

# U.S. POLICY AND THE OSCE: MAKING GOOD ON COMMITMENTS

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

JULY 28, 2011

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MAKING GOOD ON COMMITMENTS**

**JULY 28, 2011**

**COMMISSIONERS**

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## **U.S. POLICY AND THE OSCE: MAKING GOOD ON COMMITMENTS**

July 28, 2011

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 1:30 p.m. in room 210, Cannon House Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; and Hon. Benjamin L. Cardin, Co-Chairman, Commission on Security and Cooperation in Europe.

*Witnesses present:* Philip H. Gordon, Assistant Secretary of State for European and Eurasian Affairs, Department of State; Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights, and Labor, Department of State; Alexander Vershbow, Assistant Secretary of Defense for International Security Affairs, Department of Defense; Dr. Michael Haltzel, Senior Fellow, Center for Transatlantic Relations, Johns Hopkins University (SAIS); and Catherine Fitzpatrick, Consultant, Jacob Blaustein Institute for the Advancement of Human Rights.

### **HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. The Commission will come to order, and good afternoon, everybody. Thank you for being here for this very important Commission on Security and Cooperation in Europe hearing. I'd like to welcome our distinguished witnesses. It is not often that we have the honor of hearing from three assistant secretaries at the same time, including two who also serve as Helsinki Commissioners, so you really should be up here—[chuckles]—asking the questions. But thank you for being here and thank you for your work on behalf of human rights and all of the three baskets that make up the Helsinki Final Act.

Today we'll explore the U.S. policy towards the Organization for Security and Cooperation in Europe, a unique intergovernmental organization that incorporates human rights and economic development into its comprehensive concept of security. Unfortunately, over the past several years, OSCE countries with poor human rights records have been able to thwart some of the organization's work on these issues.

Last December at the Astana Summit, the OSCE's first summit since 1990, OSCE states failed to reach consensus on an action plan laying out priorities for the coming years. Yet, the OSCE needs to continue to focus on fundamental human rights issues. This is its heritage, the reason it was created in the 1970s. It must not allow itself to be sidetracked by Russia or other un- or semi-democratic states which argue that the organization should look only at positive examples of best practices or that distract the OSCE from its work by insisting on lengthy discussions of OSCE reform.

Likewise, our own government must raise the priority given to human rights and humanitarian concerns, from supporting oppressed people of Belarus, turning back the trend to restrict Internet and media freedoms, supporting democracy in Kyrgyzstan and democratic activists throughout all of central Asia, making sure the OSCE partnership program is used to generally promote human rights for oppressed minorities; and as for the Copts in Egypt, helping OSCE countries to address the disturbing and potential tragic demographic trends found in almost all of the member states. All of these have been the subject of recent commission hearings and as we look forward to working with the executive branch on each and every one of these issues.

One issue I'd like to particularly raise here is the international child abduction issue. I note parenthetically—and unfortunately due to scheduling I will have to be absent for most of this hearing—but at 2:00 I'll be hearing, as chairman of the Global Health, Global Human Rights Africa Subcommittee from Susan Jacobs and others about the efforts to bring children home who have been abducted throughout the world.

The Hague Treaty is now some 30 years old. And unfortunately, much of its implementing processes have been thwarted or mitigated by countries, especially government authorities that have refused to take seriously their obligations; and the hearing will focus on many of these countries, with a particular emphasis on Japan. So regrettably I will have to leave for that. Again, this hearing was actually put on after that hearing.

I would also point out that at the OSCE Parliamentary Assembly in Belgrade earlier this month, there was a resolution that we had authored as a commission to take up the issue of international parental child abductions by promoting better implementation of the Hague convention. My hope is that at the OSCE Ministerial in Vilnius this year we can look at standards for OSCE states to fill the gaps in the convention's implementation. Like I said, 30 years after its signing there are huge gaps that must be looked at.

I'd like to also say that—and I mentioned this to Assistant Secretary Posner just a moment ago—but last week we held a very disturbing hearing here in this room and heard from three distinguished witnesses including Michelle Clark, who all of you will recall was the director of OSCE trafficking work. She did a landmark report on partner-country Egypt and focused on the issue of the abduction and the forced marriages of Coptic women, often starting as early as 14 and 15 years of age, who are then forced into Islam and then after that forced to take up a Muslim husband. If that isn't a definition of trafficking, I don't know what is.

This has been reported on, as I think all of you know, in the past in a cursory way, perhaps, by many human rights reports. But she said—and she said it with emphasis—that the idea that it’s a mere allegation must be stricken from the record, that this is now a common practice. And she estimated—and she did on-the-ground investigations and, frankly, she actually told us she would going back to do more on-the-ground human rights investigations—that thousands of Coptic girls, every year now, are being abducted and forced into Muslim marriages, obviously against their will, against the will of their families. And drugs and rape are very often a means to expedite that conversion and that marriage—an absolute horrific situation that has gotten scant coverage.

I plan—or actually offered an amendment to the foreign relations bill when it was marked up last week in committee condemning this egregious practice. And many of the members wanted more information after the markup, which we are providing and have provided. And I do think it’s an issue we need to engage robustly.

I’d like to introduce our first panel, beginning first with Dr. Philip Gordon who serves as Assistant Secretary of State for European and Eurasian affairs. Prior to assuming his position he was a senior fellow at The Brookings Institution. He also served as Director for European Affairs at the National Security Council under President Clinton.

Michael Posner serves as Assistant Secretary of State for Democracy, Human Rights and Labor. And prior to his current position he was executive director and then president of Human Rights First. And I would just say personally I’ve worked with him for decades and it’s great to have him before the Commission. Before joining Human Rights First, he practiced law in Chicago, and he also worked for the Lawyers Committee for Human Rights, which obviously became Human Rights First.

Then we’ll hear from Ambassador Alexander Vershbow who serves as Assistant Secretary of Defense for International Security Affairs. A career foreign service officer, he has 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.

And so I’d like to now ask our first panelist, Dr. Gordon, if he would proceed.

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

Sec. GORDON. Thank you very much, Mr. Chairman. I’m honored to be here, and appreciate the opportunity to talk about our agenda for the OSCE. I am particularly pleased to be sitting here with my friends and close colleagues, Mike Posner and Sandy Vershbow. I’d like to focus my remarks today on the OSCE since the December 2010 Astana Summit, which I attended along with Secretary Clinton.

And I’d like to begin by looking at our core foreign policy goals for the organization, reviewing our achievements at Astana and looking forward to the OSCE’s Ministerial in Vilnius this December. I’ve submitted a long version for the record, and would like to just summarize here if I may.

Mr. SMITH. Without objection. Your full statement and that of our distinguished witnesses will be made a part of the record.

Sec. GORDON. Thank you, Mr. Chairman.

Our approach to the OSCE rests firmly on the foundation of relations with Europe and Eurasia as a whole. Europe remains a key national priority for the United States for the simple reason that nowhere does the United States have better, more valuable partners than in Europe. The United States and Europe share common values, our economies are intertwined, and our militaries work together to address common security challenges.

U.S. bilateral engagement with Europe is complemented by key multilateral institutions, including the OSCE. Through the OSCE we engage on such U.S. priorities as advancing human rights and fundamental freedoms, building democratic institutions throughout the OSCE area, and advancing good governance in the economic and environmental spheres, and military transparency. In this period of tight budgets, multilateral approaches often present an effective alternative to unilateral engagement.

Today, as you said, Mr. Chairman, the principles and commitments embodied by the OSCE face some serious challenges both from the inside and outside of the organization. From within, there is an uneven application of the Helsinki principles. Regional crises and transnational threats are proliferating. Efforts to resolve the protracted conflicts, for example, in Georgia, Moldova and Nagorno-Karabakh continue to face very frustrating obstacles.

To take another example, Russia's determination to limit the role of the OSCE in Georgia has diminished possibilities for international engagement in this region where transparency and confidence building are sorely needed. Problems like these make headlines, but they offer only a partial picture of the OSCE, because the OSCE has also made tremendous contributions toward advancing democratic prosperity and stability throughout Europe and Eurasia. Although it is at times stymied by a lack of political will, the OSCE nonetheless remains uniquely positioned to build confidence through military transparency, promote good governance and protect human rights and fundamental freedoms in Europe and Eurasia.

At the Astana Summit last December, which was the first OSCE summit in 11 years, the 56 participating states issued the Astana Commemorative Declaration, which was a stronger affirmation of the Helsinki principles and commitments of the entire OSCE akey (ph) including, for the very first time, an explicit statement that human rights situations in participating states are matters of, quote, "direct and legitimate concern to all." Because of disagreements over the protracted conflicts, we were indeed unable to get consensus on an action plan at Astana. But the final document tasks future chairmanships to develop a plan to address a range of common challenges.

Since the summit, we've been working with the Lithuanian chairmanship as new challenges present themselves. Among these has been Belarus. After a flawed presidential election, the Government of Belarus launched a brutal crackdown against the opposition and civil society following, and closed the OSCE office in Minsk. Through the invocation of the Moscow Mechanism and



other efforts, we are working to hold the Government of Belarus accountable for its failure to protect human rights and fundamental freedoms.

In close consultation with Senator Cardin and others on this Committee, we have also taken concrete actions to address the tragic case of Sergei Magnitsky, a lawyer who died in pre-trial detention in Russia. We've also worked with the chairmanship to support greater OSCE assistance for North Africa. For example, ODIHR, at the request of Egyptian activists, is already holding a workshop for Egyptian civil society on international standards of election observation in advance of Egypt's November parliamentary elections.

Looking forward to the December OSCE Ministerial in Vilnius, the United States is working with our partners to achieve results in all three dimensions. Very briefly—in political-military dimension, we want to agree on a substantial update of the OSCE central arms control agreement, the Vienna Document, which we hope will be reissued at Vilnius for the first time since 1999. In the economic-environmental dimension, we want to endorse greater economic transparency, good governance and anti-corruption measures, as well as work with the special representative on gender issues to empower women in the economic sphere. In the human dimension, we hope to take the Helsinki Final Act into the digital age with a decision that would explicitly acknowledge that human rights and fundamental freedoms can apply to online activity as they do to offline activity. We want to reaffirm and strengthen government's commitment to the protection of journalists.

We all know that a consensus-based organization with 56 participating states sometimes moves in frustratingly small steps. The issues the OSCE faces can seem intractable, but exchanging words is better than exchanging bullets, which unfortunately we have experienced in the OSCE space in the last three years. The OSCE has not yet lived up to its full potential, but the OSCE does good and vital work and remains essential for protecting human rights, promoting stability and spreading democracy throughout the region.

The Helsinki Commission; you, Mr. Chairman; the Commissioners and the experts on your staff play a vital role ensuring that the participating states keep the promises made at Helsinki. With your support, the United States will continue to play a leading role in the OSCE to strengthen, build upon the progress participating states have made over the past 35 years, and bring us closer to a truly stable, secure and prosperous OSCE region. Thank you.

Mr. SMITH. Gordon, thank you very much for your testimony. To note, there are eight consecutive votes on the floor right now. I have 30 seconds to get to the floor. Co-Chairman Ben Cardin will be here momentarily, but until then we will stand in, momentarily, recess. Again, I apologize to our witnesses.

[Recess.]

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

Mr. CARDIN. The Commission will come back to order. I apologize; as I think Chairman Smith has indicated, the House has series of votes. The Senate's waiting on the House. We may be waiting a long time from what I understand. So we're sort of in that position. Obviously the timing of this hearing was—we didn't anticipate that we would be in the midst of these negotiations concerning the budget. So we apologize to all of our witnesses. I understand that Secretary Gordon, you've already completed your opening statement, so we'll go to Secretary Posner.

