

“U.S. Policy and the OSCE: Making Good on Commitments”

Hearing of the U.S. Commission on Security and Cooperation in Europe

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Thank you, Mr. Chairman. It is an honor and a pleasure to participate in today’s hearing. I would like to take this opportunity to commend you, Mr. Chairman, and Co-Chairman Senator Cardin, for your energetic leadership of the U.S. Commission on Security and Cooperation in Europe. In a policy world where coping with daily crises makes it easy not to see the forest for the trees, the Helsinki Commission stands out for its ability to examine both current problems *and* their deeper causes. Having two prestigious figures at the helm of the Commission, greatly enhances its credibility and the impact of its findings.

I would also mention the “foot soldiers” of our OSCE policy. During the past two years I have had the honor of being head of three U.S. delegations to OSCE conferences: the 2009 Human Dimension Implementation Meeting in Warsaw, the 2010 Copenhagen 20th Anniversary Conference, and the 2010 Vienna Review Conference. I have never encountered a more expert, hard-working, and effective group of public servants than the members of those three delegations and the officials backing them up in Washington, D.C. They included staff of the Helsinki Commission, career Foreign Service Officers, and State Department civil servants, plus a few public members with specialized professional backgrounds. Several of them are in this room today. The American people are being extraordinarily well served by, and should be proud of, these U.S. federal employees.

Mr. Chairman, when one views the Helsinki Process over the nearly four decades of its existence, one must, I believe, judge it to have been a resounding success. The CSCE (Conference on Security and Cooperation in Europe) played a significant role in hastening the demise of communism in Europe, the Caucasus, and Central Asia. Although Europe has not yet completely achieved the lofty goal of being “whole, free, and at peace,” the territory of the OSCE is unquestionably in much better shape than it was when the founders began their deliberations in the Finnish capital in the early 1970s. In Europe, only one dictator remains -- Aleksandr Lukashenka in Belarus – while in Central Asia and the Caucasus a half-dozen other OSCE participating States have governments that are not democracies. Compared with the old Soviet Union and its communist satellites, though, the situation has markedly improved.

That’s the relatively good news. The bad news is that since its high-point in 1990 at the Copenhagen Conference on the Human Dimension, which wrote what is still the most comprehensive document on human rights, the organization (as of January 1, 1995 called the OSCE) has been in many respects a disappointment. For reasons that I will outline shortly, I

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would not call it a failure. But as I recently stated in an op-ed jointly written with former U.S. Ambassador William Courtney and former EU Ambassador Denis Corboy², the OSCE, with 56 participating States the world's largest regional security organization, is in crisis.

To be sure, the OSCE faces a formidable array of challenges. Uzbekistan has never come to terms with the massacre of hundreds of protestors in Andijon in 2005. The new, democratic government in neighboring Kyrgyzstan is struggling with the aftermath of a violent, repressive leader who fled last year. Insurgencies are spreading in Russia's largely Muslim north Caucasus, while Moscow has farmed out control of Chechnya to a brutal warlord.

Meanwhile, Russia's military continues illegally to occupy parts of Georgia and Moldova. Talks on "frozen" or "protracted" conflicts in Transnistria, Abkhazia, South Ossetia, and Nagorno-Karabakh are stalled, with only occasional, tantalizing indications of positive movement.

What has the OSCE been able to do to remedy these problems? Unfortunately, other than offering rhetorical balm, not much. At last December's first-in-a-decade OSCE summit in Astana, Kazakhstan the participating States, with strong leadership from Assistant Secretary Gordon, did formally reaffirm the organization's lofty principles. In a healthy organization, however, I submit that this reaffirmation would have been considered unnecessary.

Considerably more important was the fact that the participating States were unable to agree upon an Action Plan for the OSCE.

Mr. Chairman, the United States gave fair warning that we would not accept a vague, toothless Action Plan. In my statement to the Closing Plenary Session of the Vienna Review Conference on October 26, 2010, I outlined nine specific goals and implementation measures for the Astana Summit, which, if not accepted would make the United States hard pressed to accept an Action Plan.³ I am gratified that at Astana the United States stuck to its principles, which are fully consonant with those of the OSCE. Not so with several other participating States.

For example, take the paucity of concrete, remedial OSCE actions, which is cause for great concern. The OSCE's consensus rule has become an increasing burden. Only once has a participating State been suspended, the Federal Republic of Yugoslavia (Serbia and Montenegro) in 1992. Uzbekistan should have been suspended after the Andijon massacre six years ago. The government of Belarus violently suppressed peaceful protests against the rigged election of December 2010 and has imprisoned leading opposition figures. Since April of this year Minsk has been under investigation by a mission of independent experts under the OSCE's Moscow Mechanism, which does not require consensus to be activated but which itself can be compromised by the participating State under investigation. The Lukashenka regime surely deserves suspension, but I am doubtful that it will be so penalized. I hope I will be proved to be unduly pessimistic.

² "Punching above our weight to lead top regional security organisation," *The Irish Times*, June 10, 2011.

³ http://photos.state.gov/libraries/adana/5/ViennaRevCon/ClosingPlenary_10-26-10.pdf

Non-democratic members, Russia above all, continually stymie organizational progress. Moscow has vetoed carefully crafted U.S. crisis-response proposals, preventive action in the north Caucasus, and aid in Afghanistan, adjacent to OSCE territory in Central Asia.

