

# BELGIUM'S CHAIRMANSHIP OF THE OSCE

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED NINTH CONGRESS

SECOND SESSION

JUNE 28, 2006

Printed for the use of the  
Commission on Security and Cooperation in Europe

[CSCE 109-2-4]



Available via <http://www.csce.gov>

U.S. GOVERNMENT PRINTING OFFICE

38-416 PDF

WASHINGTON : 2007

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# **BELGIUM'S CHAIRMANSHIP OF THE OSCE**

**JUNE 28, 2006**

## **COMMISSIONERS**

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## BELGIUM'S CHAIRMANSHIP OF THE OSCE

JUNE 28, 2006

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

WASHINGTON, DC

The hearing was held at 11:09 a.m. in room 2359 Rayburn House Office Building, Washington, DC, Hon. Sam Brownback, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Sam Brownback, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe; Hon. Alcee L. Hastings, Commissioner, Commission on Security and Cooperation in Europe; Hon. Robert B. Aderholt, Commissioner, Commission on Security and Cooperation in Europe; Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

*Witness present:* H.E. Karel De Gucht, Foreign Minister of Belgium, Chairman-in-Office, Organization for Security and Cooperation in Europe.

### HON. SAM BROWNBACK, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. BROWNBACK. I call the hearing to order. Thank you all for being here. Sorry for being late coming over from the Senate side, while my House colleagues were already here. Congressman Hastings, Congressman Aderholt—delighted to have you here for this hearing, as well.

On behalf of my colleagues on the Commission on Security and Cooperation in Europe, I am pleased to welcome Minister De Gucht. I hope I got that correct.

Did I pronounce that correct—De Gucht?

Min. DE GUCHT. No, but you would be the first one who manages to—

[Crosstalk.]

Mr. BROWNBACK. You would think with my German ancestry I could get this correct. Would you mind giving me a correct pronunciation?

Min. DE GUCHT. It's De Gucht—with a soft "g."

Mr. BROWNBACK. De Gucht.

Min. DE GUCHT. De Gucht.

Mr. BROWNBACK. Am I close? We will keep practicing. I want to welcome you to our hearing today, and despite my difficulty in pronunciation, we're delighted to have you here. I appreciate the opportunity to hear your assessment of the developments in the OSCE region and beyond as we partner to uphold human dignity and to promote democracy.

This year marks the 30th anniversary of the Helsinki Commission, which is quite a milestone, but not just in years and accomplishment. Our mission is to monitor the progress of the 56 participating States in the OSCE region—implementation 1975 Helsinki accords—and really, to spread the vision around the world.

I know that my fellow Commissioners and I, as well as our able Commission staff, take seriously our mandate to monitor implementation of all the commitments agreed to by the OSCE countries in the security, economic and human dimensions.

The OSCE's comprehensive approach to security makes it well suited to address pressing issues facing us today—many different issues, including things like trafficking, corruption and terrorism.

The OSCE has been a resource for governments desiring to change and a valuable voice in speaking out against human rights abuses, but the institution continues to be challenged by the presence of regimes that resort to repression to remain in power.

Some participating States simply do not abide by the promises they made in joining the organization. Regrettably, trends in several states do not give rise to much optimism. In the face of this reality, we can either lower the bar, or we redouble our efforts to foster change. I vote for the latter.

The former would be tantamount to an abandonment of the very principles we share on the paper, if not in reality. While some seek to weaken our resolve, we must press on and not lose sight of our objective.

Indeed, the OSCE continues to provide a comprehensive framework for progress. The participating States must supply the political will to make the promise of progress a reality.

The current situation in Central Asia and the Caucasus is one example of this promise, and I'm optimistic that the countries of that region can overcome the crippling legacy of communism and seek a brighter future for their people.

I know that I and my fellow Commissioners are keenly interested in the developments of democracy in that area. Representative Smith has introduced the Central Asia Democracy Act, and I introduced the Silk Road Strategy Act of 2006, which is a follow-on to the Silk Road Strategy Act previously passed—both seeking to foster the development of democracy, the rule of law and greater respect for human rights.

I believe we need to take a comprehensive approach to the region and engage in security, economic development and democracy, along with human rights. The Silk Road Strategy Bills target that broad basis.

While there's been tremendous progress in the 15 years since the collapse of the Soviet Union, I see some very worrying trends in the region. I suspect these are probably the same issues on your mind, as well.

Russia, a country with an increasingly ambiguous rights record, has been all too willing to coddle dictators, as evidenced by President Putin's hosting of Mr. Karimov on the eve of the anniversary of the bloody massacre in Andijon. Russia continues to maintain close ties with Lukashenka in Belarus, despite his being ostracized by the European Union and the United States, among others.

And I'm also troubled by developments in the Shanghai Cooperation Organization, a collection of largely authoritarian and anti-democratic regimes with little tolerance for human rights.

Mr. Minister, I'm looking forward to hearing your thoughts on these and other issues that you'd like to share with us. We're delighted to have you here. Thank you for joining us and for being a co-conspirator on spreading human rights and dignity around the world.