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

Sec. POSNER. Thank you, Senator Cardin. I ask that my written testimony be submitted to the record.

Mr. CARDIN. Without objection, all of your statements will be included in the record.

Sec. POSNER. Great. First, I want to thank you for holding this important hearing at this time. And I want to focus my brief remarks on the human rights and human dimension aspect of the OSCE.

First, for us, the OSCE is an important forum for raising human rights issues in individual countries in concern. And in the written testimony, I focus in particular on Belarus, Russia and Uzbekistan. As Assistant Secretary Gordon said with respect to Belarus, we see a refusal to extend the mandate of the OSCE office in Minsk, its hindering of the Moscow Mechanism by not allowing a special rapporteur into the country, and now their resistance to joining consensus on the agenda for the human dimension implementation meeting in Warsaw. But by its obstructionist behavior, Belarus only draws more attention to its poor human rights record.

We also have been and will continue to press for human rights with respect to Russia. We've spoken out repeatedly at the OSCE Permanent Council and in other OSCE fora about the—about the many unresolved cases, like the murder of journalist Paul Klebnikov, human rights activist Natalya Estemirova, and the corruption and impunity as exemplified in the tragic case of Sergei Magnitsky—Senator Cardin, a case in which you've played such an important role in drawing international attention, and we thank you for that—also restrictions on free assembly for groups like Strategy-31.

For us, the OSCE is particularly important, though, in the five Central Asian states, which don't really have another regional forum. And so the comprehensive security we seek in the OSCE region, and in Central Asia particularly, will remain elusive until a range of serious human rights problems are addressed. There is a pattern, for example, of serious human rights violations in Uzbekistan. We've consistently raised our concerns in cases like that of Dilmurod Sayid, a journalist who was imprisoned for writing about corruption; Maxim Popov, who remains incarcerated for working on AIDS issues; and we continue to advocate for fair treatment and due process in these and similar cases.

We are committed to working with civil society in Uzbekistan and other Central Asian countries to advance democratic reforms at a moment where those issues are extremely difficult. But sometimes the engagement does yield results. And I want to point in a positive way to the actions by the Government of Kyrgyzstan, which has decriminalized libel, an issue in which the OSCE representative on freedom of the media has persistently focused.

A second broad point I want to make is that the OSCE remains a pioneering process relevant in today's world. It's a comprehensive approach to security, to human values—which are at the core of the Helsinki process—and there is also a recognition of the vital role of civil society. The OSCE as an institution and the civil society activists associated with the Helsinki movement contribute expertise to our partnership with Mediterranean states now undergoing transformations.

Third, and relating to that same point, the Helsinki process must continue to champion citizen activism. Secretary Clinton last summer gave an important speech in Krakow, Poland, talking about the environment in which NGOs—which civil society are now being restricted by governments who are unhappy with their actions—the OSCE, through its engagement of civil society, reinforces our strategy of supporting citizen activism. In mid-August, my bureau will be reviewing proposals for a new \$500,000 program to create a demand-driven, virtual network of human rights and democracy activists in the OSCE region. We're calling it Helsinki 2.0. This will help extend Helsinki's human dimension and the legacy of citizen involvement.

Last point is that I think it's important for us to send a clear message from Vilnius on Internet freedom. I appreciate the Commission holding a hearing on that subject several weeks ago. We applaud Lithuania for making media freedom both via old and new technologies key themes of their chairmanship, and we're grateful for the tireless effort of the OSCE permanent representative on freedom of the media, Dunja Mijatović.

As Ambassador Gordon and I have both noted in our written testimonies, the U.S. Government is committed to fundamental freedoms in the digital age, and the Astana summit ended without adoption of a plan. We intend to renew our efforts in the Vilnius Ministerial.

In conclusion, Mr. Chairman, I want to say that we are committed to a Europe that is whole, free and at peace, Europe and Eurasia coming together in an integrated way. And there can't be lasting security in this region until human rights and fundamental freedoms can be fully exercised by all of the people within the OSCE region.

Again, I want to thank you for holding these hearings and for your own personal commitment to these issues.

Mr. CARDIN. Well, thank you for your testimony and thank for your participation on the Commission. Secretary Vershbow?

**ALEXANDER VERSHBOW, ASSISTANT SECRETARY OF DEFENSE  
FOR INTERNATIONAL SECURITY AFFAIRS, DEPARTMENT OF  
DEFENSE**

Sec. VERSHBOW. Thank you, Senator Cardin. Thanks to you and to Chairman Smith for inviting me to testify about the Organization for Security and Cooperation in Europe and our goals in the runup to the Vilnius Ministerial meeting in December. And I'm very honored to associate myself with this Commission and its achievements over the decades. Like my colleagues, I have a longer statement that I'd like to submit for the record.

Mr. CARDIN. And it will be.

Sec. VERSHBOW. But I'll just summarize some of the main points.

The OSCE has three attributes that make it unique. It has a vast geographic scope; it has a three-basket approach to security, encompassing human rights, economic development, as well as military security that is still relevant today; and it has an extraordinary legacy, having played a critical role both in supporting and inspiring the forces of democracy and freedom behind the Iron Curtain during the Cold War and then bringing order during Europe's tumultuous political transitions of the early 1990s.

Throughout its history, the OSCE has adapted to new challenges and changes in the security environment. And in keeping with this tradition, it must continue to adapt to face the challenges of the 21st century.

As we've heard, last December, the OSCE held its first summit in Astana—the first summit since 1999. At the summit, we learned that the achievements of the OSCE cannot be taken for granted. The effort to produce an action plan for 2011 foundered over fundamental disagreements on conventional arms control and the unresolved conflicts.

Fortunately, due in no small part to the efforts of my friend Phil Gordon, the member states did succeed in producing the Astana Commemorative Declaration which recommitted all 56 participating states to the Helsinki principles and to revitalizing the political-military dimension of European security.

And I'd like to focus on what the administration would like to accomplish in this area by the time of the Ministerial in December, with particular attention to the three most important parts of the conventional arms control regime: The 1999 Vienna Document, the Open Skies Treaty, and the CFE Treaty.

OSCE is engaged in an intensive effort to update the Vienna Document for the first time since 1999. So far, the only changes that have been agreed are administrative in nature.

One substantive proposal that we believe would be critical to making the update a success is to lower the force thresholds for notification of military maneuvers, a subject that's central to the original intention of the Vienna document. So far, only 35 of the 56 participating states have agreed to this proposal, but we think it would better reduce force sizes in Europe and it would send a clear signal that OSCE is serious about modernizing military transparency and security in Europe even though this is not the only updating that should be done, either before or beyond Vilnius.

So we hope to have a deeper discussion with our OSCE partners on a range of measures that would be necessary to improve the se-

curity of all participating states. With military budgets under pressure, we think that the Vienna Document must continue to evolve to keep pace with the transformations underway across Europe's militaries.

On Open Skies, the 34 states party to the treaty have flown more than 700 aerial observation flights since the treaty entered into force in 2002. The ability of any party to overfly any part of the territory of every other party is actually quite extraordinary. And, indeed, the United States and Russia both used Open Skies to verify the New START treaty. We're seeking to recommit the United States to the treaty by increasing the number of flights in which we participate each year and by upgrading our sensors to digital. While many states are scaling back their participation due to budget cuts, we note that Russia has renewed its commitment by purchasing new Open Skies aircraft, so we look forward to the continued operation of this landmark treaty.

The news on conventional armed forces in Europe, the CFE Treaty, is less encouraging. As you know, the CFE impasse began with Russia's December 2007 suspension of its compliance with the treaty. Our efforts, led by Ambassador Victoria Nuland, to conclude a framework agreement as the starting point of negotiations to modernize the treaty have foundered on two main issues: the right of states to choose whether or not to allow foreign forces to be stationed on their sovereign territory, and providing transparency among all parties regarding their current military posture.

Currently, the United States is consulting with the other parties to decide the way forward while continuing to encourage Moscow to reconsider its position. But as NATO said at the Lisbon summit last November, this situation in which 29 parties implement the treaty while one does not cannot continue indefinitely.

While the future of CFE remains uncertain, we remain committed to conventional arms control and military transparency in Europe. And while the CFE treaty can't be replaced, we'll continue to work through the OSCE to advance these objectives by modernizing the Vienna Document and the Open Skies Treaty.

We also seek to use the leverage of OSCE's diverse membership in trying to address the unresolved conflicts. And we hope through cooperative efforts to resolve them.

Sadly, we've seen little sign of progress on resolving the conflict between Georgia and Russia. Talks do continue in Vienna and in Geneva on the possibility of an OSCE team that could have access to all of the territory of Georgia within its internationally recognized borders, but Russia has yet to agree.

Our position remains unchanged. The United States continues to support Georgia's territorial integrity and sovereignty within its internationally recognized borders, and we will maintain our support for international efforts to find a peaceful resolution to the dispute over Abkhazia and South Ossetia. Russia needs to abide by its ceasefire arrangements and take steps that promote stability in the region.

The OSCE continues to play an important role in supporting a peaceful resolution of the dispute over Transnistria through the "five plus two" talks, and the United States remains closely engaged with our OSCE Minsk Group co-chairs, Russia and France,

in supporting efforts to promote a peaceful settlement between Armenia and Azerbaijan over the Nagorno-Karabakh conflict.

Unfortunately, an attempt last month to reach a breakthrough failed and tensions along the line of contact are increasing. But with the parties' inability to finalize the Madrid basic principles to resolve the conflict, we remain at a dangerous stalemate, and prospects for progress remain uncertain.

Now, the OSCE is also a forerunner among regional organizations in addressing emerging threats, such as preventing nuclear proliferation to nonstate actors, the control of small arms and light weapons, the promotion of cybersecurity, and enhancing border security in Central Asia.

On nonproliferation, OSCE continues to work towards full implementation of U.N. Security Council Resolution 1540. OSCE is setting norms for its members on nuclear nonproliferation by hosting specialized workshops and specialized tools for implementation.

OSCE is a vital forum for cooperation on reducing the threat posed by small arms and light weapons. It's facilitated cooperation among participating states in reducing trafficking, securing existing stocks, and eliminating excess small arms and light weapons and related materials since 1999. In March and July of this year, DOD participated in OSCE-led visits to Kyrgyzstan, and we're now working to ensure that that country's man-portable air-defense systems, or MANPADS—and we're also coordinating OSCE efforts to secure and destroy large stockpiles of hazardous conventional ammunition.

On cybersecurity, OSCE hosted an important conference to explore potential roles for the organization, which included not only participating states, partners, and international organizations but the European Commission, Japan, and NATO. In the run-up to the Vilnius ministerial, the Pentagon will continue to support State Department-led discussions on developing cyber confidence-building mechanisms in the OSCE to protect our vital interests.

We also have been working through OSCE to promote a stable, secure, and prosperous Central Asia by improving border security and working to combat illegal drug trafficking and other forms of proliferation across the region. We believe OSCE can do more in Afghanistan. The secretariat has proposed 16 projects to enhance Afghan border security with an emphasis on building Afghan capacity. These are supportive of the Afghanistan government's national development strategy. So far, only a few have been implemented and we would like to see more progress between now and Vilnius on these very important projects.

So, to conclude, Senator, in 1970, it was unlikely that NATO and the Warsaw Pact would hand each other their order of battle, publish advance warning of and invite observers to their large military exercises, conduct thousands of intrusive inspections, and fly hundreds of uncontested reconnaissance sorties over each other's territories. But now, we take these measures for granted.

The OSCE, aided by this Commission, remains an important tool to prevent future conflicts, to resolve the remaining conflicts in Eurasia, to address new threats as they emerge. We hope to be a bit further along by this year in projecting the peace and security

of OSCE to other areas of instability, but clearly much more work remains to be done.