The lack of an enforcement mechanism is also a fundamental weakness of the OSCE. The public “naming and shaming” of human rights violators at the HDIM drives non-democratic participating States up the wall and occasionally improves the conditions of imprisoned civil rights advocates, but it rarely alters general governmental behavior.

In the face of constant stonewalling, a few segments of the OSCE manage to carry out their mandates with distinction. The OSCE Representative on Freedom of the Media Dunja Mijatović of Bosnia and Herzegovina, who testified before this Commission two weeks ago, is fearless in her speaking truth to power. The Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw and headed by the Slovenian diplomat Janez Lenarčič, draws high marks for its work in election observation, democratic development, human rights, tolerance and non-discrimination, and rule of law. The OSCE High Commissioner on National Minorities former Norwegian Foreign Minister Knut Vollebaek commands universal respect for his efforts. The OSCE Parliamentary Assembly plays an important role, although its relationship with the Permanent Council needs improvement. Last but not least, the OSCE runs valuable field missions and training programs in several troubled areas.

The OSCE also has a key mandate in arms control. Assistant Secretary Vershbow undoubtedly will go into the details, so I will only touch on one important facet: the Adapted Conventional Armed Forces in Europe Treaty (CFE), which was signed by 30 states-parties at the 1999 Istanbul OSCE Summit and has been ratified by Russia, Ukraine, Belarus, and Kazakhstan. NATO members have refused to ratify the accord until Russia complies with the commitments it made in Istanbul twelve years ago to withdraw its forces from Georgia and Moldova. Last year the United States undertook an intensive, good-faith effort to negotiate a Framework Agreement on the Adapted CFE but has failed to date, largely because Moscow refuses to accept the principle of “host nation consent” and adequate transparency.

So we have an organization whose effectiveness varies widely. As a norm-setter, the OSCE has few, if any, equals. Its specialized agencies and field missions remain valuable international players. But in enforcing its democratic and human rights principles and in arms control the OSCE has proved to be a huge disappointment. The organization remains important and is an integral tool of U.S. diplomacy, but even its strongest proponents -- and I count myself in that group -- must admit that it has been on a downward slide over the last decade.

What, then, should U.S. policy toward the OSCE be?

Mr. Chairman, frustrating though it may be to some, I would argue for “more, not less” commitment to the organization. Abandoning or reducing our participation in the OSCE is simply not an option. We should redouble our commitment, both in personnel and in behavior. The United States should be *the* most activist OSCE participating State.

That means sending our best and our brightest, like our current Ambassador Ian Kelly and his new DCM Ambassador Gary Robbins, to represent the U.S. at the OSCE Permanent Council in Vienna. It means backing up the Permanent Representative with an outstanding staff, both on site and at the Helsinki Commission and at the State Department in Washington. A prerequisite for these steps, of course, is adequate Congressional funding.

In terms of behavior within the OSCE, the United States should be second to none in its engagement, both positively and negatively. At the December 2011 OSCE Ministerial in Vilnius, we should continue to push our constructive initiatives -- such as more effective crisis-response mechanisms, updating the Vienna Document on arms control, formalizing internet freedom, codifying gender equality, and demanding more economic transparency -- even if many or all of these initiatives will most likely be vetoed by Russia or others. Demonstrating that the U.S. is a good international citizen and a dedicated OSCE member has intrinsic value that should not be underestimated.

At the HDIM, the United States should continue its leadership, including the “naming and shaming” that is called for in an implementation meeting. In that vein, we should always be candid about our own national shortcomings. My experience at the Warsaw HDIM two years ago was that by publicly owning up to our deficiencies and then explaining the measures we are taking to rectify them we increase our credibility, especially among the European participating States.

The United States should always be the foremost champion of non-governmental organizations and their right to participate in OSCE conferences. Whatever the occasional rhetorical excesses of some NGO representatives, these organizations infuse a breath of fresh air into OSCE proceedings and provide an essential link to the citizenries of participating States, especially non-democratic countries.

In negotiations over all manner of OSCE documents -- from routine announcements to treaties -- the United States should be the quintessential “paragraph experts,” even at the risk of being labeled “nit-pickers.” I would prefer to describe it by the somewhat inelegant German term of possessing *Sitzfleisch*, meaning being assiduous. We should be diligent, careful to a fault, and tireless. Earning the reputation as the last delegation to leave a negotiation strengthens our hand in the future.

Finally, Mr. Chairman, the United States should never “go along to get along.” On the vast majority of issues confronting the OSCE, we are in agreement with our European friends and allies. Occasionally, however, if they are willing -- allegedly “for the good of the organization” -- to acquiesce in resolutions or draft agreements that we feel would jeopardize our national interest or compromise the principles of the OSCE, we must resist group pressure to provide consensus. No matter how much eye-rolling it may occasion, our being a minority of one in such rare cases is not only ethically sound, but also organizationally the most supportive position.

Mr. Chairman, this concludes my testimony. I thank you, again, for the opportunity to offer my views, and I look forward to attempting to answer any questions Members may wish to pose.