I want to recognize my colleagues, as well, if they have an initial statement.

Congressman Cardin, if you had a thought you'd like to put forward?

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Well, let me thank you, Mr. Chairman, for holding this hearing. It's wonderful to have the Chair-in-Office with us today, and we thank you for continuing the tradition of coming before our Commission and sharing with us your vision for the work of the OSCE, not only during your term, but as you see the future priorities and relevancy of the OSCE in all of our work.

Your timing couldn't be better. As you know, we start our Parliamentary Assembly next week, and we look forward to being with President Hastings as he concludes his term as the President of the Parliamentary Assembly, and we're very proud of the work that he has done working with you, bringing a closer relationship between the Parliamentary Assembly and your chairmanship so that we can use all the energy to do our work.

I'm honored to chair the Second Committee of the Parliamentary Assembly, which has the economic and environmental agenda, and we have been particularly interested in moving forward in fighting corruption. I appreciate your leadership in the work that's been done in dealing with the ratification of the U.N. Convention against Corruption, and we're going to continue to make that a priority.

In our Parliamentary Assembly in the Second Committee, we're also going to deal with Chornobyl in trying to make sure the legacy of Chornobyl is a better way of dealing with our energy needs of the region and how we deal with energy interdependence within our region, and dealing also with the problems of Chornobyl.

So, Mr. Chairman, I want to put my entire statement in the record. I really look forward to hearing your testimony before our Commission, and sharing with you a common vision of continuing the importance of the OSCE and our Commission in the important work of all three dimensions.

I know that the human dimension, by far, is the best known. We think that it's important to strengthen the human dimension, but

we also want to strengthen the security dimension and the economic and environmental dimension. Thank you very much.

Mr. BROWNBACK. Thank you, Congressman. President Hastings, did you have thoughts or comments you wanted to—

Mr. HASTINGS. Mr. Chairman, in the interest of time and recognizing the busy schedule that you have, as well as the Chair-in-Office, my good friend, I don't have a statement other than to welcome you to the United States as he has welcomed me in his office in Brussels, and the Chair-in-Office and my elections and selections by the respective parts of OSCE have paralleled each other.

Fortunately for me, my mandate ends in Brussels. His continues until December, and so I'm pretty sure that he has lots of work ahead, and in my exit memo, I promise him that he will have more work to attend in his final six months. Thank you.

Thank you very much, Mr. Chairman-in-Office, for being here, as well as the wonderful staff that works for him. They've done an incredible job in preparing for us to come to Brussels. I wish you could be there with us, Senator.

Mr. BROWNBACK. I do, too. I do, too.

Congressman Aderholt?

Mr. ADERHOLT. I don't really have anything to say. I do plan to be on the delegation trip to Brussels, and we look forward to being in Brussels next week, and I look forward to your testimony this morning. Thank you.

Mr. BROWNBACK. Congressman Pitts, who'll be leading the delegation, I believe?

Mr. PITTS. That's correct. Thank you. Thank you, Mr. Chairman.

Welcome, Mr. Minister. You may be aware of an initiative that we'll be raising in Brussels concerning the global problem of child pornography. This is a concern that deserves priority consideration by the OSCE and participating States in the exploitation and abuse resulting from child pornography.

The International Centre for Missing and Exploited Children surveyed 184 Interpol member countries, including the OSCE participating States, and their recently released study reveals significant gaps in the legal framework that hamper the effectiveness of law enforcement agencies to combat international child pornography networks operating across borders, principally via the Internet.

A survey of the OSCE countries found that six of the countries lack any law whatsoever criminalizing any aspect of child pornography. Thirty-two countries lack any legal definition of child pornography. Sixteen countries have failed to make the possession of child pornography a crime. Twenty countries lack laws criminalizing the electronic distribution of child pornography via the Internet. Fifty countries do not require Internet service providers to report suspected child pornography to law enforcement.

Of the OSCE countries, only three, Belgium, France and the United States, have enacted comprehensive laws combating child pornography. And I say this not to hold up our countries, for we must also recognize that much of the demand originates right here in this country.

Ernie Allen, the President—CEO of the International Centre here in Alexandria, will be participating in a special event in Brus-

sels in conjunction with the OSCE Parliamentary Assembly. And he said this, quote, “We know that many world leaders do not yet recognize that child pornography has become a multi-billion dollar industry, and that the world’s children are paying the price,” end quote.

So, Mr. Minister, I urge you to use your leadership position in the OSCE to pursue this issue in the lead-up to the Brussels Ministerial Council and beyond. Welcome. Thank you for coming.

Mr. BROWNBACK. Thank you, Congressman Pitts.

Mr. De Gucht, thank you for your years of service—30 years in public service. Thank you for being here as the minister in charge and your great work, and you honor us by your attendance and presentation. We’re delighted to have you here. Welcome. The floor is yours, and we look forward to your testimony.

