but also promising opportunities. It is critical that the

Chair of the OSCE meet the high standards of democracy and fundamental human rights upon which the OSCE is based. Only if this occurs will Kazakhstan's chairmanship of the OSCE—the first from Central Asia—be beneficial both for the OSCE and for the countries in the region. The United States generally supports Kazakhstan's goals for its Chairmanship, that include a focus on Afghanistan (an OSCE Partner State), protracted conflicts, border management, transportation, tolerance, and human trafficking. At the same time, we are urging Kazakhstan—in line with the commitments it made in Madrid in 2007—to be proactive in its approach in protecting the organization's human rights and democratic commitments, and to demonstrate its willingness to protect those commitments at home.

Unfortunately, there remain key areas in which Kazakhstan's domestic legislation and practices on democracy and human rights fall short of OSCE standards, notably with respect to key portions of its media law, election law, and the law on political parties. Kazakhstan has not held an election that the OSCE has deemed fully to have met OSCE commitments and international standards. Kazakhstan also has not taken action to reduce criminal liability for defamation. We have deep concerns about the fairness of the judicial proceeding in the recent conviction, upheld on appeal, of prominent human rights activist Yevgheniy Zhovtis on charges of vehicular manslaughter. We continue to have, intensive discussions with the Government of Kazakhstan to encourage authorities to implement democratic reforms in line with their Madrid commitments.

#### CONCLUSION

The OSCE's record on the promotion of democracy, human rights, fundamental freedoms, together with its efforts in building civil society is second to none. The OSCE's multidimensional approach to security is directly relevant to the transnational issues we face as we work together to build a democratic, prosperous, and secure Trans-Atlantic community. Decades ago the CSCE spoke up for the rights of Soviet dissidents who could not find a voice for themselves. Today ODIHR supports those in OSCE participating States who wish to promote democracy and entrench human rights and the rule of law. Much remains to be done.

I would like to thank the Commission for inviting me here today to discuss the United States' continued support for the OSCE's vitally important work. Thank you, Chairman Cardin, Co-Chairman Hastings, Members of the Commission, and your outstanding staffs for your stalwart support of the OSCE's multidimensional approach to security and your continued dedication to the ideals and values of the OSCE—a crown jewel of multilateral diplomacy.

**PREPARED STATEMENT OF MICHAEL H. POSNER, ASSISTANT SECRETARY, DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Chairman Cardin, Co-Chairman Hastings, Members of the Commission, this is my first appearance before you as an Assistant Secretary, but I have long been an admirer of your pioneering role in promoting respect for human rights and democratic principles. During the thirty plus years that I was part of the NGO community, my colleagues and I at Human Rights First valued the opportunity to work with Members of this Commission and your excellent staff. And now, I have the privilege of working for a former Helsinki Commissioner, Secretary Clinton.

I want to associate myself with the testimony given here today by Assistant Secretaries Gordon and Vershbow. I join them in underscoring the Obama Administration's commitment to upholding OSCE's comprehensive concept of security. We are ready to engage in the Corfu process and are looking ahead to the December Ministerial in Athens and beyond. Respect for human rights and fundamental freedoms within states is an essential element of security and prosperity among states. This principle lies at the core of the OSCE. Without a vigorous Human Dimension, the Helsinki Process becomes a hollow shell.

If I may, Mr. Chairman, I want to offer a few thoughts on how our efforts in the OSCE relate to the Obama Administration's broader efforts to advance human dignity, freedom and opportunity worldwide.

When President Obama addressed the U.N. General Assembly last month, he called for a new era of U.S. engagement with the world. He expressed his determination that the United States be a leader in meeting complex challenges to global prosperity and peace. And he emphasized that respect for human rights and democracy is essential to sustained prosperity and lasting security. He said, "just as no nation should be forced to accept the tyranny of another nation, no individual should be forced to accept the tyranny of their own government." And he pledged that "America will always stand with those who stand up for their dignity and their rights."

His address to the General Assembly built on themes he sounded in speeches in Cairo, Moscow, and Accra earlier this year. Accordingly, our approach to the Helsinki process and other multilateral organizations is guided by three tenets: a commitment to principled engagement; a determination that all—including ourselves—are responsible for upholding universal principles of human rights and humanitarian law; and a fidelity to the truth.

Engagement. The United States is reinvigorating U.S. engagement in the OSCE and other multilateral institutions. As my colleagues noted, we are participating actively in the Corfu process with the objective of ensuring that the OSCE—and its Human Dimension—are strengthened to meet 21st century challenges. Working in partnership with other participating States, we seek to tackle the OSCE's greatest task: improving implementation of OSCE commitments. To this end, we value the constructive work of the Representative on Freedom of the Media, the three Tolerance Representatives, and the High Commissioner for National Minorities.

We also appreciate the contributions of the ODIHR Director and his offices many experts and Points of Contact. Their efforts have resulted in helpful training tools and reports, such as the reports on Human Rights Defenders and Hate Crimes.

We stand ready to engage in open, constructive, fact-based discussions on these subjects and will consider ideas from any quarter that will improve the OSCE's effectiveness. At the same time we will strenuously resist efforts that we believe will undermine OSCE principles or weaken the Office for Democratic Institutions and Human Rights, the effectiveness of OSCE field missions or other Human Dimension architecture.

The second tenet of our approach is universality. We are dedicated to upholding consistently the principles reflected in the U.N. Universal Declaration of Human Rights, embodied in international law, and enshrined in the Helsinki Final Act and subsequent OSCE agreements. President Obama's decision on his second day in office to end abusive interrogations, to close the detention facility at Guantanamo and to review security detention policies more generally are emblematic of our commitment to apply universal principles to ourselves.