I hope that by the time of the Vilnius meeting in December, the Astana summit will, ultimately, be seen as a turning point in reinvigorating OSCE's security dimension and moving it boldly into the 21st century.

Thank you very much.

Mr. CARDIN. Well, thank you for that comprehensive presentation. I thank all three of you.

It's clear to me that if the Vilnius Ministerial is going to be successful, it's going to require a great deal of preparation work by the United States. We saw a year ago with the Astana preparations—were not up to what we wanted it to be, and I agree with the observations; Secretary Gordon, but for your work and the U.S. work, I think that would've been a difficult time. I think we pulled out at the end some important work that was done in Astana. And I really do applaud the U.S. for your leadership there.

We can't chance that again. I think we need better preparation moving in to the Ministerial. Of course, this is not a summit, so the expectations are nowhere near as high, but it still, I think, requires us—it's a once-a-year opportunity. And I listen to your testimony, and I think you do have the framework for some very important progress being made following up on Astana and Vilnius. And I just encourage you to work with our Commission here so that we can try to reinforce what you're doing with the work of our Commission.

I want to just follow up, if I might—Secretary Vershbow, that you pointed out: the strength of the OSCE, its geographical scope, the fact that it has the three baskets that are interwoven together, and its legacy. And we can all point with pride a lot of what has been done as a result of the OSCE.

On the geographical side, since its inception, of course, the United States and Russia were equal partners in an organization in Europe which gave it a unique opportunity for the relationship between the United States and Russia. The breakup of the Soviet Union, of course, now gives us opportunities in Central Asia that we did not have before, and that's still unclear as to how we're going to be using that opportunity to advance Central Asia.

And now, there is an interest in expanding the OSCE in the Mediterranean beyond just our partner states, in using the framework—it was Max Kampelman who originally suggested that we create a separate OSCE for the Mediterranean. Later, he said, well, it would take too long to do that; why don't we just try to expand the Middle East into OSCE? And we've been doing that. We've been doing that through the partnership status. There is some talk within the Parliamentary Assembly to try to give the Mediterranean partners higher standing. I would be interested in the U.S. pursuing additional partner states in the Middle East as well as increased participation in the OSCE for the partner states.

So I guess if you could—and I would like to hear all three of you—first, how you see us using the OSCE as it relates to Russia, which I think is a real challenge. We have some of the real experts here on Russia, so what should we be looking to as far as the fu-

ture of the OSCE as it relates to Russia? Central Asia, sort of—  
[inaudible]

Sec. GORDON. Senator, I'd be happy to begin and pick up on a couple of those. I'm sure my colleagues will follow up.

First, if I might—and thank you for your kind words about our work on the road to Astana—I would note that your comments about the difficulty of Astana actually go hand in hand with your comments about the strength of OSCE, the strength of the OSCE being that it works in all three dimensions, that there are 56 participating states, its geography covers a broad swath of issues; that gives it certain advantages, everybody's involved and it's comprehensive.

At the same time, it creates challenges in advancing the agenda that we saw in Astana, and we have no illusions about—on the road to Vilnius and beyond. It is just something that we have to live with. With a strong chairmanship in Lithuania and our own work and the support of the Commission, we hope to—despite these sort of structural challenges—make real progress in Vilnius.

On the work in other areas, let me just start with the Mediterranean. We do believe that there is a role for the OSCE and the Mediterranean, one that it is indeed already playing. Even short of an OSCE for the Mediterranean, which, as you suggest, may be a bridge too far in the short term, the OSCE is already working with neighboring states in the Mediterranean. I think I mentioned in my testimony the workshop on elections in Egypt that just took place in the past couple of weeks. A number of OSCE members from Central Europe have had workshops on democratic transitions, which is something also the OSCE can help with. With years or even decades of experience of trying to support rule of law, democracy, free market economies in the OSCE space, it can be useful to those Mediterranean countries that are seeking that transition as well.

And I guess I would say a similar thing about Central Asia, where the OSCE is already hard at work trying to do that—again, facing many challenges but trying to bring the lessons of what it has learned in decades of democratic support in Europe and Eurasia to Central Asia as well, and that will be another theme in Vilnius.

Finally, on Russia: Once again, it's a consensus organization. As Ambassador Vershbow said, we have had significant differences with Russia on some of the key issues we face, including in the area of arms control. But we can't move forward without Russia. And we are committed to working with the Russians as we need to in trying to strengthen the organization and take advantage of one of its most important voices in the full range of issues.

Sec. POSNER. If I can just add a couple thoughts to that: I think, to share Phil's observation, clearly, in places like Tunisia, Egypt, hopefully in Libya, there is a desire to engage with European partners and European countries that have gone through political transformations moving towards democracy. If the OSCE can be a forum for making that happen in an easier way, then we should be encouraging that.

And I think we're going to see in the—I spend a lot of my time now trying to deal with that region, and there is—these are coun-



tries that have had, in many instances, 30 or 40 years without any functioning political systems. And so it's in our interest to facilitate that kind of exchange and engagement, not so much to impose our thoughts of what's important, but try to have a real discussion among states that have been through a similar transformation.

I think the Central Asian piece, from a human rights perspective, is in some respects the most important. Those five Central Asian states don't have a Council of Europe or certainly not a European Union. And they're tough states. On human rights terms, we have a range of challenges. But I think the OSCE, however fragile the architecture and however difficult, I think is a platform. And it's an especially important platform for the civil society in those states who feel so marginalized by their own political systems. So I think even though we continue to struggle over how to keep this as part of the mix, it's critically important in whatever we do that this be a piece of what we regard as a priority.

And finally, again, to share Phil's reflections on Russia, we have our own challenges in dealing with the Russians on a bilateral basis for human rights. But it's part of the reset, it's part of our policy. We'll continue to engage. We understand that these are issues in which we often don't agree, but that doesn't mean we don't have the conversation. And it spills over to the OSCE, where often the Russians are at loggerheads with us about how far the OSCE should go. It's critical we keep ODIHR as a functioning, strong entity. It's critical that we keep doing the election monitoring. It's critical that the human dimension piece be strong and we keep that agenda where it needs to be.

So we've got our work cut out for us. But I think we're pretty clear about what we need to do.

Sec. VERSHBOW. I thank you, Senator, for posing some very good—interesting questions, challenging ones because, it's ironic, in the case of Russia that OSCE itself was something that evolved from a Russian or Soviet initiate—Brezhnev's European Security Conference proposals. Yet now Russia seems less enthusiastic about the full three-basket structure and process that is at the heart of the OSCE.

Clearly there's a lot to be done on some of the issues I discussed in my statement in the area of conventional arms control. And I think the Russians still are keenly interested in that, even if we are having serious difficulties in the case of the CFE Agreement and finding a framework that respects the key principles of host nation consent and transparency that I mentioned. But hopefully the Russians will ultimately see that a world without any CFE Agreement, without the predictability and transparency that comes with negotiated arms control, will be a much more unreliable basis on which to build European security in the future.

But we do face a bigger challenge in getting all three baskets back into the category of areas where the Russians are actively cooperating with us in the OSCE framework, and indeed, in other areas as well. Mike's addressed the human rights issues; I think in the area of conflict prevention and crisis management we've been trying for the last few years to strengthen OSCE's ability to act proactively and at the early stages of conflict.

But there too we've encountered Russian resistance to giving more authority to the chairman in office to take the initiative to send a fact-finding mission to an emerging area of conflict. But this ultimately should be in Russia's interest. We all will save a lot in terms of potential for bloodshed and expenditure of our treasure if we can nip conflicts in the bud through political means. And that's where OSCE has great strengths that should be built upon.

I see tremendous potential in Central Asia to focus on some of the transnational issues as well as the human rights issues, since those countries do indeed not have as many other institutional frameworks to which they can turn. And I think there too with—whether you're looking at drug trafficking, terrorism, organized crime—regional approaches that could be facilitated by OSCE would be tremendous contributors to Russia's security and to everyone else's.

On the Mediterranean countries, I agree with my colleagues that the experience of the transition of the post-Cold War period is certainly something that OSCE could help in sharing with the countries of the Middle East and North Africa. There may be mechanisms that could be transposed from the European framework to the Mediterranean framework and in the security area as well, helping countries in transition develop civilian control of the military—civil-military relations. And hereto there may be an increased role for NATO which has had a Mediterranean dialogue, which has largely been a consultative forum, but may now have some operational role in the spirit of the Partnership for Peace—what the Partnership for Peace did in Central and Eastern Europe and in the Balkans in the post-Cold War period.

So it's an organization with tremendous potential and we hope we can begin to realize more of that at Vilnius and beyond. And I agree with you on your points about closer preparation, and we will certainly want to coordinate closely with the commission as we go forward.

Mr. CARDIN. Well, I appreciate that.

Secretary Posner, as you were talking about Russia and progress made in human rights and that we can deal with that and deal with other issues at the same time it reminded me of my first involvement with the Helsinki Commission dealing with Soviet Jews many years ago. And at that time, the logic of naming names was being challenged internationally. And naming names, I think, was perhaps the most effective way that the Commission was able to advance basic rights by putting a face on the issue.

And I think most recently—and you mentioned the Sergei Magnitsky case, I think that also galvanized international attention. And although Russia may not like the fact that we have brought this on a personal level, it does bring it home that they have failed to live up to commitments under the OSCE. So I would just encourage us to continue to do that. I know there's a lot of pressure not to embarrass countries because of individual cases, but to me that's the most effective way that we're going to be able to make progress towards compliance with the principles of OSCE.

One last question I have, which—it's a process question, and that is: The CSCE is 36 years old. When it was first developed, there was the Soviet Union, we didn't have a Parliamentary Assembly,

Vienna was not what it is today. We're seeing things that are happening; the consensus process is being challenged, transparency is clearly a problem within OSCE, there's mixed signals we're getting from many capitals around the OSCE region as to how much support they're giving in Vienna. How does the United States interject itself into reforms within the OSCE?

We have direct interest in the Parliamentary Assembly. It's played a critical role in election monitoring, one of the principle services provided by the OSCE. There's been friction between ODIHR and the Parliamentary Assembly. We had the secretary general of the Parliamentary Assembly—who happens to be with us today, Spencer Oliver—who was here in Congress when the original Helsinki Act was passed and has a lot of institutional knowledge of what needs to be done.

I guess, as I saw the results in Astana, I realized that but for the United States we would not have been able to achieve what we did. It seems to me that reform within OSCE will not take place unless the United States is in the leadership. And how do we develop that? How does the United States put these issues up? I say that fully supportive of the importance of the OSCE today with all of its problems. But it could be much more effective, I think we all agree. How do we go about exercising that leadership in the United States?

Sec. GORDON. And, again, I'm happy to start. And I'll start by saying we share your premise, especially those of us who try to work with the organization on a regular basis. It is clear that it is suffering from the consensus principle and a lack of political will among countries to allow it to function as efficiently as it needs to. So how do we deal with that and how have we been trying to do it?

First of all, as you say, through our own U.S. leadership and vigorous action. Secretary Clinton herself is personally invested in this. That's why she went to Astana; that's why she has focused on this whole set of issues. The organization has a new secretary general and we will give him our full support—a very competent Italian, an experienced Italian diplomat. You mentioned the Parliamentary Assembly which we will also support. This Commission, and through our own efforts, we have tried to find ways to make the organization more efficient by allowing it to act, in some cases, when there isn't a consensus.