**H.E. KAREL DE GUCHT, FOREIGN MINISTER OF BELGIUM,  
CHAIRMAN-IN-OFFICE, ORGANIZATION FOR SECURITY AND  
COOPERATION IN EUROPE.**

Min. DE GUCHT. Mr. Chairman, distinguished Commissioners—thank you very much for the invitation to discuss with you the challenges the OSCE is facing today and the way the Belgian chairmanship in 2006 is putting its efforts into steering an organization that was born during the Cold War as an instrument of detente between East and West and reborn after the Cold War as a vehicle for cooperation and support to the new democracies and newly independent states.

This hearing comes at an appropriate time. With 6 months of chairmanship behind us and 6 months ahead of us, it’s a good moment, indeed, to share with you a kind of midterm review. Of course, it’s too early to draw conclusions, especially when you know that the heaviest workload tends to concentrate during the months right ahead of the ministerial meeting in December. But it is not too early to make an overall judgment of where we stand and where we are heading.

Steering the OSCE is a challenging task, both politically and institutionally. Politically, because of the unsolved conflicts in which the OSCE has a role to play as mediator, and because of the democratization process and respect for human rights that the OSCE endeavors to support in many countries. The OSCE’s chairmanship is at the same time institutionally a formidable task to accomplish. The OSCE is a rather unwieldy body with a broad multidimensional mandate and a modus operandus of cooperation among 55, now 56, equal partners.

Let me give you a brief overview of where we stand at this juncture in relation to our program. I must say the review is mixed because reasonably—promising. Achievements, though, will not come by sheer will of the chairmanship. Consensus is the ground rule of the OSCE. Goodwill and support from all participating States is essential.

The Ministerial Council of Ljubljana gave us a mandate to pursue, and hopefully conclude, the discussions on institutional reform. The institutional debate has been going on for quite some time, even threatening to paralyze the organization. Thanks to the Ljubljana meeting, we now have a roadmap to guide the debate.

Having a roadmap is, however, no guarantee to achieve our destination. The road itself remains difficult.

As Chairman-in-Office, I believe there is undoubtedly room for improving the efficiency of the organization. However, I doubt there is reason to profoundly alter the nature of the organization or to tamper with the delicate balance of power within the organization itself.

Whatever differences and tensions that may and do exist among participating States, we should stick to what keeps us together—namely, the fundamental values and commitments of the Helsinki Final Act and the Paris Charter, which are the bedrocks of what we collectively stand for, or should stand for.

I would like to reiterate our profound attachment to these common principles and to the institutions of the OSCE. The most pressing question, therefore, is not whether we share common values and commitments, but how we turn them into common action and implementation.

The mandate for reform has two tracks. The first track aims at improving the proper functioning of the OSCE. The second track involves the more sensitive issue of election observation and other election-related activities.

We agreed at Ljubljana that ODIHR will present a report to the Ministerial Council meeting in Brussels in December, and will consult with participating States in preparing its report. This process is on track, and we are committed to keep it on track.

I do not have to stress the critical importance of election observation—certainly not to the chairman and the members of the U.S. Helsinki Commission, who are closely and actively involved in this key task, which the OSCE fulfills via ODIHR and the Parliamentary Assembly.

Election observation is a field in which the OSCE has acquired a vast expertise. I do not want to anticipate on the result of the review undertaken by ODIHR, but I would like to underline that election observation is a common responsibility which is of direct concern to OSCE as a whole.

Parliamentarians and the Parliamentary Assembly of the OSCE in particular, have a key role to play in the field of election observation where they can and should contribute on the basis of their own experience as practitioners and as elected politicians.

ODIHR, for its part, is instrumental in making an objective assessment of the conditions in which elections are held according to the OSCE principles and commitments. Its contribution is widely recognized and appreciated.

Mister Chairman, distinguished Commissioners—let me briefly touch upon the other priorities that the Belgian chairmanship has put forward for 2006.

One of these is to bring more balance to the three traditional dimensions of the OSCE. They are interlinked. There can be no effective and lasting democratic rule without stability. Conversely, peace and security cannot be achieved without respect for democracy, civil liberties and human rights. And also, there will be no lasting stability without economic development.

The overall balance between the three “baskets” has been somewhat lost out of sight over the past years. To put more flesh on the

bones in the second dimension, we have chosen transport as the main theme for the Economic Forum this year.

As economic cooperation and integration can contribute to regional security, we regard the OSCE as a platform for all countries concerned to discuss problems and find solutions. We got the support of all participating States to put transport on the agenda.

We will now work to translate the outcome of the Economic Forum which took place in January and May into results at the ministerial meeting in Brussels. It is in that sense that we have also put the energy issue high on the agenda, and that we intend to organize a conference on the subject later in the year. Energy security is a concern to all participating States—producers and consumers alike.

A second thematic priority is the promotion of the rule of law and the fight against organized crime. It's an issue that concerns all OSCE countries, east and west. It is also an issue of direct concern to our citizens. Moreover, the fight against organized crime is not new to the OSCE, which, in its different dimensions, has already developed action plans on combating human trafficking, illegal traffic in drugs and weapons, money laundering and corruption and border management.