Recently, I had the opportunity to attend the Human Dimension Implementation Meeting of the OSCE in Warsaw. I joined our head of delegation Dr. Michael Haltzel in an exchange of views with participating States and with NGOs on the challenges of implementation confronting participating States. We also welcomed the exchange of ideas with other governments and NGOs regarding OSCE's current activities and proposals for its onward work in the Human Dimension for consideration at the Athens Ministerial.

Our own record was a matter for discussion, not just by officials from other governments, but by several non-governmental representatives. Dr. Haltzel and I emphasized that our government takes our Human Dimension commitments seriously, and we made every effort to respond to concerns expressed to us. We made a point of saying that we do not consider expressions of concern about the U.S. record to be interference in our internal affairs.

Just as I prepared to take the floor at HDIM to deliver our delegation's closing remarks, we received word that President Obama had been awarded the Nobel Peace Prize. As I announced this news to the conference, the room buzzed with excitement. It would have been hard to find a better opening for our statement emphasizing the Administration's principled engagement on democracy and human rights than to quote the words of the Nobel committee. As President Obama stated, he regards the award as a powerful affirmation of American leadership on behalf of aspirations held by people in all nations.

Telling the Truth. The third tenet of our approach at OSCE and elsewhere is telling the truth about human rights conditions. At the HDIM, we expressed our deep concern about increasing incidents of racial and ethnic discrimination and violence, including against Roma. I had the opportunity to record a brief video statement on combating discrimination and violence for the ODIHR to use in promoting its forthcoming Hate Crimes Report. We condemned human rights violations and acts of violence against lesbian, gay, bisexual and transgender individuals in a variety of fora,

including at a reception I hosted for government officials and NGO activists working against intolerance and hate. We emphasized that in a number of participating States, fundamental freedoms of thought, conscience, religion or belief, expression, peaceful assembly, and association continue to be denied. So-called “extremism” laws, onerous registration and tax requirements and “defamation” laws constrain the legitimate, peaceful activities of human rights defenders, non-governmental organizations, religious groups, and independent media, including those who communicate via the Internet.

We cited the cases of human rights defenders and journalists who are themselves targets of persecution. We decried the deepening climate of intimidation and impunity in some participating States that is antithetical to the rule of law and has a chilling effect on the exercise of basic rights.

The weeks since the close of the HDIM have witnessed some more troubling developments.

The United States regrets reports by independent election monitors of irregularities during the municipal elections that took place across a number of regions around Russia on October 11. Reports of fraud and such irregularities undermine prospects for accountable, democratic governance—this is a view that undoubtedly motivated political parties in the Russian Duma to walk out following the elections. We remain concerned about the apparent escalation of violence, harassment, and intimidation directed at human rights activists and others there. In particular, we are concerned by the pressures and violence against members of Memorial, the respected non-governmental organization dedicated to remembering the victims of totalitarian repression. In July, Memorial activist Natalya Estemirova was murdered and a defamation suit subsequently was brought against Memorial’s director Oleg Orlov after he stated his belief that the Chechen leadership bore responsibility for her death. We congratulate Memorial and Mr. Orlov and fellow activists Sergei Kovalev and Lyudmila Alexeyeva, for receiving the esteemed Sakharov Prize for Freedom of Thought from the European Parliament.

During her visit to Moscow, Secretary Clinton expressed support for President Medvedev’s statements toward a more open society and the strengthening of the rule of law. The Secretary made a point of meeting with civil society activists to underscore that, as she put it: “the United States stands with those who work for freedom, campaign for justice and democracy, and who risk their lives to speak out for human rights.”

In Uzbekistan, despite promising developments last year such as adoption of International Labor Organization conventions, issuance of a national decree banning child labor in the cotton sector, and development of a national action plan to deal with that issue, the government has once again mobilized children to take part in this year’s harvest.

We are concerned about the October 20 arrest in Turkmenistan of civil society activist Andrei Zatoka. We urge the Government of Turkmenistan to ensure due process and humane treatment. The circumstances surrounding his arrest are troubling, given the history of his December 2006 arrest, and they reinforce the fears of

the human rights community that he is being targeted for his civic activism.

Despite efforts by Central and Eastern European governments to promote social tolerance, persistent societal discrimination against Roma individuals continues, which in its most egregious form has resulted in horrific acts of violence against them in a number of countries in the OSCE region, including the Czech Republic, Hungary, and Slovakia. We also remain concerned over the challenges to media freedom in the OSCE region. We continue to see impunity for violence against journalists, selective or seemingly politicized application of administrative laws, and criminal prosecutions of speech on defamation grounds in a number of participating States.

It is precisely in areas like these, where the gap between commitment and implementation is greatest, that ODIHR and the OSCE in general must continue to bolster their implementation efforts.

At HDIM we emphasized that during its tenure as Chair of the OSCE, Kazakhstan should ensure that the OSCE will continue to enhance its capacity to tackle tough Human Dimension issues. We called upon the Government of Kazakhstan to show leadership by example, and we will continue to press them to do so. Working closely with OSCE and civil society, we will continue to urge Kazakhstan to make steady progress toward meeting all of its Madrid commitments, including reducing criminal liability for defamation in the media. We also look to Kazakhstan to ensure that any future changes to the religion law meet OSCE commitments. In this context, we are deeply concerned about an appellate court's October 20 decision to uphold the conviction and four year prison sentence of human rights advocate Yevgeniy Zhovtis. We urge Kazakhstan to pursue the upcoming procedural review of the case fully in accord with Kazakhstani law and its commitment to international judicial standards.

We also continue to call upon all parties to fulfill their ceasefire commitments with respect to the conflicts in South Ossetia and Abkhazia. We urge the continued active participation of Russia and Georgia in the Geneva talks aimed at facilitating security and stability in the region and addressing humanitarian and human rights issues there, including full access for international humanitarian groups.