And I think we mentioned using what's called the Moscow Mechanism in Belarus. Obviously, when we wanted to follow up on the very flawed elections and the use of violence by the regime that followed those elections last December, if the OSCE had to wait for every member to agree—that is to say including Belarus—it couldn't have played a role. So we invoked and supported the use of this Moscow Mechanism where a smaller number of OSCE countries can send an observer-investigator into a member state. And naturally, there was resistance to that in some quarters. But we actually managed to do it, and I might add including—with Russian support.

So there are ways to use the organization. It's not easy, but those types of mechanisms can make it more efficient. We tried to suggest a similar reform when it comes to crisis response. At present,

because of the consensus rule, the OSCE is just too slow. If violence breaks out in a participating state and most of us think it would be useful to have the OSCE send someone, it is necessary to get support of all of them, and lo and behold it's not surprising that maybe the state that is using force doesn't want it to happen.

And we have tried to suggest that it would be more effective to have a crisis response mechanism that didn't rely on consensus, whether it's minus one or minus two or minus three. But that is one of the issues we have not reached consensus on, including from Russia which is reluctant to allow for that capacity. We still support it; we still think it would be a good idea to prevent a single country from blocking the organization as a whole to have a crisis response action. So that's unfortunate, and we will continue to try to lobby for that change.

And then lastly I would just say that—to remind us all that even when the organization at 56 in Vienna is stymied by a lack of consensus, we shouldn't overlook the importance of the sub-organizations of the OSCE, including ODHIR, including the High Representative for Freedom of the Media, including the High Commissioner for National Minorities. These organizations are effective, sometimes quietly. So, you know, I just remind us all that even as we get frustrated sometimes maybe by an inability to get the entire organization to work, that doesn't take anything away from the effectiveness of some of these subgroups.

Sec. VERSHBOW. Thank you, Senator. And thanks, Phil. Phil has covered some points that I would have made. I think the bottom line is you're right, that the American leadership is going to be critical to not only keeping the organization effective in what it's doing now, but getting it to engage in new areas where I think it can fill a void in the overall security architecture of Europe and Eurasia. So we have to be very persistent in our diplomacy, patient but not too patient. I think we have to recognize that if the institution doesn't overcome what is, I think fair to call, a crisis of confidence on the part of some of its members in the institution itself, then it will be relegated to a second-tier status.

So I think that we have to continue to work very hard to persuade the countries that have become more skeptical about OSCE that it really is an asset that they could use to deal with their own security problems and help them in dealing with threats on their doorstep, preventing conflicts from emerging; that it's not a burden, it's a relatively affordable institution in terms of what we spend on it, but it can deliver significant results. But clearly some countries still see OSCE as a threat. And we have to overcome that attitude.

We certainly, from the DOD point of view, try to talk up OSCE in our defense dialogues with the countries in Europe and Eurasia. We certainly took a proactive role in the effort to revitalize the CFE Treaty. And while it has not yet borne fruit, we're still committed to try to shape an approach that can respect the principles that are important to all the member states but get that negotiating process back on track and bring the agreement up to date in light of new geopolitical realities.

So, again, persistence in our diplomacy will be key, but clearly we have an uphill climb ahead of us.

Sec. POSNER. Just a couple words to add what both have said. Having attended both the human dimension meeting in Warsaw and the summit in Astana last year, it is clear to me how much the United States' leadership is vital. And I think it's incumbent on us also to be redoubling our efforts to engage at every level the Western European allies that should be standing with us on all of these issues. They're there, but they wait sometimes for us to lead. And for this organization to succeed, we have to have a critical mass of countries that are all working at full speed in the way that we do as a delegation. I'm very proud to be part of this Government because I see how much time and energy we put into these issues.

Second thing, I think it is important that we change the dynamic in a different way, which is that we've got to move to create allies, for example, in the Central Asian area. It's one of the reasons I mentioned Kyrgyzstan twice—I'm going to mention in now a third time. It represents a potential change in the atmosphere and the environment of this organization if we can reinforce the best instincts of an emerging democracy in Central Asia, which Kyrgyzstan could be—we're not there yet—but it would suggest that we have an ally in a different place where we could begin to build, I think, some new dynamic changes.

The third thing, just following on what Phil said, I'm very high on the work on the high representative on the media. I think she's done an outstanding job. I also think the three tolerance representatives—Andy Baker in particular, who's focused on anti-Semitism—below the radar in some ways, but taking on very tough issues, doing real factual fact gathering, and building a kind of momentum on very tough issues that are particularly important now in Europe. And so that agenda, the tolerance agenda, to me is a critically important one. We've got to, again, pay attention and make sure that the resources and the political support is behind that.

Last point, Senator, in relation to your comment on Magnitsky, I think it's really important for us also to be taking on the tough cases, to make that part of the routine. Sometimes we do it privately, and when we can succeed that's the best. But as you've done in the Magnitsky case, you've raised the profile, you've caused us to, you know, redouble our efforts. We were very engaged, but we're now engaged some more. And we've certainly seen the reaction on the Russian side is that you've gotten their attention. And I think that's a good thing.

Mr. CARDIN. Well, I thank you all for your observations there. I was going to make an observation that the parliamentarians can really help you bring about the kind of consensus you need, but I didn't think this was good day for me to mention that, considering where we are in Congress. But I do think that the political involvement of the Parliamentary Assembly can help.

As you mentioned, and I think rightly so, that the institutions within OSCE had a great deal of strength. Even though we need consensus for overall action, we have the institutions that are now well established. I might point out that in almost every one of those cases it was the leadership of the United States that either initiated or funded their operations. There was a lot of extra budgetary support that the United States was behind to support the

human rights capacity of OSCE. And of course the tolerance was the U.S. initiative.

So I guess what I would encourage us all to do—as we look towards the future, how do we transform OSCE to continue to be relevant to meet the current needs? And that’s why I look at expanding its geographical side. I look at some of the steps that we could take to integrate a better relationship between the Parliamentary Assembly and the Permanent Council and what happens in Vienna. Those issues, I think, are election monitoring, which is one of our signature issues, and to make sure that we continue to have the type of support to be able to carry out those important functions. I think all that would be important for us to continue.

Just one positive note before we call the second panel. Our annual meeting was in Belgrade, and we look in the Balkans today, and I think—although there’s still many challenges, Kosovo and Bosnia are still very much at risk—but clearly the progress that’s been made in the Balkans reflect not just the work of the OSCE but the leadership of the United States. And I couldn’t tell you how proud we were to see the progress that was made in Serbia.

I mean, Serbia was one of my principle countries of interest just a few years ago for its failure to meet OSCE commitments. And now it’s clearly on the path for moving towards EU. And that’s, I think, a credit to the support of the United States and the support of the OSCE through the process. So I think there’s been a lot of successes that we can point to, but we still have challenges that we have to meet.

And with that thank you all very much. And we’ll move to the second panel. And, again, I apologize for the delay. Just for the record, tell our first panel there may be questions that we’ll be submitting for the record. We would ask if you would get them back to us in a timely way.

The second panel will consist of Dr. Mike Haltzel, senior fellow at the Center for Transatlantic Relations at Johns Hopkins University School of Advanced International Studies and a senior adviser at the international consulting firm of McLarty Associates. We also have Cathy Fitzpatrick, a consultant to the human rights organization, a frequent contributor to online publications at Eurasia and about the OSCE, and also a Russian translator. She has testified for our Commission several times, and has served as a public member of the U.S. delegation to OSCE Human Dimensions in 1991, 2004 and 2010.

And I appreciate the patience of both of you—obviously we’re a little bit delayed. And we will try to move this on. We will keep the record open for questions from members of the Commission. We would ask our witnesses if questions are asked to try to respond to them as promptly as possible.

Dr. Haltzel, I’d be glad to start with you.

**DR. MICHAEL HALTZEL, SENIOR FELLOW, CENTER FOR TRANSATLANTIC RELATIONS, JOHNS HOPKINS UNIVERSITY (SAIS)**

Mr. HALTZEL. Thank you, Mr. Chairman. I would ask, first of all, that the full text of my written remarks be entered into the record.

Mr. CARDIN. That's be true for both witnesses, your full testimony will be included in the record, and you may proceed as you wish.

Mr. HALTZEL. Thank you. It's an honor and a pleasure to participate in today's hearing. I'd like to take this opportunity to commend you and Congressman Smith for your energetic leadership of the Helsinki Commission. In a policy world where coping with daily crisis 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.

I would also mention the, quote-unquote, "foot soldiers" of our OSCE policy. During the past two years I've had the honor of being the head of three U.S. delegations to OSCE conferences. The 2009 H-Dem [ph] in Warsaw, 2010 Copenhagen 20th Anniversary Conference, and the 2010 Vienna Review Conference. I can honestly say, Senator, I've 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 here in Washington, D.C. Several of them are here in the room today. I think American people are being extraordinarily well served by, and should be proud of, these U.S. Federal employees.

Mr. Chairman, a lot of the territory was covered eloquently by the three assistant secretaries on the first panel. I will attempt to give a somewhat more general summary of an outsider who on occasion has been part of the OSCE process. 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 old CSCE played a significant role in hastening the demise of communism in Europe, the Caucasus and Central Asia; and the territory of the OSCE today is unquestionably in much better shape than it was when the founders began their deliberations in the Finnish capital in the early 1970s.

That's the relatively good news. The bad news—and I think we've heard it, again, in the first panel and from you also, Senator, is that since arguably its high point in 1990 at the Copenhagen Conference on the Human Dimension, where actually I was a public member, the organization has, in many respects, been a disappointment. To be sure, it faces formidable challenges. We've talked about Uzbekistan, in Andijan the massacre in 2005; Kyrgyzstan, which as a new democratic government and there is some hope, nonetheless had a violent, repressive leader who fled last year. We know about the insurgency spreading in Russia's largely Muslim North Caucasus where Moscow has farmed out control of Chechnya to a brutal warlord.

These and other abuses, again, were outlined by the first panel and by Chairman Smith. Russia's military continues illegally to occupy parts of Georgia and Moldova, talks on the protracted conflicts seems stalled.

What has the OSCE been able to do to remedy these problems? Unfortunately, I don't think enough. Last December's first-in-a-decade OSCE summit undoubtedly accomplished a formal reaffirmation of the organization's lofty principles. We deserve credit for leadership there, Phil Gordon especially.

In a healthy organization, however, I submit that this reaffirmation would have been considered unnecessary. And we, as you know, did plan for an action plan. My final statement at Vienna, we outlined nine areas where the United States felt progress had to be made or we could not agree to an action plan. I'm glad we stuck to our principles because it would have been incomplete otherwise.

The consensus rule we've talked about has become an increasing burden. Nondemocratic members, Russia above all, continually stymie organizational progress. We've talked about American crisis response proposals that have been blocked: preventive action in North Caucasus, aid in Afghanistan.

The lack of an enforcement mechanism is also a fundamental weakness of the OSCE. At the Copenhagen conference last June, where several other people on the staff were also present as members of the delegation, we had a remarkably free and open discussion in the last session. And all of the countries basically said that the lack of an enforcement mechanism is a serious flaw.

The public naming and shaming of human rights violators at the HDIM drives nondemocratic participating states up the wall. That's fine, and occasionally, it does improve the conditions of imprisoned civil rights advocates. It rarely alters general governmental behavior. It doesn't mean we shouldn't continue trying; we should.

As several people have said, in the face of constant stonewalling, some segments of the OSCE do manage to carry out their mandates with distinction. I would cite especially Dunja Mijatovic, the representative on freedom of the media; ODIHR, of course; Knut Vollebaek, the OSCE High Commissioner on National Minorities; the Parliamentary Assembly; and last but not least, the valuable field missions and training programs of the organization.