The OSCE has also started up programs to strengthen the rule of law and provide assistance for police and judiciary training. We hope to bring more coherence between the numerous OSCE activities in the field and give more substance and backbone to these activities.

On the fight against trafficking in human beings, I can tell you that on the initiative of the Chairman-in-Office, participating States have recently agreed to an institutional modification to the OSCE mechanism to ensure more effective action within a unified structure.

The role of the OSCE in promoting the fundamental right of human security should indeed be as effective as possible. With the new structure in place, we are ready to appoint a new special representative before long. The tasks are not easy, but the commitment of the OSCE community to eradicating this vile manifestation of exploitation is large enough to surmount institutional bickering and ideological differences.

I also want to emphasize the commitment of the chairmanship to the promotion of tolerance and respect. The Ministerial Council in Ljubljana decided that the focus this year should be on the implementation of the commitments made by participating States.

By doing so, we are not only keeping tolerance high on the organization's agenda, but also striving to put the agenda into action. Together with ODIHR and with the support of the three personal representatives on tolerance, the chairmanship is fully committed to this task. It is no coincidence that our chairmanship started the year with a ceremony commemorating the victims of the Holocaust.

When violent protests erupted earlier this year over religious cartoons appearing in several newspapers, we urged all sides to respect the basic freedoms of expression and media, while reminding the press of its responsibility to its society.

We also urged the OSCE community to focus on positive steps. One of these steps we already took was the human dimension

meeting last month in Kazakhstan that focused on inter-cultural, inter-religious and inter-ethnic understanding.

Another step is the contribution of the OSCE to the Alliance of Civilizations initiative of the Secretary General of the United Nations. We are exploring further steps, making full use of the framework of cooperation and dialogue with the OSCE's Mediterranean and Asian partners countries.

Mr. Chairman, with your permission, I would like to say a few words on the role of the OSCE as mediator in the so-called frozen conflicts and its role in promoting democracy, the rule of law and respect for human rights in Eastern Europe, the South Caucasus and Central Asia.

As an honest broker, the Belgian chairmanship is actively contributing to finding solutions to the frozen conflicts of Transnistria, Nagorno Karabakh and South Ossetia. In the first half-year of the chairmanship, I have traveled to all countries concerned and met with their leaders, trying to facilitate the emergence of solutions. If and when these solutions occur will depend on the genuine willingness on the part of the principal parties involved.

There seemed to be a window of opportunity earlier this year for the Nagorno-Karabakh conflict. However, the meetings of the presidents of Armenia and Azerbaijan in Paris and Bucharest failed to confirm that opportunity. On the contrary, serious obstacles remain, and it will take time and a lot of wisdom and courage on the part of both presidents to overcome them. The Belgian chairmanship, in cooperation with the co-chairmen of the Minsk Group, will continue to do everything possible to move this process forward.

In the Georgian-Ossetian conflict, we are urging all parties to return to the negotiating table, while exercising restraint and refraining from any unilateral action that might worsen the situation.

Last month in Brussels, we held a donors conference where participating States pledged more than 10 million euros for economic rehabilitation in the zone of the Georgian-South Ossetian conflict. The meeting was a first of its kind for the OSCE and took place in the presence of all parties. It is our hope that the support gathered at the conference will help to build confidence between the parties and bring closer a settlement of the conflict.

Also, in the Moldova-Transnistrian conflict, we are urging parties to return to the negotiating table. Important developments occurred since the beginning of this year with the introduction of the new customs regime and the deployment of the Border Assistance Mission of the European Union on the border between Moldova and Ukraine. This should bring greater transparency in trade flows.

We would like to start also a serious discussion on the transformation of the peacekeeping operation in Moldova. Transforming the peacekeeping operation into an internationally mandated and recognized operation could enhance security and stability. As chairmanship, we also want to offer our best and honest efforts to open perspectives for a possible status settlement and we will make proposals at very short notice. To that end, a team of Belgian constitutional experts has been working out some interesting proposals.

As Chairman-in-Office, I raised serious concerns about the Presidential elections in Belarus. They were flawed, and opposition lead-

ers and groups were curtailed. Also, the Andijon events in Uzbekistan raised grave concerns, and the ensuing court proceedings did not meet the standards under the OSCE commitments.

How do we, as OSCE, work best to promote democratization, rule of law and respect for human rights in countries that do not live up to the standards to which they adhere as members of the OSCE?

Dialogue and cooperation are the answer. But, of course, it must be a two-way street. The role of the chairmanship is to facilitate this process, without compromising on our shared principles and commitment. At the same time, we will give full support to the OSCE field missions, which, in dialogue with the respective governments and civil society, contribute to the democratic transition of these countries.

Mr. Chairman, distinguished Commissioners, democratization, the furthering of the rule of law and of respect for human rights are the main fields of action of the OSCE. They are our common concerns. I look forward to continue working with you during the remaining months of our presidency of the OSCE and beyond.