At HDIM, I made a special point of highlighting the important contributions of NGOs and civil society to OSCE and in addressing complex problems in 21st century societies in general. This has been and will be a major theme for President Obama and Secretary Clinton. The subject has special resonance for me because of my years working as an NGO human rights advocate. The OSCE has an important role to play in amplifying the voices of civil society and providing a lifeline of protection when human rights defenders face trouble. The Helsinki Commission has been at the forefront of championing the participation of NGOs in OSCE fora and ensuring that they are accorded the appropriate access.

At HDIM I had the opportunity to meet with a number of human rights defenders and civil society activists from countries across the OSCE region. These brave men and women are working to strengthen accountability and deepen implementation of OSCE commitments within their own communities. We are deeply dis-

turbed by reports that two Kyrgyz activists were harassed on their way home from HDIM, including one who had spoken out at the meeting about Kyrgyz labor migrants in Kazakhstan. Her taxi was stopped en route from the Almaty airport on her way to Kyrgyzstan. It was driven to a deserted location, where she was threatened with physical attack and rape if she continues to speak out on migrant labor issues or even report the harassment that had just taken place.

We are disappointed that the Government of Turkmenistan, once again, declined to participate in the HDIM due to the presence of some Turkmen NGOs. We applaud the decision of the current Chairman-in-Office to allow these and all NGOs to take part in HDIM. We repeat our belief in the importance of HDIM as an open and inclusive forum that allows government delegations and NGOs to exchange views with each other directly.

We share the Commission's concern that some participating States seek to walk back NGO access and participation at OSCE. We share your strong conviction that a wide variety of NGOs must continue to be allowed to participate on an equal footing with government officials. This is part of what makes the HDIM such a valuable forum for discussion. Indeed, the HDIM sets a path breaking example of openness and NGO participation for other multilateral institutions to emulate.

Mr. Chairman, in the years ahead, I look forward to working with the Commission in a common effort to advance human dignity and the Human Dimension of the Helsinki Final Act. I am happy to answer your questions.

**PREPARED STATEMENT OF ALEXANDER VERSHBOW, ASSISTANT SECRETARY, INTERNATIONAL SECURITY AFFAIRS, U.S. DEPARTMENT OF DEFENSE**

INTRODUCTION

Chairman Cardin, Co-Chairman Hastings, Senators and Congressmen: I am very pleased to be here to discuss the Organization for Security and Cooperation in Europe (OSCE) and its role in advancing the interests and values of the United States. This hearing provides an important opportunity to consider the full range of issues in the politico-military, human, and economic and environmental dimensions of the OSCE in the lead-up to the Athens Ministerial in early December.

Since the 1975 Helsinki Final Act, the OSCE has played a unique and historic role in helping Europe to transition from a period of protracted, cold conflict to a time of increasing prosperity, freedom and stability. It has promoted cross-border cooperation in the southern Balkans, and offered objective observers for elections throughout Europe, including the OSCE Missions in Bosnia, Kosovo and Moldova. It has served as a mediator in the Nagorno-Karabakh conflict and has stood—for a brief time—as an agent of peace and stability on Georgia’s administrative boundary lines with Abkhazia and South Ossetia. As someone who cares a great deal about the security and freedom of the Transatlantic community, I have always valued the important role that the OSCE has played in promoting the vision of its founders in 1975.

In June 2009, the 56 participating States of the OSCE launched the “Corfu Process” under Greek leadership to review the state of play in European security and reinvigorate the mechanisms for addressing traditional and new challenges. The Corfu Process is a structured dialogue among all OSCE participating States on European security issues. There have been six Corfu Process sessions so far and several will follow prior to the Athens Ministerial in early December. Throughout the Corfu Process, the United States and its Allies have spoken with a unified voice, declaring that the current European security institutions remain sound, but that there is not a consistently high level of implementation of OSCE commitments by all participating States.

One important contribution of the Corfu Process is that it has reconfirmed that the OSCE remains the primary forum for dealing with all three dimensions of security in Europe. The OSCE has a uniquely broad-based membership and an encompassing view of security, including the human and economic and environmental dimensions. It retains a vital role in upholding U.S. security interests in Europe. My testimony today will focus on the political-military dimension of the OSCE; I will leave it to my colleagues to address its other elements.

HOW THE OSCE IS ADDRESSING 21ST CENTURY CHALLENGES

The United States recognizes that many of the major security challenges we face today either did not exist or were less urgent when we concluded the Helsinki Final Act. But we believe that the OSCE, with its broad-based membership, remains an important

forum that has and can continue to adapt to address these 21st century challenges. I'll begin by focusing on a few of the successes we have had to date.

#### UN SECURITY COUNCIL RESOLUTION 1540

One of the gravest challenges we confront today is preventing the acquisition and use of weapons of mass destruction (WMD) by terrorist organizations. UN Security Council Resolution (UNSCR) 1540 addresses this threat by obliging all UN member States to adopt and enforce specific measures against the proliferation of WMD, their means of delivery, and related materials.

The OSCE plays an important role by helping Euro-Atlantic nations to develop national plans to meet their obligations under UNSCR 1540. With strong U.S. support, the OSCE developed and will publish a "Best Practice Guide on United Nations Security Council Resolution 1540 Export Controls and Transshipment"—a compendium of proven and effective means of implementing UNSCR 1540. In addition, the United States has proposed further work on UNSCR 1540 to give its implementation a stronger focus within the OSCE and will work with other participating States to make this a reality over the next year.

#### SMALL ARMS AND LIGHT WEAPONS

The OSCE continues to be a vital forum for Euro-Atlantic cooperation on the reduction of threats posed by the illicit transfer of small arms and light weapons (SALW) and their possession by sub-national groups. Beginning with the adoption of the OSCE Document on SALW in 1999, the OSCE has facilitated cooperation among participating States in reducing trafficking in small arms and light weapons, securing existing stocks, and eliminating excess SALW and related materials. Later work extended OSCE efforts to address the problems related to unsafe and unsecure stockpiles of conventional ammunition. Notable projects include the elimination of deteriorating liquid rocket fuel in Armenia and Georgia, reductions of surplus small arms and ammunition in Tajikistan and Belarus, and U.S.-led efforts in Cyprus to eliminate man-portable air-defense systems (MANPADS). In addition, participating States have developed a comprehensive set of Best Practice Guides related to SALW and other guidance on SALW that has been shared with the UN.