I won't repeat what Secretary Vershbow had to say about the arms control mandate. It's abundantly clear that Moscow's refusal to accept the host nation consent principle and transparency is a real disappointment. I certainly hope that the update of the Vienna Document at the December Vilnius ministerial will succeed.

So finally, we have an organization whose effectiveness varies widely. As a norm setter, the OSCE has few, if any equals. Its specialized agencies and field mission remain valuable international players. But in enforcing its democratic and human rights principles and its arms control efforts, the OSCE has proved to be a disappointment. So what should we do?

Mr. Chairman, frustrating though it may be to some, I would argue for more, not less commitment to the organization. U.S. leadership, as we've all heard, is absolutely essential. We should redouble our commitment both in personnel and in behavior. We have excellent people at our permanent mission in Vienna and a first-rate staff.

We should continue to introduce constructive initiatives such as more effective crisis response mechanisms, which had been vetoed until now; updating the Vienna document, as I said; Internet freedom; greater economic transparency; more gender equality. Many of these may be vetoed, but nonetheless I think demonstrating that



the U.S. is a good international citizen and a leader at the OSCE has intrinsic value that should not be underestimated.

At the HDIM, in that same vein, we should always be candid about our own national shortcomings. We should publicly own up to our deficiencies, as we have done, but then we should explain the measures that we're taking to try to rectify them. This increases our credibility within the organization, especially among the European participating states.

I think the United States should always be the foremost champion of NGOs and their right to participate in OSCE conferences, and, whenever possible, even in Permanent Council meetings.

In the negotiations over all manner of OSCE documents, from routine announcements to treaties, we should be second to none as paragraph experts, even if people consider us nitpickers.

Finally, Mr. Chairman, we 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, quote, unquote, 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 for the OSCE.

Mr. Chairman, this concludes my testimony. I thank you again for the opportunity to offer my views. I look forward to attempting to answer any of your questions.

Mr. CARDIN. Thank you again for your testimony. Ms. Fitzpatrick?

**CATHERINE FITZPATRICK, CONSULTANT, JACOB BLAUSTEIN  
INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS**

Ms. FITZPATRICK. Thank you, Senator, especially for treating the OSCE as the indispensable organization.

What I would like to do today in my testimony is to focus on the excellent recommendations that have already been made by the OSCE Parliamentary Assembly in the Belgrade Declaration. But it needs some focus, as it's a very long document.

OSCE should concentrate on developing a more effective capacity to react diplomatically to crisis with particular attention to strengthening human rights investigation capacity and high-level public statements on crises.

There is a very frayed political consensus now, and the OSCE faces not only its longstanding set of frozen, and, in some places, thawing conflicts, but new challenges as we've seen this last year: the pogroms in Kyrgyzstan, the brutal crackdown in Belarus, the regression on press freedom by Kazakhstan even as it was chairing the organization, and, of course, the appalling terrorist attacks in Russia, Belarus and now, tragically, Norway.

We never expected these kind of tragedies when we saw the Berlin Wall fall when the Soviet Union dismantled. And it seems as if our Helsinki ideals have not come to pass. The organization has

not been able to predict or respond to these kinds of incidents effectively.

So to that end, we must increase the complementarity, integration, and effectiveness of the various offices. We should work at the ministerial level on a consensus-minus-one basis to have a standby rapid reaction diplomatic mission. We should strengthen the ability of ODIHR, the High Commissioner for Nationalities, the various special representatives and the Parliamentary Assembly to mount fact-finding missions as an integral part of their function. We should also enable the OSCE's secretary general and other OSCE leaders to speak out more in condemnation of human rights violations, and not just leave it to the rapporteurs.

All the deployed missions should have a human rights component, and they should report more publicly than they do. All the various institutions of OSCE should report to the Permanent Council more, and that body should become more transparent. I would advocate creating an OSCE mandate for freedom of association with particular focus on human rights defenders; this was done successfully by the U.S. at the U.N. Human Rights Council, and that could be replicated. And we should ensure that groups that incite hatred or violence or that call for the destruction of any state or for the destruction of anyone's rights do not receive government support.

So the fact finding, which used to be at the heart of Helsinki experience with the citizens' movements, it seems to everywhere have been substituted with technical assistance and training seminars. And that's a strategy that evolved to cope with the refusal of some states to admit observers and accept criticism of their record.

Through extraordinary efforts, the Finnish politician Kimmo Kiljunen was able to mount a prestigious fact-finding panel in Kyrgyzstan, as you know. Its findings represent an important validation of the fact that while 75 percent of the victims were ethnic Uzbeks, nearly a hundred percent of those tried for the violence are also ethnic Uzbeks. And this disparity represents a grave injustice. Although he was invited to investigate the June pogroms by President Roza Otunbayeva, Kiljunen was subsequently denounced by the Kyrgyz parliament and declared *persona non grata*. So the OSCE PA has followed up with this. There's been hearings with NGOs and so on, but more is required. The Lithuanian chair-in-office should immediately appoint a special envoy on Central Asia to continue to press for implementation of the Commission's recommendations. And there is a precedent for such an envoy.

As good as it was, this Commission exposed significant weaknesses in OSCE: the lack of a well-functioning permanent institution staffed with regional experts and lawyers to perform fact-finding missions in rapid and thorough fashion.

Throughout OSCE's history, the function of fact finding has been performed by different offices in different ways at different times: Sometimes it's ODIHR with a very good report on Kosovo and Chechnya in the past and on Andijan; sometimes it's the High Commissioner for Nationalities; sometimes it's the Parliamentary Assembly. So this is where this needs to be coordinated and institutionalized better.

This process of fact finding should be shielded from political processes. And to that end, the various bodies, such as ODIHR and Parliamentary Assembly, should coordinate better and institutionalize their fact finding and interact with the Vienna Conflict Prevention Centre and the Permanent Council.

The right to know and act upon one's rights, which was the inspiration for the founding of the Helsinki citizens' movement, is still not a reality, even 35 years later.

Regrettably, work on behalf of NGO legalization has devolved into a very tedious and expensive exercise in technical assistance to two states for drafting laws and civic association parties. But for some governments, that turns into an opportunity to exhibit their duplicity and procrastination. So I would rather see—instead of this focus on drafting laws, I would like the OSCE to have a special mandate to focus on the civic organizations that already exist and their actual problems and to intervene with states on their behalf, particularly for human rights monitors.

And even as we want to promote civil society, we also have to be mindful of groups that incite imminent violence, and that speaks to the role of the tolerance mandates and so on to report more effectively.

The Permanent Council could indeed become more open and transparent. While some officials do brief these meetings, the head of ODIHR, the tolerance rapporteurs, the mission heads—they're an invaluable resource—they should all be coming to the Permanent Council and reporting more.

As for the call for public meetings at the Permanent Council—well, we have seen at the U.N. Security Council that, regrettably, when you have open meetings, that can lead to more public posturing and canned speeches, and it drives the real work then even further behind the scenes. So what I feel is more operative is that, even if the sausage-making of diplomacy is hidden from us, we should see the product of it more often. So that means more consensus text from the chair, more negotiated resolutions, more reporting. The U.S., of course, has set a good example already by publishing their speeches to the Permanent Council; few others, if any, do.

As for briefing by NGOs, there was a call in the Belgrade Declaration to make this as often as once a week. I fear that would only lead to some special interests posturing again and also only those wealthy organizations that can afford to stay in Vienna would be able to report. So I would like to see other ways of just incorporating the NGO information better and also arranging briefings occasionally.

Work on the charter status for OSCE should be delayed. An organization that has had two missions expelled or suspended—in Belarus and Georgia—and has had grave situations where OSCE monitors or police advisers could not be deployed in a timely fashion or were expelled, as we saw in Belarus, Georgia, Kyrgyzstan—that's not an organization that should be drafting a charter until a basic consensus on both the nature and the remedies for these situations is reached. We all lament the absence of [teeth ?] for the many good findings and recommendations of OSCE.

A debate on membership or expulsion criteria will likely be futile. We could try to agree that no state seriously violating Helsinki principles should be allowed to chair the organization, and yet that is also a process we find we're not able to start—to question.

But what we can do is create benchmarks that are very clear for what we expect of the chair; for example, Ukraine coming in and articulate those forcefully well in advance, and to protect those groups inside the country that continue to expose the violations by the state that is serving as chair.

So there's little that we can do sometimes, but when all else fails, we can refuse to validate a state's behavior. And that's when—when we look at some of the challenges coming up—for example, the Russian elections—I think it's very important not to reopen the process of evaluating criteria for monitoring; we should leave that as is and hopefully make the same kind of credible statement about these elections that ODIHR and others have made in the past.

Thank you, Mr. Chairman.

Mr. CARDIN. Well, thank both of you for your testimony. You've given us a lot of really good ideas on the type of reform. I put at the top of the list consensus minus one, particularly as it relates to administrative decisions. We can move faster in that. Transparency, to me, is a huge issue within OSCE. The development of the structure in Vienna, which seems to be, in many cases, independent of the member state capitals, and how we get greater response in Vienna—quicker response and be able to work more effectively to deal with current issues—I think all of that's important.

I want to ask one question, and we may have some additional questions for the record. And this is one that I don't think has been given a lot of thought as to whether this is the best way to move forward within OSCE. And that is the chair-in-office.

I mean, some of your proposals are to give more authority to the secretary general or to allow the different institutions to be able to move forward or to have greater accountability within the institutions directly to the secretary general. But it seems to me that so much depends upon the chair-in-office within OSCE. And I must tell you, I'm not sure there's a clear path as to how the future chairmanships are going to be determined within OSCE. There's certainly a geographical discussion going on now. And I don't know what the answer is, but I am concerned about so much dependent upon which country is the chair within OSCE and whether there isn't a better way to provide a direction than a yearly rotation of the chair from one of the member states.

Ms. FITZPATRICK. Well, Senator, I would keep the chair-in-office because it's—as with other multilateral organizations, you have the EU changes every six months, you have the U.N. Security Council changes its presidency every month. So changing once a year isn't so terrible. And in any multilateral organization, you're in a dialogue with some states that are not like-minded; sooner or later, if they're members, they're going to rotate into the chair.

I think what—a lot of time was spent during Kazakhstan's chair in trying to explain precedents to them and bolstering precedents from good practices by chairs, so that's important.

Mr. CARDIN. I don't disagree with that. I'm really raising this, not so much to suggest that there be a different—but how do you deal with that? With Kazakhstan coming in as chair-in-office, it was so much attention on the chair that it really, in some respect, detracted from the organization.

Ms. FITZPATRICK. I agree that it did detract, and I think that's where we have to work at bolstering ODIHR and the capacity of other bodies to do fact finding, because the chair—during the Kazakh chair, there was very poor response on fact finding in crises.

But on the other hand, things like appointing—I mentioned appointing the special envoy. That is within the power of the chair. There's not a lot you can undo, but they do have this discretionary power to appoint people, and then—and how they shape the human dimension seminars, what the topics are. So there is some scope there for making the chair effective.

Mr. HALTZEL. I agree with you, Senator, it's a real problem. Don't forget we were one of the last countries to agree to Kazakhstan's chairmanship-in-office. You know all about that. I believe the U.K. and the Czech Republic were the other two. There were meetings in Madrid. They promised some things, several of which they never delivered on.

I'm not enamored of the idea. And yes, the EU has a rotating presidency, but they've whittled that way, way down as a result of their newest—I mean, basically, the presidency of the EU means a whole lot less than it did before the Lisbon Treaty. So I'm not sure that that's much of a model.

Look, I think what we can do is, first of all, be very careful about who gets into the chairmanship. And then we can bolster them. As you well know, we have been helping the Lithuanians. I think that's extremely good. Todd Becker, one of our experienced diplomats, I'm told, has been seconded there for the year. And some of the smaller countries need that sort of help. And in fact, I remember when Slovenia was chairman-in-office several years ago; they sent people over here to talk to us to try to help them. But beyond that, I don't know. I have the same sort of doubts that you do.