And let me, maybe briefly, come back to the questions that have been put forward. First of all, on child pornography—

Mr. BROWNBACK. Mr. Minister, if I could real quick—they have a vote that is on the House side. If this would be—by your permission, I'd ask Mr. Cardin if he had a question or two that he could put to you now. You have one from Mr. Pitts. And then we may take them as they're running to vote so that they can hedge the timeframe. Would that be acceptable to you? Because I want to make sure to allow them to put forward a question or a comment before they have to leave.

Mr. CARDIN. Thank you, Mr. Chairman. Mr. Minister, I thank you for your patience. We have a little protest going on the floor because of a problem with water in the western part of the country, so we're being interrupted by procedural votes.

I want to compliment you on your testimony. I think you really have hit the core responsibilities and success of OSCE. Its field missions have been extremely important. The election monitoring has been extremely important. And we have made tremendous progress in dealing with intolerance on all fronts, and I applaud your leadership in those areas.

I just want to ask one additional question which deals with the relationship between the Parliamentary Assembly and your office in Vienna. I know that there's been some concerns on the election monitoring and the work that's being done by ODIHR currently, but I just want to give you an open-ended opportunity for how you see we can improve the relationship between Vienna and the Parliamentary Assembly, so that the Parliamentary Assembly and the work that's being done in Vienna can be more closely coordinated in order to carry out our objectives in the OSCE.

Mr. BROWNBACK. If I could on this—Congressman, please forgive me—but, Congressmen Pitts and Aderholt—if they had a question they wanted to put forward before you have to run for the vote, I want to make sure to get those in so that we can add those to you.

Congressman Pitts, you had asked about the child pornography—if you had additional question or comment to put forward?

Mr. PITTS. Mr. Chairman, I was just going to ask about the human-trafficking emphasis that we've attempted to address in terms of U.S. law and encouraging other OSCE countries to take action. And in terms of the ongoing work and the followup on the anti-trafficking initiatives—are these continuing despite the recent personnel changes, and are there other ways to enhance the good work of the anti-trafficking unit to ensure a sustained focus on the work to combat human trafficking?

Mr. BROWNBACK. And then Congressman Aderholt—before you guys have to run, do you have—

Mr. ADERHOLT. I don't have anything. I just want to say again, welcome to—thank you for being here today, and welcome to our hearing. And we look forward to visit with you more in Brussels. Thank you.

Mr. BROWNBACK. Sorry about stacking those on you, but it was the way we could be most efficient to get the thoughts and put forward, because I can stay here and don't have a hearing.

Do you care to respond to those? Then, I have a series of questions I'd like to pose to you if I could, Minister.

Min. DE GUCHT. OK. Questions put by Mr. Pitts—child pornography—it has, of course, to do with organized crime and also with human trafficking, but it's not limited to that. And I think you're rightly putting emphasis on this, and we will take it with us to the ministerial conference in Brussels, and we will certainly pay attention to that and see how we can develop for next year a program on this.

Your question on human trafficking—yes, we needed some institutional reforms. We have managed to get an agreement on that. The unit is continuing working, and we plan to appoint a new person—representatives—in the weeks to come. You know that there has been some discussion on the person who was in charge of it, so I will try to get to a consensus on somebody to do the job in the coming weeks.

The question put by Congressman Cardin—I know that there are some discussions between the Parliamentary Assembly and—not Vienna, it's in Warsaw. I mean, they are based in Warsaw—ODIHR [Office for Democratic Institutions and Human Rights]. And sometimes there is a somewhat difficult relationship between both, and I've tried to solve the question. I just made an appointment with Chairman Hastings to discuss it in Brussels, how we can solve the question, because I think it is very important to do so, because if not, it would weaken ODIHR, and that certainly cannot be the aim.

Having said this, there is, of course, a lot of discussion on the way election monitoring should be pursued. And what I have done is I have appointed two seasoned politicians—the former minister of defense of Belgium and a former minister of foreign affairs of Denmark to make a report on how actually election monitoring is done on the ground.

And they have been present in Belarus, they have been present in Ukraine, they have been present in Montenegro, and they are preparing a report for me so that I have a—I can't get there. I

mean, I cannot go there when there is election monitoring because that would create a diplomatic incident probably, so I have sent other eyes there, but completely trusted sirs and trustfully, our eyes to look at what actually happens. And on the basis of that, I will have discussions with the Parliamentary Assembly and with ODIHR to come to an arrangement that will strengthen, in fact, the election monitoring, because that should be the aim. We should strengthen it.

I also have a couple of questions that I got here, Chairman, on Uzbekistan and on regional conflicts. Am I supposed to answer them or—

Mr. BROWNBACK. We may get to those. I've got a couple here, and so, if you wouldn't mind—if I could pose some questions to you. And again, I'm very appreciative of your efforts.

I'd really like for you to back up and tell me your view of these world-shaping events that are taking place right now and how it is that you see we should address them. I'm particularly interested in the Shanghai Cooperation Organization and what they're doing on shaping or not shaping human rights efforts in the OSCE countries.

What is your view of the Shanghai Cooperation Organization and how it is impacting, either positive or negative, the development of human rights—democracy—in the OSCE region?