#### MEDITERRANEAN SECURITY

The Helsinki Final Act highlighted the importance of developing partnerships with the Mediterranean States to improve our mutual security. To this end, the OSCE agreed to focus the next Mediterranean Partners Conference on conflict prevention and resolution, and migration. The Conference will take place in Cairo in December 2009, and we look forward to fruitful discussions among our six Mediterranean Partners on these important topics.

I can give you a good example of how our work with Mediterranean Partners on SALW has created engagement opportunities for the international community's nonproliferation efforts. In October 2008, the United States and other OSCE participating States orga-

nized a seminar for the Partner states on the threats posed by MANPADS, raising awareness and developing a foundation for cooperation. Subsequently, in response to a request by Morocco, the United States and Partner states organized a seminar in Rabat in April 2009 to address concerns over the flow of conventional weapons from conflict zones into the Mediterranean region. Participants included border control agencies from the OSCE and Africa, including Spain, France, Morocco, Tunisia, Burkina Faso, Chad, Libya, Mali and Senegal. Experts from these governments discussed regional cooperation and focused on building domestic capabilities to detect and stop the illicit flow of conventional arms. As a result of the Morocco Seminar, participants have shown interest in follow-up discussion on the implementation of regional security capabilities.

#### CYBER-SECURITY

Information technology and computer networks are vital to the functioning of the global economy. Our society has grown increasingly dependent on the availability, reliability, and security of computer networks. Protecting against the deliberate disruption and destruction of these networks has become a matter of national security and international concern. As we saw recently in Estonia and in Georgia, cyber attacks can threaten the critical infrastructure of our increasingly networked world, and present a destabilizing weapon to adversaries.

The OSCE began its work to address this challenge by holding a highly successful workshop on enhancing cyber-security. The workshop was broadly attended, with more than 200 participants from participating States, Partner states and international organizations, including Egypt, Japan, the Arab League and NATO. Participants discussed ways to enhance cooperation and improve defenses against cyber attacks worldwide. At the workshop, the United States proposed, and received strong support for, a national self-survey that would identify capacities as well as deficiencies in national cyber-security capacities. This proposal is moving forward and demonstrates strong U.S. leadership in an area vital to our interests.

#### AFGHANISTAN

One area where the United States hopes the OSCE can do more is in Afghanistan. The Government of Afghanistan, an OSCE Partner Country (along with Japan, Mongolia, the Republic of Korea, and Thailand), made an urgent request for support in 2007. Responding to this request, the OSCE Secretariat has proposed sixteen separate projects to enhance Afghan border security, including a welcome emphasis on building Afghan capacity—especially training facilities. These projects are designed to support the Afghanistan National Development Strategy.

So far, only a few projects have been implemented. Within the OSCE, we have not reached a consensus on two projects that the United States regards as particularly critical: a proposed Training Facility at Shir Khan Bandar, and a mentoring and monitoring project at border-crossing points in northern Afghanistan. We re-

main hopeful that these two projects will soon engender the full support of OSCE member states.

#### THE NEED TO FULLY IMPLEMENT EXISTING MEASURES

Although the OSCE has done an excellent job at adapting to the new set of emerging post-Cold War threats, more work can be done to strengthen its valuable role. As I said in my introduction, the state of the OSCE is strong. It has played, and continues to play, a critical role in maintaining the peace and security of Europe in all its dimensions.

As we address emerging challenges, it is vital that we continue to remain vigilant about the threat posed by traditional international conflict among sovereign states. This threat has not disappeared with the end of the Cold War.

#### GEORGIA

The outbreak of hostilities last year between Russia and Georgia underscores the need to reconsider the implementation of these security mechanisms—both individually and across the Euro-Atlantic area—to deal with crises. None of us can afford to be complacent in the face of this ongoing dispute between OSCE participating States, nor can we continue to allow Cold War legacies and unresolved conflicts to remain unaddressed in the Caucasus, the Balkans or Transnistria.

As this Committee's co-chairs stated in August 2008, Russia's invasion of Georgia represented "a clear violation of Georgia's territorial integrity and Principle Four of the Helsinki Final Act." We regret deeply the end of the OSCE and UN missions in Georgia and the lack of access to the separatist regions. Russia's blocking of consensus at the OSCE on a status-neutral proposal to extend the mandate of the OSCE Mission to Georgia and its veto of a UN Security Council resolution extending the mandate of UNOMIG were unfortunate. Russia's refusal to allow these valuable missions to continue is inconsistent with the spirit of Russia's commitments signed after the conflict. We continue to advocate for allowing humanitarian assistance as well as a return to pre-conflict positions, as Russia committed to doing as part of the August 8, 2008 ceasefire agreement.

#### THE MEDVEDEV PROPOSAL

Russian President Dmitry Medvedev has called for a new, legally-binding security arrangement to improve trust between governments, reduce the risks of internal ruptures, and fortify the international community's ability to prevent or respond to crises. We have continued our dialogue with Russia in the OSCE about its ideas for a new European security architecture. However, in the Administration's view, the OSCE's existing mechanisms—working within the current, broader Euro-Atlantic security architecture—are still relevant and effective for reducing both the possibility and scope of conflicts in Europe. Full implementation of these existing security mechanisms would address many of the concerns expressed by Russia and other OSCE countries. However, we will continue to engage with Russia because, as last August's events

show, we need to make existing mechanisms more effective in preventing conflicts.