If I could backtrack on just one thing very briefly—and that has to do with the suspension idea—I had that in my written statement—but I feel that yes, the Moscow Mechanism is being used against Belarus right now, but we heard from an earlier testimony that the Belarusians are managing to stonewall even within the Moscow mechanism. It is not unheard of to suspend a country from the OSCE; it was done in 1992 against Yugoslavia, then Serbia and Montenegro because of the wars there. I think if one is talking about leverage, I think the United States should carefully consider bringing up a resolution of suspension unless Belarus cooperates fully with the Moscow Mechanism and changes some of its behavior.

Mr. CARDIN. Well, our delegation to the Parliamentary Assembly a couple of years ago challenged Belarus, and we didn't get very far. So it's a tough thing to actually accomplish. But your point is very well taken.

Let me ask you one final question as it relates to Russia. What do you think—we know what Russia's intentions were when the CSCE was formed: They wanted legitimacy in the international community, and they thought that they could withstand the scrutiny. And now we're not exactly sure what their intentions are. Would you want to share with us what you think our best strategy should be with Russia as it relates to the OSCE?

Mr. HALTZEL. Senator, I think they have, to some extent, contradictory strategies. Don't forget, in 2008, President Medvedev gave a speech in Berlin outlining his idea for a new European security architecture, which was brought up within the OSCE and, I'm happy to say, has more or less died a peaceful death. It would have clearly undermined NATO and it should've been, and I think really was, a nonstarter. I testified before the Permanent Council on this in 2009.

My own feeling is that Russia would like HDIM to vanish from the face of the earth. They would like to concentrate on the arms control areas to their own advantage. And they don't really care very much about the economic and environmental. I don't think they want to see the whole organization die. I think they'd be happy to see it just sort of dangle in the wind.

What should we do about this? I think what we should do about it is what we should do about the whole organization: redouble our commitment. Put them on the spot. I mean, they had a perm rep in Vienna who was the—[laughs]—I have to laugh—the most aggressive but skillful man imaginable. I mean, and he would just bull straight ahead. There's only one way to deal with that; it's just have more staying power than they do, be completely open about the arguments they're making being specious, be the last delegation to leave a negotiation and show our European friends that we're leaders and that we're good international citizens and that we want to be the leaders of the OSCE.

Mr. CARDIN. Good point.

Ms. FITZPATRICK. Well, I think on the challenge of Russia, that it was actually a very explicit plan of Russia to undermine OSCE's human rights components. From their letter some years ago, signed also by Kazakhstan and others, I think they've worked very methodically at destroying budgets, undermining the principles. So I think they have to be called on that.

And I think the elections present profound opportunity, but also a challenge, because ODIHR and others will be under enormous pressure to call that as being valid. And we can already see with the crackdown on Live Journal, with many problems in Russia, their real conditions don't obtain for free and fair elections. So I think focusing on the election is very important. And I also think that the Moscow Mechanism has to mechanize in Moscow on Belarus. We have to explicitly negotiate with Russia on Belarus. There's one school of thought that says, never raise Belarus with Russia, because that puts it into their sphere of influence. But they're the ones who bail out Lukashenko. Their television is also very important. So I think any component—you know, programming that we do should focus on Russian television. It's no Al-Jazeera for this region by any stretch, but it's all we have as far

as reaching the whole region by satellite, so we should work more on getting on Russian television to make known our views.

Mr. CARDIN. Well, let me thank both of you. I think your testimonies have been very helpful to us as we try to chart the future leading up to the ministerial in Vilnius, but more importantly, leading to the future of the OSCE. With that, our hearing will stand adjourned. Thank you all very much.

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





# APPENDIX

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PREPARED STATEMENTS

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## PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH

Good afternoon and welcome to our witnesses and everyone joining us today. It is not often that we have the honor of hearing from three assistant secretaries at the same time, including two also serving as Helsinki Commissioners. As Chairman of the Helsinki Commission, I appreciate the close and cooperative relationship the commission has long had with the executive branch.

Today we will explore U.S. policy towards the Organization for Security and Cooperation in Europe—a unique intergovernmental organization that incorporates human rights and economic development into its comprehensive concept of security.

Unfortunately, over the past several years, OSCE countries with poor human rights records have been able to thwart some of the Organization's work on these issues.

Last December, at the Astana summit, the OSCE's first summit since 1999, OSCE states failed to reach consensus on an action plan laying out priorities for the coming years. Yet the OSCE needs to continue to focus on fundamental human rights issues. This is its heritage—the reason it was created in the 1970s. It must not allow itself to be sidetracked by Russia or other un- or semi-democratic states which argue that the Organization should look only at positive examples of “best practices,” or that distract the OSCE from its work by insisting on lengthy discussions of OSCE “reform.”

Likewise our own Government must raise the priority given to human rights and humanitarian concerns, from supporting oppressed people of Belarus, turning back the trend to restrict Internet and media freedom, supporting democracy in Kyrgyzstan, democratic activists throughout all of central Asia, making sure the OSCE Partnership program is used to genuinely promote human rights for oppressed minorities, as for the Copts in Egypt, helping OSCE countries to address the disturbing and potentially tragic demographic trends found in almost all member states. All of these have been the subject of recent Commission hearings, and we look forward to working with the executive branch on these issues.

One issue I'd particularly like to raise here is international child abduction. I authored a resolution that was adopted at the OSCE Parliamentary Assembly Annual Session in Belgrade earlier this month urging the OSCE to take up the issue of international parental child abductions by promoting better implementation of the Hague Convention on the Civil Aspects of International Child Abduction. I believe the OSCE Ministerial in Vilnius this year could set new standards for OSCE states to fill gaps in the convention's implementation, and hope to be able to work together with the Department of State toward this goal.

## PREPARED STATEMENT OF SEC. PHILIP H. GORDON

*Introduction*

Chairman Smith, Co-Chairman Cardin, Members of the Commission: Thank you very much for inviting me here today to discuss our agenda for the OSCE. Let me also take this opportunity to thank the excellent Helsinki Commission staff members who have worked long, hard, and in cooperation with their State colleagues to safeguard the principles and commitments of the OSCE, and to hold participating States to account.

I will focus my remarks today on the OSCE in the aftermath of the December, 2010 Astana Summit. I will begin by looking at our core foreign policy goals for the OSCE, reviewing the achievements of Astana and looking forward to the OSCE's Ministerial meeting in Vilnius this December.

*OSCE: Shared Values, Inconsistent Implementation*

Nowhere does the United States have better or more valuable partners than in Europe. The U.S. and Europe share common values, our economies are intertwined, and our militaries work together to address common security challenges. U.S. bilateral engagement with our European partners is complemented by our work together in key multilateral regional institutions. Our engagement with NATO Allies—including operational military cooperation—on the full gamut of security issues has no equivalent anywhere else in the world. Through the OSCE we are able to engage on such U.S. priorities as advancing human rights and fundamental freedoms, building democratic institutions in the Western Balkans, combating trafficking in persons, as well as North Africa and Afghanistan, to name just a few. In this age of a tight budget and many demands, multilateral approaches often present a more effective alternative to unilateral engagement.

The OSCE was founded on the principle of comprehensive security, that is, the conviction that true security has an economic and environmental dimension and a human dimension, in addition to the political-military dimension. As the world's largest regional security organization with membership that stretches from Vancouver to Vladivostok, with partners in Asia, the Middle East, and North Africa, the OSCE has unmatched scope to advance this concept and strengthen security across all three dimensions and increasingly beyond the OSCE region itself.

Today the principles and commitments enshrined in the founding document of the OSCE—the Helsinki Final Act—are facing serious challenges from both inside and outside the organization. From within, there is uneven application of the Helsinki principles, and I regret to say that there are OSCE participating States where journalists can find it too dangerous to report the news, where political activists are beaten and incarcerated, where religious and minority groups, such as the Roma, continue to face persecution, and where economic growth is stifled by endemic corruption. Regional crises and transnational threats are proliferating. Efforts to resolve the protracted conflicts in Georgia, Moldova, and Nagorno-Karabakh continue to face frustrating obstacles. The OSCE's inability to reach consensus on ways to address these issues is increasingly identified by critics as evidence of the organization's ineffectiveness.

This Commission—and your able staff—know well the reasons why OSCE decision-making is complicated and how easy it is for one nation to use the organization's consensus rule to prevent timely and effective action in a situation of crisis. Russia's determination to limit the role of OSCE in Georgia, for example, has diminished possibilities for international engagement in this region where transparency and confidence-building are sorely needed.

Problems like these make headlines, but they offer only a partial picture of the role OSCE plays in Europe today. The OSCE has deepened and strengthened European and Eurasian security through initiatives to enhance rule of law, provide for free and fair elections, develop an independent media, respect the rights of minority groups, and improve the ability of citizens to exercise their fundamental freedoms. The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and the OSCE's field missions have been at the forefront in assisting OSCE participating States to strengthen their democracy and thereby their security.

In concert with those bodies, the OSCE Parliamentary Assembly, the High Commissioner for National Minorities, the Representative on Freedom of the Media, and the Chairmanship's Special Representatives on Tolerance and Gender Issues make for a powerful set of instruments to help participating States live up to their commitments and thus bring security to the region. The OSCE has made tremendous strides toward building a zone of prosperity and stability that stretches from western Canada to the Russian Far East. Although it is at times stymied by a lack of

sustained political will and attempts by some participating States to constrain its flexibility, the OSCE nonetheless remains uniquely positioned to build confidence, promote good governance, and protect human rights and fundamental freedoms in Europe and Eurasia.

#### *Moving Forward from Astana*

At the Astana Summit last December—the first OSCE Summit in eleven years—the 56 participating States issued the Astana Commemorative Declaration—a strong reaffirmation of the Helsinki principles and commitments and the entire OSCE acquis. This included the first-ever explicit affirmation by the former Soviet states of the declaration originally made in the OSCE’s 1991 Moscow Document that makes human rights conditions in individual OSCE participating States matters of “direct and legitimate concern” to all of them. The final document also tasked future OSCE Chairmanships to build on efforts last year to develop an action plan to address a range of common challenges that notably include the protracted conflicts, conflict prevention and crisis response, counter-narcotics, counterterrorism, issues facing media freedom, anti-Semitism, treatment of minorities such as the Roma and Sinti, and trafficking in persons to name a few.

The Astana Summit also underscored the vital role that civil society plays in the OSCE region, as numerous human rights activists from some of the OSCE region’s most embattled corners engaged constructively with government delegations and provided input to the work of the Summit. With strong U.S. support, NGOs and civil society representatives participated in the final three days of the Human Dimension portion of the Review Conference preceding the Summit, as well as in a civil society forum and an independently organized parallel NGO conference. Secretary Clinton also held a vibrant, standing-room only town hall event at Eurasian University with NGO and civil society representatives.

The Astana Summit opened a new chapter for the OSCE. It provided renewed impetus for action to make the OSCE space—including the Central Asian space—even more democratic, prosperous, and secure for our citizens. The Administration has remained deeply engaged in the work of the OSCE across all three dimensions. We are seeking ways to sustain the momentum that was generated—in both government and civil society networks—by the Astana Summit.

#### *Lithuania’s Chairmanship*

In 2010 and 2011, crises in Belarus and Kyrgyzstan demonstrated the ongoing need for the OSCE to hold its membership to the highest standards of human rights performance and comprehensive security. The tragic case in Russia of Sergey Magnitsky, a lawyer who died in pre-trial detention, is most illustrative of the problems facing the judiciaries of too many member states, and a problem that we are seeking to address in close consultation with Senator Cardin and others on this committee.