Min. DE GUCHT. Well, Chairman, I think all initiatives to strengthen confidence-building and demilitarization of border regions and to help resolve border disputes by peaceful means are welcome, of course. But, they should not become competitive bodies. You know that the membership includes China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Iran—Pakistan, India, and Mongolia have observer status, so it's largely a Central Asian and Asian initiative.

A lot of the significance of the Shanghai Cooperation Organization has to do with the participation of China, of course. They are part of the organization. And therefore, they are able to serve as a forum for Russo-Chinese dialogue in cooperation of regional issues in Central Asia.

That means that it can be competitive to interests of other global powers that—I think we should be aware of that. Now, the last summit was on the 15th of June 2006, and Iran manifested its desire to become a member. The focus was on Afghanistan, and everybody knows that Iran has some influence in Afghanistan and in the broader region.

Members pledged to combine forces to tackle the heroine trade and the deteriorating security position. We were not invited to the SCO Summit, and we have no formal relations between the SCO and the OSCE. And I think there is a serious fear that in the minds of some participants, they see it as a competitive organization to the OSCE.

Mr. BROWNBACK. What do you see it as?

Min. DE GUCHT. I think it's true. I also feel it like that, when you look to the participating States, most of the Central Asian states are involved, and I think the difference is—as I see it, the fundamental problem within the OSCE is that all participating

States have adhered to common principles. They have signed agreements and treaties on that.

But several of the participating States don't really like all of these principles, and what we tried to do within the OSCE is get to stability, but respect of principles is one of the—not only building blocks, but is in fact the cornerstone of our vision of stability.

And what I feel a little bit is that within this organization, the SCO, they are also developing a philosophy on stability, but where the role of common principles—democratic principles—that's what we are talking about—to say it mildly, is not that big.

That's how I think the fundamental difference between the two organizations.

Mr. BROWNBACK. You put it mildly; as you say, isn't it even a group that is opposed to democracy?

Min. DE GUCHT. That would be too harsh to say, I think. There is in certain Central Asian states, there is an awareness that the trend of history is towards democracy, but you also have to look at the recent history of those countries. They all belonged to the Soviet Union. When you look at their leaders, almost all of them date from that period—already played an important role in the era of the Soviet Union. So, they are countries in transition.

But, in some of them, there is an awareness that the trend of history is towards democracy. But it's not easy to go through this transition, and that's what you witness.

For example, in Kazakhstan, I think they are aware of that, but they are also facing the fact of life that it's not easy to build a democracy. That would be my judgment on that.

Mr. BROWNBACK. So, let me put a finer point on this because I appreciate your thought on this, and I see what you're saying. And I've traveled this region, and I've worked with a number of countries in Central Asia for some period of time. And this is a difficult transition—to go from an authoritarian state to a democracy. And it's not anything that you make one step and it's over with.

It is a many-step process, but it seems as if this Shanghai Cooperation Organization is almost a blocking mechanism from too much pushing from the West to democratize; that it's used in that sense and saying, "OK, now, if we let the Western countries, the democratic countries, push us individually, we're going to get pushed further than we want to go. But if we bind together, we're not going to be able to get pushed on this, even if we do recognize that democracy is the historical trend line; that people do best when they're freest."

Am I misinterpreting this group from your practical experience in dealing with the countries that make up the SCO?

Min. DE GUCHT. Well, you're giving your interpretation. I'm not saying that this is a misinterpretation, but I think the difference between you and me is that you are a U.S. Senator and I am the Chairman-in-Office of the OSCE.

Mr. BROWNBACK. I recognize that—  
[Laughter.]

Mr. BROWNBACK [continuing]. And I'm really—I am trying to appreciate and understand your view of the SCO, because I think it's an important recognition of how we view and how we strategically deal with this organization.

And I recognize one of us has, perhaps, greater freedoms than the other at this point in time, but I think it's important on how we look at the SCO.

Min. DE GUCHT. As I've already said, some participating States have some problems with the principles that they have subscribed, and let's say that's—on behalf of some participating States, is a counter-offensive.

Take, for example, the stance of the Uzbek regime. It's very obvious we have to renegotiate the mandate for our mission there. And I don't know whether we will come to an agreement, because if you have to go below certain standards, maybe it's better not to have a representation there anymore. We are in the negotiating process.

But, on the other hand, I think that if we believe that OSCE is an important organization, we also need to demonstrate the flexible to grow our service through this transition, because if you don't show some flexibility, then the organization itself will come into difficulty, and then we will, in fact, lose a very important tool to spread democracy.

And that's—as you said in your introduction, a tremendous lot of things have happened in the past 15 years.

Mr. BROWNBACK. They have. It's been beautiful.

Min. DE GUCHT. The world has changed dramatically, so maybe we need to have a little bit of patience and be very cautious, sometimes flexible, but keep to our principles, because if we approach it in too harsh a way, then the first victim could be the organization itself, and that certainly cannot be the aim.

Mr. BROWNBACK. I appreciate that, and there's probably a great deal of wisdom in that, and I also appreciate the positive nature of what a group, as you noted, the Shanghai Cooperation Organization, can produce. And some economic cooperation within the region and another forum for dialogue within the region—in a difficult area, I think those can be very positive.