#### NAGORNO-KARABAKH

We also look forward to continuing our close cooperation with Russia and our other fellow Minsk Group co-chair, France, to support the leaders of Armenia and Azerbaijan as they finalize the Basic Principles for settlement of the Nagorno-Karabakh conflict. We continue to urge the Presidents of Armenia and Azerbaijan to resolve the differences remaining between them and finalize their agreement on these Basic Principles, which will provide the formula for a comprehensive settlement.

#### THE CONVENTIONAL ARMED FORCES IN EUROPE TREATY (CFE)

The Administration is concerned that, since December 12, 2007, Russia has continued the unilateral “suspension” of its legal obligations under the CFE Treaty. In the context of Russia’s massive restructuring of its military, the verifiable exchange of military information provided for in the CFE—coupled with its intrusive inspection regime and legally-binding limitations on the concentrations of heavy forces—is particularly important in reassuring Russia’s OSCE neighbors. The United States is committed to cooperative security and fulfillment of international agreements, as well as the importance of the confidence that results from military transparency and predictability. Because of this, the United States continues to fully implement the CFE Treaty. The United States continues to urge Russia to work cooperatively with us and other concerned CFE States Parties to reach agreement so that together we can preserve the benefits of a landmark regime.

#### THE VIENNA DOCUMENT 1999

The Vienna Document 1999, which includes all OSCE participating States, offers important contributions to the European security framework, complementing the legally binding CFE Treaty. The Vienna Document is a politically binding agreement designed to build confidence and provide transparency about military forces, both in garrison and during deployments and exercises. We applaud the continued successful implementation of this vital confidence- and security-building measures regime, and we hope that recent practices do not indicate a trend away from the transparency that remains its core principle. We urge all OSCE members to make maximum use of the opportunities provided by the Vienna Document not only for observation of military activities, but also to promote transparency and understanding regarding defense budgets and the full range of defense planning issues. The United States hopes that all Parties can continue to work together in Vienna to preserve this important element of peace and security in Europe.

#### OPEN SKIES TREATY

The Open Skies Treaty continues to function well, moving past 2008’s milestone of the 500th Treaty flight. The Treaty gives each State Party the right to conduct, and the obligation to accept, ob-

servations flights over every part of their territory—a truly historic and unprecedented step in transparency by all 34 States Parties. Implementation has not been without problems, however, including instances of decreased transparency on the part of some Parties, limiting the freedom of skies which is a fundamental part of the Treaty. In addition, significant challenges lie ahead, including adapting to digital technology, fully implementing Treaty-allowed sensors, and determining the future of the aging airframes that most countries currently use. These issues need to be addressed, soon, in order to fully realize the benefits of this landmark Treaty.

#### CONCLUSION

More than 35 years ago, the Conference on Security and Cooperation in Europe (CSCE) embarked on a series of negotiations to end the Cold War in Europe and create the foundation for a safe, secure, prosperous and free continent, with its crowning achievement of the Helsinki Act of 1975. The peaceful conclusion of the Cold War twenty years ago and the triumph of Helsinki principles represent a remarkable achievement. The Helsinki process, aided by your commission—including your continued work with the OSCE Parliamentary Assembly—remains the most extraordinary example of the exercise of the collective will to prevent war.

The 56 participating States of the OSCE can be rightfully proud of their achievements. However, in the decades since the end of the Cold War, we have not fully secured the foundations of peace and security in Europe, nor have we fully realized our vision of transparency, openness and predictability in military affairs. These ideals are shared by most of us, and we must insist upon their full exercise as a minimum standard for the conduct of all participating States. We look forward to working with our partners in the OSCE to realize the full potential of this organization and realize the goal of a Europe whole, free and at peace.

**PREPARED STATEMENT OF HON. MADELEINE Z. BORDALLO, A  
DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM**

Mr. Chairman, while I am not a member of the Helsinki Commission, I am here today because of my participation on several U.S. delegations to the Annual Session of the OSCE Parliamentary Assembly, the parliamentary dimension of OSCE. Europe may be quite a distance from Guam, but the issues discussed in the OSCE—be it a new security architecture, climate change or human rights and democracy-building—affect us all.

I value the OSCE as a venue to discuss these and other issues and to engage with Europeans on issues of mutual interest and concern. The interaction among parliamentarians is tremendous. Contentious issues are frequently debated and sometimes even become the subject for Assembly resolutions. At the same time, common ground is found on many issues, like trafficking in persons,

I accepted the invitation to participate in today's hearing to learn more about the diplomatic side of the OSCE. In particular, I would like to know how the diplomats and other executive branch officials view the work of parliamentarians on OSCE issues. When we adopt resolutions in Vilnius, Lithuania, or Astana, Kazakhstan, does the State Department review the recommendations being made and consider ways to act upon them? Do we have a sense whether foreign ministries in other countries, given their parliamentary systems and absent a Helsinki Commission to advocate follow-up, pay adequate attention to the work of their own parliamentarians and others? Are there ways in which both branches of government can enhance their cooperation to ensure that the OSCE succeeds not only as an international institution but also has a positive effect on the lives and futures of individuals in the participating States, in particular in the realm of human rights and democratic norms?

Also, being the representative of Guam in the U.S. Congress, I would like to know the Administration's views of the OSCE partnership with Asian countries. Do we value engaging the Asian partners through the OSCE and, if so, what are the priority issues we want addressed in that context? The number of Asian partners has grown, and Australia apparently has expressed interest in becoming a partner as well. Does the U.S. support this enlargement and what about the possibility of China, should it express interest?

Thank you, Mr. Chairman.

**QUESTIONS SUBMITTED TO ASSISTANT SECRETARY OF STATE  
PHILIP H. GORDON**

*Question 1.* In recent years there has been a gap between U.S. rhetorical support for OSCE and financial support for the organization. Where does the Administration stand with respect to overall support for and our financial commitment to OSCE?

*Answer.* The Administration strongly supports the OSCE, the premier multilateral mechanism for supporting democratic development and respect for human rights in Europe and Eurasia. Our interest remains steadfast and strong. We also appreciate the strong and consistent Helsinki Commission and bipartisan Congressional support for the OSCE.