We will continue to press for greater implementation of OSCE commitments in Europe. The Arab Spring has shown us vividly the link between democracy and security, and we will look for opportunities to offer OSCE expertise in democratic transition and institution building to the countries of North Africa and to the OSCE’s other partners, such as Afghanistan.

Soon after the Astana Summit, Belarus presented the first challenge for the OSCE as its government launched a sustained, brutal crackdown against opposition politicians and activists, civil society, and independent media after a flawed presidential election. Since then, we have worked closely with the Lithuanian Chairman-in-Office, the EU, and like-minded OSCE participating States to manage and address these issues. Despite rhetoric that it was willing to cooperate with the OSCE, Belarus refused to extend the mandate of the OSCE Office in Minsk, claiming that the Office’s mandate had been completed. At the government’s insistence, the OSCE office in Minsk officially closed in March. In stark contrast to the stunning events unfolding during the Arab Spring in Northern Africa, Belarus seems to have entered a prolonged winter of backpedaling on human rights and fundamental freedoms.

In response, we joined with 13 other participating States to invoke the Moscow Mechanism, a tool established in the 1991 Moscow Document that allows for special rapporteur missions to address concerns about the implementation of human rights commitments. Together we appointed a rapporteur to investigate the crackdown by the Government of Belarus against opposition candidates, civil society representatives and journalists, and the mass arrests that followed the December 19 presidential election. Though Belarus refused to cooperate, the rapporteur was able to conduct his fact-finding mission and reported back with a number of constructive recommendations that holds the Government of Belarus accountable for its failure

to protect human rights and fundamental freedoms, including freedom of expression, prohibiting torture, and upholding the rule of law. We continue to work to ensure that the OSCE and the international community focus on the concerns raised in the report.

Dramatic developments in OSCE's partner states have captured headlines. Working closely with the Lithuanian Chair, we have supported engagement with Tunisia and Egypt in order to offer OSCE expertise to nascent democracies emerging in North Africa. We are taking a realistic, pragmatic approach offering advice and guidance on issues such as democratic elections and human rights monitoring. Assistance could come through sharing of materials such as handbooks and guidelines, visits by subject matter experts, and participation in OSCE meetings, conferences, seminars, as well as specific projects—either in the OSCE region or in the Partner State. At the request of Egyptian activists, ODIHR is already organizing a workshop for Egyptian civil society on international standards and tools of election observation, in advance of Egypt's November parliamentary elections.

#### *Goals for Vilnius*

In December, the OSCE will meet in Vilnius, Lithuania at the level of foreign ministers to review results achieved since Astana and take decisions for future work. The United States is working with like-minded partners to achieve specific results in all three dimensions:

- In the political-military dimension, we want to agree on a substantial update of the Vienna Document, which will be reissued at Vilnius for the first time since 1999. Building on the existing measures, we are re-examining how data exchange, notification, observation, and possibly other measures can offer greater security and transparency in light of today's smaller post-Cold War military establishments. Our effort to update the Vienna Document is part of our broader commitment to improve military transparency in Europe and ensure arms control and the confidence and security building measures regime are relevant to the challenges of the 21st century. U.S. efforts to find a way forward on the Conventional Armed Forces in Europe Treaty are separate from this work on Vienna Document, but they are motivated by some of the same goals and concerns: we want to achieve greater military transparency and cooperation on conventional forces in Europe as a route to increased confidence and trust.
- In the economic-environmental dimension, we want to endorse greater economic transparency, good governance and anti-corruption measures, as well as identify ways to better empower women in the economic sphere. Citizens must be able to trust their governments to develop economic and environmental resources in a responsible and equitable manner. We hope that at Vilnius all OSCE members will endorse the Extractive Industries Transparency Initiative endorsed by the G-8 in Deauville, and agree on goals and best practices to promote the economic empowerment of women.
- In the human dimension, we hope to take the Helsinki Final Act into the digital age. We are seeking consensus on a declaration that would explicitly acknowledge that human rights and fundamental freedoms can apply to online activity as they do to offline activity. This includes, in particular the freedoms of expression, assembly, and association. Even more urgent is the need to reaffirm and strengthen governments' commitment to the protection of journalists. Both of these goals address priority issues for both the OSCE Representative on the Freedom of Media and the Lithuanian Chairmanship.

We also want to see the OSCE give greater attention to Central Asia, including addressing longstanding challenges to democracy and human rights in that region. The OSCE can and should assist Kyrgyzstan's fledgling parliamentary democracy and play a greater role in helping stabilize and secure Afghanistan, particularly in the area of border management.

Of course, we envision that the Vilnius Ministerial will be an opportunity for OSCE Ministers to declare formally our support for Mediterranean Partners, such as Egypt and Tunisia, and offer to assist them in democratic institution building and electoral reform.

Finally, the OSCE must continue to play a direct role in resolving the protracted conflicts in Georgia, Moldova, and Nagorno-Karabakh. As the 2008 war in Georgia showed, these conflicts hold the devastating potential to destabilize security in the OSCE region, and their resolution must remain a high priority for the OSCE and all its member states. We intend to use the meeting in Vilnius to highlight progress made on each of these conflicts this year and the challenges that remain to be addressed. This is difficult and frustrating work. But OSCE is one of a handful of international institutions that has the political standing to engage on the protracted

conflicts, and it has the ability to shine a light on the human and security situation in these regions. Impartial, comprehensive, accurate reporting is not something to be feared or avoided, and that is what OSCE is ideally suited to deliver, if it can get unhindered, status-neutral access to regions of conflict. If the OSCE's role is undermined, the international community is diminished; the United States will stand firmly against that. We will continue to push hard to improve the OSCE's ability to respond to crises in a fast and effective manner, including preventing the development of new conflicts in the OSCE area.

*OSCE Moving Forward*

We all know that a consensus-based organization with 56 participating States sometimes moves in baby steps when we want to see larger and faster strides. We can take comfort that whether the OSCE is working to eliminate rocket fuel in Ukraine, advocating for journalists and bloggers in Azerbaijan, or developing a multi-ethnic police force in Serbia and Kyrgyzstan, those small steps can result in impressive progress over time, and thus deserve our sustained attention.

The OSCE enables its participating States to address issues of concern in a forum which allows for a full and open debate. The issues can seem intractable but exchanging words beats the alternative of exchanging bullets. We have had bullets exchanged in the OSCE space in the last three years and that is something the OSCE participating States need to eliminate in the future. The potential of the OSCE has not yet been fulfilled - and therein lies its promise for the future.

The Helsinki Commission—you, the Commissioners, and the experts on your staff—play a vital role in ensuring that the participating States keep the promises they made at Helsinki. With your support, the United States will continue to play a leading role at the OSCE, to strengthen and build upon the progress the participating States have made over the past 35 years, and bring us closer to a truly stable, secure, and prosperous OSCE region.

I am happy to take your questions at this time.

## PREPARED STATEMENT OF SEC. MICHAEL H. POSNER

Thank you, Mr. Chairman. Distinguished Members of the Commission: I appreciate your calling this timely hearing on the work of the Organization for Security and Cooperation in Europe (OSCE) as we plan for the December Ministerial Meeting in Vilnius and beyond. I have the privilege of working for a former Helsinki Commissioner, Secretary Clinton, and it is my honor to serve as the Helsinki Commissioner for the Department of State. The Commission's efforts help strengthen my hand and that of my State Department colleagues as we work with other governments, civil society advocates, and the private sector to defend and advance human rights and democratic government across the OSCE region.

Mr. Chairman, I would ask the Commission to consider my testimony today in conjunction with that of Assistant Secretaries Gordon and Vershbow. If I may, I will direct my comments today in particular to the OSCE's Human Dimension—the principles that animate it, the challenges that confront it, and what all of us can and must do to defend and advance it. As the only regional forum with a membership that stretches from Vancouver to Vladivostok, the OSCE constitutes a vital platform for raising concerns about human rights and democratic governance in key countries of concern, such as Belarus, Russia and Uzbekistan.

#### **A Pioneering Process, Then and Now**

The Helsinki process was launched 36 years ago next week, in the midst of a Cold War and in a different century. The past twenty years since the end of Soviet Communism have seen profound changes in the OSCE region and the world. With them came an opportunity for the participating States to increase in number, establish and develop the OSCE as an organization, and, most significantly, agree to ground breaking commitments in the areas of human rights and democratic governance. These commitments remain a global high water mark. The OSCE has not been merely a reflection of the great post-Soviet geopolitical changes. The OSCE's comprehensive concept of linking security among states to respect for human rights within states, and the citizens monitoring movements that the Helsinki process inspired, helped create and shape the new reality in Europe and Eurasia.

And I would submit, Mr. Chairman, that the OSCE's comprehensive approach to security, the human and democratic values at the core of the Helsinki process, and its recognition of the vital role and contributions of civil society—remain inspiring and innovative concepts in this new century, not just to men and women within the OSCE region, but to people around the world.

Time and again, most recently in North Africa and the Middle East, we see that governments' respect for human rights and their responsiveness to the aspirations of their citizens are essential to security, stability and peace. The OSCE, and the civil society groups associated with the Helsinki process, can make useful contributions of experience and expertise to our partner Mediterranean States undergoing transformations. Even as we speak, OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is holding its first workshop for Egyptian civil society representatives interested in election monitoring in support of the Arab Spring.

#### **The Enduring Importance of Implementation**

As Assistant Secretary Gordon noted, the participating States at the Astana Summit last December, including those that joined the OSCE in the post-Soviet period, reaffirmed in the Summit's Commemorative Declaration the principles of Helsinki and all the commitments made to date. They also reaffirmed that human rights are not solely a domestic issue, but also a matter of "direct and legitimate" interest to other States. Secretary Clinton, Assistant Secretary Gordon, Ambassador Kelly and his outstanding delegation, and I worked intensively with like-minded counterparts to ensure that the Commemorative Declaration was strong and unequivocal. I believe that we succeeded.

But we all agree that reaffirmation is not enough. We must continue to address serious problems of implementation within OSCE participating States, through our bilateral diplomacy and through the OSCE and other multilateral organizations. All countries, including our own, have room for improvement in living up to our OSCE commitments and all have a responsibility to do so. That said, the work and resources of the OSCE should focus most on the areas where implementation remains weakest and where human rights and fundamental freedoms of individuals and democratic principles of government face the greatest challenges. This is not a reflection of political bias or double standards. It is not a matter of "East of Vienna versus West of Vienna"—as some participating States assert. The divide that concerns the OSCE is not between East and West; OSCE must address the gap between commitments and practice. Human rights are universal, but they are not uni-

versally respected in the OSCE region. That is the truth, and the OSCE must address it.

Advocates of human rights, democracy, and labor who seek to help their fellow citizens know and act upon their rights are targeted for persecution, even murder, in some participating States. Laws are wielded like political weapons against those who expose abuses or express disagreement with official policies and practices. Judicial independence and the rule of law have yet to be established or fully respected in practice. NGOs are subjected to increasing legal restrictions and burdensome administrative measures that impede their peaceful work, reflecting a disturbing global phenomenon. There are human rights and humanitarian aspects of protracted conflicts that must be addressed as essential elements of settlement and reconciliation processes.

Media—particularly independent media—are under pressure to be silent or to self-censor. For practicing their profession, journalists are victims of brutal, sometimes deadly, attacks, often carried out with complete impunity. Countries in the OSCE region are also part of a growing global trend by governments to restrict Internet Freedom, and thus the exercise of freedoms of expression, association and assembly via new media. Too many people in the OSCE region are denied the opportunity to access a range of sources of information. The Representative on Freedom of the Media, Dunja Mijatovic, who testified before you a few weeks ago, deserves special mention for raising awareness and pushing to protect journalists and an independent media throughout the OSCE space.