We've invested so much in the push for democracy and human rights, and we know this to be true: that people do best when they're freest. We know this to be true. We have the practical experience of many years. We strongly subscribe to that notion; that liberty is a gift for all of us to participate in, not just the Western world and not just a certain ideology or certain region.

And we've never given up on that concept, and we've never given in on that concept. And it seems to me that it's important that we press groups like the SCO to endorse that concept—say that, “This is fundamental. It's in your constitutions in many of your countries. It's an important matter for the dignity of the human individual, wherever they're located.” And so then, maybe we don't put it in a negative, but we put it in a positive toward them to endorse and to embrace these principles that most would find history moving toward. Maybe that's the better way to place it.

It seems as if the action of a number of these countries in the region is negative toward the OSCE core principles and the individual, and that they're finding ways to bind together collectively to slow this push that's underway clearly in the region to slow it down. And maybe there are some reasons in various places for it to move at different paces than what it moves—there isn't a uniform pace that human rights and the recognition of human dignity

moves at, but it is something that we will not give up pressing on and pressing organizations about, as well.

Have you been meeting—I presume you have—with the leadership of the Shanghai Cooperation Organization?

Min. DE GUCHT. The leadership itself, no, but I have met with the Kazakhs, the Kyrgis, the Russians, of course, Tajikistan, Uzbekistan—so, the individual members, yes, but not the leadership as such.

Mr. BROWNBACK. And that may be something that we need to press from here, as well—from Washington—to meet with the leadership of that organization to be able to ascertain, do they embrace the same principles? Will they embrace the same principles on human rights and the dignity of the individual?

I want to thank you very much for being here, for addressing a number of these cutting-edge human rights issues, trafficking, child pornography. We're seeing a lot of trafficking into the United States. We're seeing a lot of it happening in many places around the world—the new form of slavery—and it does seem like this would be a key topic for OSCE to be able to address.

I do hope we can continue to push on some of these frozen conflict areas that are very difficult, but ones that, if they can be addressed, broaden the freedoms for many individuals—those involved, clearly, but also on a broader scale, as well. And I think you'll see us from here—from the United States—pushing on a lot of these countries via the multilateral institutions to continue to push this agenda that's an agreed-upon agenda, but trying to use the broad multilateral institutions to do that in as being as effective a way as we can. And we will also do so individually, too, because we believe very strongly in the concepts.

Thank you very much. Godspeed to you in your remainder of your term as the Chairman-in-Office for the OSCE. You have a very heavy agenda in front of you, and I wish you all the best with that.

Min. DE GUCHT. Thank you very much, Mr. Chairman.

Mr. BROWNBACK. This hearing's adjourned.

[Whereupon, at 11:57 a.m., the hearing was adjourned.]

## APPENDICES

### PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. Chairman, thank you for convening this hearing on Belgium's leadership of the OSCE, an organization that has stood the test of time in promoting the core values of democracy, human rights and the rule of law. I appreciate this opportunity to renew my acquaintance with Minister De Gucht given our common interests within the OSCE and beyond. Last year Dr. Henry Kissinger met with the Commission in conjunction with the 30th anniversary of the Helsinki Final Act. He acknowledged the unanticipated impact of ideas reflected in that document and the process it produced that has made human rights a legitimate subject of international debate. Indeed, the Helsinki Process and contribution of this Commission have helped uphold the freedom and dignity of many individuals—but many others wait for the promises made in Helsinki to be fulfilled.

For those committed to democracy and respect for human rights, we are here to help you overcome the legacy of the past. To those despots determined to remain in power at all costs, the day is coming when your people too will say “enough” to official corruption, rigged elections, and chronically poor governance. Regrettably, the gap between commitment and reality on the ground in a number of OSCE participating States remains wide and, in at least a couple of countries, is growing alarmingly wider. The failure of some to adhere to longstanding OSCE commitments is indeed leading to a division between those committed to building, consolidating and strengthening democracy and those determined to thwart democratic change.

This past March we witnessed these decidedly different approaches being played out in Belarus and neighboring Ukraine. In the first, we saw a sad repeat of the rigged elections that have robbed the people of Belarus of a voice in choosing a path toward democracy and away from dictatorship. A week later, the people of Ukraine used the ballot box to consolidate the gains of the Orange Revolution through the first post-Soviet elections to be deemed completely free and fair.

Turning to Central Asia, I remain deeply concerned over the continuing and intensifying repression in Uzbekistan and was appalled to see President Putin host Karimov on the eve of the anniversary of the bloody Andijon massacre. Denial of even a glimmer of freedom on Turkmenistan has become so routine that regrettably few pay much attention to the hardship of the people in that country. Meanwhile, factions in Kyrgyzstan seem more determined to gain advantage than to consolidate change made possible through upheaval that toppled dictatorship there. In Tajikistan, a country that had to contend with the ravages of civil war, the political space in the lead up to elections later this year appears to be shrinking. Finally, Kazakhstan, a country many had hoped would provide real leadership in embracing OSCE commitments and leading by example, has failed to improve its already poor record on

human rights and democracy, thus dooming its nascent bid to assume the chairmanship of OSCE in 2009.