The United States will pay its full contributions to the OSCE's 2009 budget, and the President has requested sufficient resources from Congress to pay our full budget share in 2010. In addition, we will continue the practice of providing voluntary funding over and above our OSCE budget contributions for activities such as election monitoring, extra-budgetary projects and personnel secondments. The Office for Democratic Institution and Human Rights (ODIHR) remains a top priority in this regard, especially regarding its democratization and human rights promotion efforts. The United States has contributed generously to ODIHR extra-budgetary programs and projects in the last few years, with a particular focus on election observation and tolerance programs, including efforts to combat anti-Semitism. We will also continue to support high priority U.S. foreign policy goals in the OSCE's first and second dimensions, including support for counterterrorism, border security, counter-narcotics, energy security, and climate change activities.

*Question 2.* The U.S. has generally viewed the OSCE Secretary General's position as largely administrative in nature. In recent years an increasing level of the organization's activities has been folded into the secretariat. How does the Department view the position? Do you agree that if there is to be a move to a strong SG model that it is better to do so purposefully as opposed to a bit by bit ad hoc approach?

*Answer.* The United States continues to believe that the Chairmanship-in-Office should retain political authority over the operation and reporting of field missions and determination of OSCE policy. The Secretary General represents and assists the Chairman-in-Office in fulfilling the goals of the OSCE and functions as the chief administrative officer of the organization. In that vein, we want the Secretariat to be able to provide solid administrative and substantive support to the CiO. We don't see a more responsive Secretariat as a threat. Rather, each CiO should exercise the CiO's authority over the OSCE's structures with the assistance of the Secretariat and in accordance with OSCE modalities and commitments. It is critical for the credibility of the organization that the CiO meets the high standards of democracy and fundamental human rights upon which the OSCE is based. We believe that Kazakhstan's Chairmanship of the OSCE next year—assuming it represents these high standards—will be very beneficial both for the OSCE and for the countries in the region.

*Question 3.* The Human Dimension Implementation Meeting serves as the main OSCE meeting devoted exclusively to human rights and attracts considerable interest by civil society. Time for sessions on fundamental freedoms, such as religious freedom, typically is squeezed, allowing the nearly 60 speakers this year only 2 minutes each. Meanwhile, Russia, Belarus and a few others are pressing on reducing the length of the HDIM. Does the Department support further reducing this vitally important meeting?

*Answer.* The Human Dimension Implementation Meeting offers a once-a-year, comprehensive opportunity for the fifty-six OSCE participating States to review their implementation of OSCE commitments in the areas of human rights and fundamental freedoms. The Department of State takes the conference very seriously and every year sends a high-level delegation. What makes the HDIM such a valuable forum for discussion is the ability of a wide variety of NGOs to participate on an equal footing with government officials. While we recognize that the HDIM may have some room for improvement to help ensure high-level participation and constructive discussion, any changes to the current modalities must necessarily strengthen and enhance the HDIM, not weaken it. In particular, we would strongly oppose any changes to the modalities that would prevent or restrict full NGO participation at the conference.

*Question 4.* The OSCE has made important inroads in efforts to combat anti-Semitism and other forms of intolerance in the OSCE region. Under the cycle of related activity, there should be a high-level conference in 2010. As this is an issue that should be decided at the Athens Ministerial, where is the Department in terms of building support for such a conference?

*Answer.* We have stated publicly and privately that we would welcome a high-level conference in 2010 on combating Anti-Semitism and other forms of intolerance. We see this as an important opportunity to evaluate progress on implementation of OSCE commitments in this field and identify areas of concern. We are open to considering suggestions and building consensus on locations and dates for this conference that will help facilitate high-level participation. For us, however, the conference agenda is the primary concern—it should be substantive and encompass the full range of the ODIHR's important tolerance and non-discrimination work.

*Question 5.* Today the OSCE Participating States National Points of Contact on Hate Crime are meeting in Vienna and the US is represented by the Human Dimension Officer of our mission in Vienna. The U.S. would be well served by putting our best hate crime experts into this mix as so many of the other participating States do. Is the Department open to designating a senior Justice Department expert as our point of contact to enhance U.S. leadership in this area?

*Answer.* As you noted, the U.S. Mission to the OSCE in Vienna is the official National Point of Contact on hate crimes responsible for liaising with the OSCE. USOSCE and other State Department officials work closely with their counterparts at the Department of Justice, including the FBI, to gather hate crimes reporting from around the United States. We welcome discussions on how to strengthen this cooperation and improve the effectiveness of our reporting and collaboration with the OSCE in this area.

**QUESTIONS SUBMITTED TO ASSISTANT SECRETARY OF STATE  
MICHAEL H. POSNER**

*Question 1.* During President Obama's summit with his Russian counterpart, it was announced that a structure would be put in place for experts to work on a variety of issues. While there was no explicit reference to human rights, apparently these issues will be dealt with under "civil society." Please give us your assessment regarding human rights trends in Russia today. What do you hope to accomplish through these bilateral structures? Given the Commission's expertise, would you support including us in the inter-agency process?

*Answer.* The Bilateral Presidential Commission's Working Group on Civil Society is only a piece of the Administration's engagement on human rights and civil society. Regarding specifics on the Commission's Civil Society Working Group, I would refer you to the U.S. Chair, Mike McFaul at the National Security Council. Discussions about the agenda and timing for the first meeting continue with the Russian side.

President Obama has made very clear in speeches ranging from the Cairo speech to his Moscow speech to graduates from the New Economic School the importance we place on human rights and democracy. He has reiterated this importance in public statements issued from the White House and the State Department in speaking out on the killings of human rights defenders and journalists including the July murder of Natalya Estemirova. In his interview with the liberal *Novaya Gazeta* the President offered strong remarks on the Khodorkovskiy case. During the July summit in Moscow, the President met with human rights activists and opposition figures as did Secretary Clinton on her recent visit to Russia. Secretary Clinton emphasized to civil society leaders in Russia that: "A society cannot be truly open when those who stand up and speak out are murdered and people cannot trust the rule of law when killers act with impunity" and to those who speak out, "the United States stands firmly by your side." The President and Secretary Clinton also raised these issues in meetings with President Medvedev and Foreign Minister Lavrov and will continue to do so. President Medvedev has spoken of the importance of rule of law and civil society and we will continue to discuss with him the importance of advancing these critical human rights issues.

The overall human rights situation remains poor in Russia. We are concerned particularly with the escalation of violence in the North Caucasus region. An uptick in murders of journalists, opposition figures, and human rights activists—at least four killed in recent weeks—underscores the risk to the safety of those advancing human rights in Russia, and most severely in the North Caucasus. We will continue to raise our voices about these crimes—most of which remain unsolved, which fosters a climate of impunity. Independent election monitors reported numerous irregularities during the municipal elections that took place across a number of regions around Russia on October 11. Xenophobic, racial, and ethnic attacks are on the rise.

The Bilateral Commission Civil Society Working Group is not the only channel we have to facilitate civil society development and the promotion of human rights—we will engage at all levels and with

all branches of government, as well as with citizens, NGOs, academic institutions, media outlets, and in international for a forum. We will continue to fund human rights, democracy, good governance and rule of law programs. The “reset” in our relations with Russia does not mean we will refrain from addressing democracy and human rights concerns bilaterally, in the OSCE and elsewhere. As we face these challenges, we of course welcome engagement by the Commission and will continue to be in close contact on issues under its purview.

*Question 2.* The Russians have been cracking down on Jehovah’s Witnesses throughout the country. We have also learned that consideration is being given to adoption of restrictive measures aimed specifically at minority faiths. How is the Department addressing related concerns?

*Answer.* Our embassy in Moscow and consulates in St. Petersburg, Vladivostok and Yekaterinburg have engaged the Russian government at all levels expressing concern as problems arise. They have advocated for Russia to fully ensure religious freedom and promote tolerance. U.S. officials have also discussed religious freedom issues with high-ranking officials in the presidential administration and the Government, raising specific cases of concern. We will continue to urge Russia to ensure that its security services, prosecutors, regional and local governments take appropriate measures at the earliest opportunity to improve the conditions and respect for religious freedom in Russia.

While religious freedom remains available for the vast majority of the population that practice officially recognized religions, the rights of many religious minorities in Russia have declined. The Government continues to brand as “dangerous sects and cults” many established religious groups with long histories in the country, and subjects some peaceful minorities to “anti-extremism” laws originally enacted to counter terrorism. The National Security Concept of 2009 broadly defines “extremism” as including activities “destabilizing the domestic political and social situation in the country.”

Prosecutions instigated by the Federal Security Service (FSS) have been brought under “anti-extremism” laws against Muslims, Scientologists, and particularly against Jehovah’s Witnesses, including attempts to ban their religious literature as “extremist.” On September 11, the Rostov Regional Court ruled that the Taganrog local congregation of Jehovah’s Witnesses should be liquidated, holding that 34 items of their religious literature were “extremist.” The Witnesses have appealed this ruling to the Russian Federation Supreme Court, which will hear the appeal on December 8. On October 1, the Gorno-Altaysk City Court ruled that 18 publications distributed by Jehovah’s Witnesses were “extremist.” Similar cases have been brought elsewhere in the country.

Russia’s Ministry of Justice established a Council of Experts in March 2009 to study religious organizations and their doctrines for government use in applying laws and regulations to religious groups. Minority religious groups and international observers dispute the neutrality of the Council’s membership.

*Question 3.* This week, there is an on-going trial in the Czech Republic of 8 men, charged in connection with attacks on Roma last

year. News reports have described the horrific injuries sustained by one of the victims—a 17 year-old young man, who was left in a coma for weeks, has permanent brain damage, and had to re-learn how to speak. This young man is someone's son, with his whole life ahead of him.

We know that murders of Roma, like those have taken place in Hungary, make headlines, but I am just as concerned about the cases which don't get as much news coverage, but which have left Roma permanent scarred, both physically and emotionally. And the news reports on this trial in Czech Republic say that attacks like this are occurring every month.

Has the U.S. raised concern about these trends, including in Prague?

*Answer.* I am aware of this particular case in the Czech Republic, as well as dozens of other cases of anti-Roma violence across Central Europe in recent months; the situation is deeply disturbing. The United States regularly raises concerns about killings of, and violence and discrimination against Roma—both with individual governments as well as in the Organization for Security and Cooperation in Europe and other multilateral for a forum. We document and publish the abuses faced by Roma in our annual Country Reports on Human Rights Practices. Our embassies are actively engaged with local Romani leaders and communities and stand ready to assist host governments to promote diversity and combat intolerance.

As Secretary Clinton said in April, governments have a special responsibility to ensure that minority communities have the tools of opportunity that they need to succeed as productive, integrated, and responsible members of society. This can be achieved through a dual strategy of combating violence and discrimination, while at the same time ensuring that Roma have access to educational and economic opportunities.

**QUESTIONS SUBMITTED TO ASSISTANT SECRETARY OF  
DEFENSE ALEXANDER VERSHBOW**

RUSSIA AND SERBIA/REPUBLIKA SRPSKA

*Question 1.* President Medvedev recently visited Belgrade and received a highly visible and formal reception, redolent with symbolism. What do you believe are Russian interests in the Balkans, especially in the energy sphere? Do you believe that Moscow wants to prevent either Serbia and/or Bosnia (meaning Republika Srpska as well) from joining NATO? Do you believe that Russian influence could explain Mr. Dodik's recent positions on joining NATO, or is that due to other factors? Do you believe that President Tadic is wielding effective and positive influence over Mr. Dodik as these talks on Bosnia reach a crucial stage? Is Belgrade trying its best, and simply lacking influence?