Ironically, those insisting on the need for “reforms” of the OSCE are countries that routinely and often blatantly ignore their commitments on human rights and democracy. This group is not interested in strengthening the OSCE, but scuttling the organization’s human rights and democracy-promoting activities. We should not allow our attention to be diverted from the real issue—implementation of agreed upon commitments.

Mr. Minister, as the point person on human trafficking issues for the OSCE Parliamentary Assembly, I want to stress the importance of pursuing robust anti-trafficking efforts even as you seek a qualified candidate to serve as Special Representative. In this regard, it is critical to move ahead now, including the follow-up this fall on the issue of forced and bonded labor. Momentum must not be lost on such important ongoing efforts!

Thank you, Mr. Chairman.

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

Mr. Chairman, today's hearing with Belgian Foreign Minister Minister Karel De Gucht focusing on Belgium's chairmanship of OSCE is particularly timely as a number of us prepare for the OSCE Parliamentary Assembly's Annual Session to be held next week in Brussels. The OSCE is a dynamic process that has gone through several phases since the signing of the 1975 Helsinki Final Act—from the dark days of repression during the Cold War to the heady days of the late 80's and early 90's, the bleak days that witnessed genocide in the Balkans, to the challenges of the present day. Throughout, we have had the benefit of the OSCE's comprehensive approach to security encompassing all three dimensions of the process—military security, economic and environment, and the human dimension. For three decades now, the U.S. Helsinki Commission has sought to make real the promises contained in the Helsinki Final Act, work that is far from complete.

Although the Commission is best known for the human dimension, we also recognize the multidimensional nature of many of the challenges facing the participating States, including the United States. Human trafficking, corruption, terrorism and many other problem areas each have a security dimension, an economic dimension and a human dimension.

In recent years, I have concentrated much of my effort on the economic and environmental dimension, including through my work as Chairman of the Parliamentary Assembly's Committee on Economic Affairs, Science, Technology and Environment (Second Committee). I appreciate the focus of the Belgian chairmanship on combating international crime. This Commission provided some important leadership in pressing for the issue of corruption to be addressed at the Istanbul summit. I continue to view that issue as a continuing impediment to progress in all aspects of the Helsinki process, including economic and environmental issues. During our meeting in Brussels we will be discussing the new United Nations Convention Against Corruption, and our Committee will urge the OSCE participating States to ratify and implement this new convention, which for the first time reaches both public and private conduct.

Recently, the Commission held a hearing in connection with the 20th anniversary of the Chernobyl nuclear disaster, an event that has lingering consequences for people in Belarus, Ukraine and parts of the Russian Federation. Indeed corrupt Soviet practices exacerbated that accident and complicate efforts to contain contaminated materials that remain at the Chernobyl plant.

Corruption, disaster response and energy sustainability are issues that present unique challenges to all of our countries, but particularly to governments in transition. There is clearly much work to be done. I am confident, however, that by sharing experiences and working cooperatively, we can see results. In this regard, I would be remiss if I did not mention the valuable work being done by Mr. Bernard Snoy, the Coordinator of OSCE Economic and Environmental Activities, and his excellent staff.

Mr. Minister, welcome and I look forward to hearing about your priorities for the balance of the Belgian chairmanship and your insights that can help us beyond your term in office.

**PREPARED STATEMENT OF HON. JOSEPH PITTS,  
COMMISSIONER, COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**

Mr. Minister, I will be leading the U.S. Delegation to the OSCE PA Annual Session taking place in Brussels next week. You may be aware of an initiative we will be raising in Brussels concerning the truly global problem of child pornography.

This is a concern that deserves priority consideration by the OSCE and the participating States is the exploitation and abuse resulting from child pornography. The International Centre for Missing & Exploited Children (ICMEC) surveyed 184 Interpol member countries, including the OSCE participating States. Their recently released study reveals significant gaps in the legal framework that hamper the effectiveness of law enforcement agencies to combat international child pornography networks operating across borders, principally via the Internet. A survey of OSCE countries finds that:

- 6 countries lack any laws criminalizing any aspect of child pornography
- 32 countries lack any legal definition of child pornography
- 16 countries have failed to make the possession of child pornography a crime
- 20 countries lack laws criminalizing the electronic distribution of child pornography via the Internet
- 50 countries do not require Internet Service Providers (ISPs) to report suspected child pornography to law enforcement

Of OSCE countries, only Belgium, France and the United States have enacted comprehensive laws combating child pornography. I say this not to hold up our countries, for we must also recognize that much of the demand originates right here in this country. Ernie Allen, ICMEC president and CEO who will be participating is a special event in Brussels in conjunction with the OSCE PA meeting has observed, "We know that many world leaders do not yet recognize that child pornography has become a multi-billion dollar industry and that the world's children are paying the price." Mr. Minister, I urge you to use your leadership position in OSCE to pursue this issue in the lead up to the Brussels Ministerial and beyond.



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