*Answer (part 1).* Like the U.S., Russia has a long-established relationship with the countries of the Balkans, and has an interest in seeing them develop modern economies and peaceful relations with each other and the rest of the world. Generally speaking, Russia has sought to expand its trade and investment with the region in recent years, particularly with regard to energy issues, as it has in other parts of Europe. We have, however, seen a recent decline in trade during the global economic downturn.

Regarding relations with Belgrade specifically: Serbia and Russia have dynamic economic relations. Russia is currently Serbia's second largest trading partner (after Germany), primarily due to significant energy exports from Russia to Serbia. About 13% of Serbia's total imports come from Russia, although trade has declined by as much as 50% in 2009 from the previous year. Serbia and Russia have discussed a \$1 billion loan to Serbia which could be used for infrastructure and budget support, but the details have yet to be finalized. In the context of these discussions, President Medvedev sought to elicit Serbian support for Russia's proposals for a new European security architecture. Russian and Serbian companies, Gazprom and Srbijagas, also established a joint venture company to conduct a feasibility study for the Serbian portion of the proposed South Stream pipeline. In addition, Gazprom and Srbijagas created a separate joint venture to expand Serbia's natural gas storage facility. Gazprom also bought 51% of Serbia's national oil company, NIS, in January 2009.

*Answer (part 2).* Both Serbia and Bosnia are members of the Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace (PfP); however, Bosnia is currently more active in its relationship with NATO. In September, Bosnia hosted a large exercise "Combined Endeavor" outside of Banja Luka in the Republika Srpska (RS). The exercise included U.S. European Command (EUCOM) personnel and participants from other NATO countries. NATO forces were well received in the RS. Bosnia also works with NATO through the Individual Partnership Action Plan (IPAP) process and in 2008 began an Intensified Dialogue on membership questions with the Alliance. Recently, Bosnia expressed interest in starting a Membership Action Plan (MAP).

The Administration supports Bosnia's interest in joining NATO and we are working with its government to help advance Bosnia's

candidacy. Doing so means addressing needed reforms and ultimately meeting NATO's performance-based standards for membership. As is the case with other aspirants, Bosnia's decision to pursue NATO membership is its sovereign right. As the President underlined during his visit to Moscow in July, all nations are free to choose their own alliances and partnerships. Further, decisions about NATO membership are for Allies alone to make.

Although Serbia has stated that it is not interested, at this time, in pursuing NATO membership, engagement between Serbia and the Alliance is positive and constructive; we are therefore encouraging Serbia to continue to build upon its relationship with NATO and to take full advantage of its membership in PFP.

*Answer (part 3).* Serbia has publicly committed itself to remain a guarantor of the Dayton Agreement and opposes any changes to the Dayton framework without agreement among Bosniaks, Croats, and Serbs. President Tadic and Foreign Minister Jeremic have made constructive statements to this effect and have emphasized the inviolability of Bosnia-Herzegovina's territorial integrity. In light of Serbia's historical ties, we believe Serbia is uniquely positioned to play a leadership role in helping to ensure that all sides reach a viable, long-term solution that protects the unity of a single Bosnia-Herzegovina and that will allow the people of Bosnia-Herzegovina to progress on the reforms necessary to their European integration aspirations. President Tadic has made clear that he is committed to being helpful on this issue, and I look forward to continuing to work together with the Serbian leadership to find ways to resolve the complicated issues involving Bosnia-Herzegovina.

#### OSCE—PROMOTING COOPERATION IN THE SECURITY FIELD

*Question 2.* OSCE border security and border management projects are sound investments as they counter a range of threats in the region—impeding the illicit spread of small arms and light weapons; trafficking in narcotics and human beings; terrorism and their weapons. Where should existing efforts be bolstered and what are the challenges to be addressed in the Mediterranean region?

*Answer.* The OSCE's border monitoring activities range from conflict prevention to post-conflict management and institutional support. The OSCE facilitates capacity building for border services and reinforces cross-border cooperation. In 2005, OSCE participating states agreed on a Border Security Management Concept by which they committed to promote best practices and standards toward the goal of open yet secure borders. We feel strongly that the OSCE can bolster its border security efforts in Central Asia and within Afghanistan. The United States stands ready to assist the OSCE in implementing a set of sixteen technical assistance projects that would enhance security for Afghanistan and the region. Unfortunately, Russia has blocked two important projects along Afghanistan's northern border, but we are hopeful these projects will be agreed soon and implemented next year under the Kazakhstan chairmanship in the office of the OSCE.

We are also seeking to foster greater cooperation among OSCE participating states and Mediterranean Partners on activities that

support border security, immigration and cross-border cooperation, as well as counterterrorism, rule of law and tolerance matters.

RUSSIA/COLLECTIVE SECURITY TREATY ORGANIZATION (CSTO)

*Question 3.* Moscow seems intent on raising the visibility of the Collective Security Treaty Organization (CSTO) even as the Commonwealth of Independent States appears to be unraveling. What is your assessment of CSTO and should the U.S. and others in the West be enablers in Russia's desire to put the organization on par with others, such as NATO?

*Answer.* We currently are evaluating the activities of the CSTO and the benefits of ad hoc contacts between NATO and the CSTO, such as in the area of counter-narcotics cooperation. Recently, Russia briefed the NATO-Russia Council on behalf of the CSTO at the last Reinforced NRC meeting on Afghanistan and Pakistan, and we would not object if a CSTO member briefed the Euro-Atlantic Partnership Council on specific CSTO activities. In the meantime, we encourage the CSTO member states, including Russia, to engage through established mechanisms such as the NATO-Russia Council, the Euro-Atlantic Partnership Council, and the Central Asia Regional Information and Coordination Council.



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