Democratic development is uneven across the OSCE region. Not all elections meet OSCE's standards. Not all officials and government institutions operate in an accountable and transparent manner. The next few years will see national elections in a number of OSCE States, including my own country. The United States continues to welcome ODIHR observers and we hope our fellow participating States will do likewise. We are pleased that Russia recently has invited ODIHR to conduct a needs assessment for an elections observer mission in the lead-up to December's parliamentary elections, and we urge Russia to extend a formal, unrestricted invitation for this observation mission once the assessment is completed. We also look to Russia to invite ODIHR to do the same for the presidential elections in 2012. Similarly, we hope that ODIHR will be invited to observe the upcoming parliamentary elections in Armenia, Georgia, Kazakhstan, Romania, Serbia, and Ukraine, and the presidential elections in Albania, Armenia, Azerbaijan, Georgia, Kyrgyzstan, Turkey and Turkmenistan.

Not surprisingly, participating states with serious implementation problems do not like to have their records in the spotlight, as we see so clearly demonstrated by Belarus's refusal to extend the mandate of the OSCE Office in Minsk, its refusal to cooperate with the Moscow Mechanism Rapporteur, and now its resistance to joining consensus on the detailed agenda for the annual Human Dimension Implementation Meeting in Warsaw. The Representative on Freedom of the Media has not been allowed to visit Belarus since the crackdown last December. Belarus rejected a fact-finding mission by the OSCE Parliamentary Assembly Working Group on Belarus and the Working Group's Chair was denied a visa to observe trials of political prisoners. Such obstructionist behavior only draws more attention to Belarus' lamentable human rights record.

The report of the OSCE's Moscow Mechanism Rapporteur on Belarus contains a wealth of constructive recommendations, which we urge Belarus to accept so that it can increase its integration into the OSCE community, instead of deepening its isolation. With respect to Russia, we have spoken out in the OSCE Permanent Council and other OSCE fora about the continued assaults on fundamental freedoms of the press and assembly, and the rule of law. We repeatedly have expressed our concerns about: the many unsolved cases of murdered journalists like Paul Klebnikov and human rights activists like Natalia Estemirova; corruption and impunity as exemplified by the tragic case of Sergei Magnitsky; and restrictions on freedom of assembly for members of groups like Strategy 31, the Khimki Forest Defenders, and for members of various Lesbian, Gay, Bisexual and Transgender groups. We have raised our concerns about Russia's disappointing decision to deny the opposition group PARNAS registration so that it can compete in the upcoming parliamentary elections and we urge Russian authorities to reconsider that decision.

We continue to monitor and speak out about the treatment of minorities in Russia, including the application of the so-called "law on extremism" to peaceful religious groups. We also are concerned about inter-ethnic tensions and incidents of violence between ethnic Russians and minority groups, as well as by reports of serious human rights violations in the North Caucasus, particularly in Chechnya. These reports include disappearances, extrajudicial killings, torture, and retribution against those who report abuses.



Mr. Chairman, as we set our sights on the Ministerial in Vilnius, I want to emphasize that our interest in human rights and democratic development in Central Asia did not begin or end with the Astana Summit. The United States remains committed to working bilaterally and within the OSCE with the participating States of Central Asia and with civil society in that region to advance domestic democratic reforms, respect for human rights and fundamental freedoms, and the rule of law. We also will continue to work with Central Asian states to reinforce border security to counter transnational threats such as narcotics and terrorism, and to bolster security in Afghanistan, an OSCE partner. We have stressed that Kazakhstan's legacy as the 2010 Chair of the OSCE will be determined by the continued efforts it makes, now that the spotlight has left Astana, to deliver on the pledges made there to reinvigorate comprehensive security and protect the human rights of citizens. We strongly encourage OSCE representatives, as well as high public officials from the participating States, including the Members of this Commission and Members of the OSCE Parliamentary Assembly, to seek opportunities to engage with the governments and citizens of Central Asian states to advance Human Dimension issues.

We have seen that such engagement can yield results. Most recently, the Government of Kyrgyzstan decriminalized libel, an issue on which the OSCE Representative on Freedom of the Media had persistently focused. We applaud Kyrgyzstan's becoming the first Central Asian country and the 13th OSCE participating State to decriminalize defamation. This measure will strengthen freedom of expression in Kyrgyzstan and set an example for the rest of the OSCE community. Kyrgyzstan also deserves recognition for its support of the OSCE Academy in Bishkek, which operates according to a Memorandum of Understanding between the Kyrgyz government and the OSCE. The United States joined the Academy's Board of Trustees in March 2011 and since its foundation in 2005 we have been strong supporters of the excellent work the Academy is doing to provide graduate studies to Central Asian and Afghan students. Coupled with the steps Kyrgyzstan has taken to ensure inquiry into the abuses committed during the June 2010 conflict, we think that the positive trajectory for Kyrgyzstan's democratization can continue. The OSCE remains well-poised to assist.

Mr. Chairman, the comprehensive security we seek in the OSCE region, and in Central Asia particularly, will remain elusive until serious human rights problems are addressed. We will continue to press for the implementation by the Central Asian states of OSCE commitments in all three dimensions, and to offer our assistance toward that end.

For example, Uzbekistan continues to exhibit a poor record on media freedom, freedom of religion, and a wide range of human rights and fundamental freedoms. We regretted the Uzbekistan Supreme Court decision in June to close the Human Rights Watch office in Tashkent. We have raised in the OSCE and elsewhere the cases of Dilmurod Sayid, a journalist imprisoned for writing about corruption, and Maxim Popov, who remains incarcerated for working to decrease the incidence of AIDS in the country, and we will continue to advocate for fair treatment and due process in those, and similar, cases.

We also remain deeply concerned over the arrests of religious adherents, including Jehovah's Witnesses, Baptists, Protestants and members of some Islamic groups in Uzbekistan. Reported raids on the homes of members of non-majority religious groups, coupled with bans on the import of some religious publications and the confiscation or destruction of religious literature, further chill the climate for religious expression.

We will continue to use the OSCE as a platform for pressing these and other human rights challenges in Uzbekistan, including ongoing reports of torture in detention and the use of child labor in the annual cotton harvest.

Mr. Chairman, looking across the OSCE, community, we see intolerance and hate crimes against religious and ethnic minorities, including Roma and Sinti. I wish to commend the essential work of OSCE's three tolerance representatives: Rabbi Andrew Baker, on Combating Anti-Semitism, Dr. Massimo Introvigne, on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, and Ambassador Adil Akhmetiev, on combating Intolerance and Discrimination against Muslims. I also salute the efforts of the OSCE's Contact Point on Roma and Sinti Issues. Violence against women and assaults on individuals because of their sexual orientation or gender identity are widespread problems. People with disabilities experience discrimination and tend to be relegated to the margins of society. The OSCE region is both a source and a destination for human trafficking. Men, women and children are forced into servitude within its borders.

To meet all of these challenges of implementation, participating States must strengthen their political will to honor their commitments. We and other like-minded

ed governments must work vigilantly to ensure that the capacity and integrity of ODIHR, the High Commissioner on National Minorities, and other OSCE institutions are strengthened, not weakened, and that full use is made of the OSCE's good offices, mechanisms, and field missions. Today, for example, the High Commissioner is working to prevent ethnic tensions from boiling over again in Central Asia and to ensure that children can receive an adequate education in their language in Slovakia, Serbia, and other parts of Europe. And the field missions are standing up freedom of information and human rights ombudsmen who can defend citizens' rights.

Let me now say a few words about the state of consensus in the OSCE and its prospects for meeting today's human, economic, and military security challenges. It is evident that some participating States lack the political will to meet the commitments they have already made. They are often reluctant or unwilling to give their consent so that the OSCE can take timely and effective action in key areas of concern, including the persistent implementation problems.

Mr. Chairman, we have encountered such dilemmas before in OSCE's history. During the Cold War, Human Dimension commitments made by the Soviet Union and Warsaw Pact countries were honored more in the breach than in practice. Despite this challenge, the Helsinki process managed to advance, thanks to the moral force of Helsinki monitoring groups as well as the West's principled, sustained diplomacy. This tenacity ultimately paid off with the emergence of the democracies of Central and Eastern Europe in the 1990s. And the need for sustained, principled efforts by governments and their citizens is equally compelling now.

Today, we must be steadfast in the face of threats from some participating States to withhold consensus or attempt to water down commitments or weaken OSCE institutions. We will creatively use the full array of existing OSCE authorities, institutions, principles, and precedents to support the efforts of today's activists on the ground who are pressing for human rights and democratic reforms. Consensus to act on issues of human rights and democracy may be hard to reach at the State-to-State level, but there is a growing grassroots consensus among citizens of the OSCE region and regions across the globe that governments must respect human rights and give their people a meaningful role in shaping the future of their countries.

### **The Helsinki Process and Support for Citizen Activism**

President Obama and Secretary Clinton have made support and defense of civil society a global foreign policy priority, and we see our work in OSCE as integral to that effort.

OSCE was the first regional organization to recognize the importance of civil society and provide for NGO participation in its proceedings. Secretary Clinton made a special point of holding a Town Hall with civil society groups in Astana during the OSCE Summit, and we will continue to encourage and defend NGO involvement at the Human Dimension Implementation Meetings and other expert meetings of the OSCE.

Mr. Chairman, the Commission has long championed the vital role that non-governmental organizations play in the OSCE process. I am pleased to report that my own Bureau and Ambassador Kelly have collaborated on a new effort aimed at helping connect civil society activists across the OSCE region through new technologies.

In mid-August, my bureau will be reviewing proposals for a new \$500,000 program to create a demand-driven virtual network of human rights and democracy activists in the OSCE region, which we intend to launch in September. We call it Helsinki 2.0. The network would serve as a sustainable coordination platform for reinvigorating human rights advocacy in Europe and Eurasia. A virtual interface will be created to enable activists to have regular engagement with governments beyond the traditional appearances at annual OSCE meetings. We hope that this Helsinki 2.0 platform will enhance activists' ability to network with one another and with the OSCE. This effort should help extend Helsinki's Human Dimension and its legacy of citizen advocacy into the Digital Age.

### **Enduring Freedoms, New Apps**

Mr. Chairman, the Commission has greatly helped to elevate the issue of Internet freedom. I very much appreciate your holding a hearing on the subject a few weeks ago, at which my Deputy, Dan Baer, testified. It is vitally important that the OSCE take a principled and pioneering stand on Internet freedom.

In the past, the Helsinki process was a major international platform for defending citizens who expressed dissenting views via *samizdat* and for protesting the jamming of radio broadcasts. Two decades ago, in response to efforts by the Ceausescu regime to restrict citizens' access to Xerox machines, an explicit commitment was

included in the OSCE's Copenhagen document pledging that "no limitation will be imposed on access to, and use of, means of reproducing documents of any kind." Today, email, social networking, and text messaging are new forms of *samizdat* and tools of human rights advocacy as well as indispensable tools of commerce, education, and global communications.

We applaud Lithuania for making media freedom via old and new technologies and the safety of journalists key themes of its Chairmanship. I want to emphasize that cyber issues are relevant to all three dimensions of the OSCE. As we partner with other governments, civil society, and the business sector on ways we can safeguard against very real cyber security threats, we will do so ever mindful that the measures we take must be consistent with our human dimension commitments to respect the exercise of human rights and fundamental freedoms.

Mr. Chairman, as Assistant Secretary Gordon noted, the United States advanced language for inclusion in the Astana Summit Action Plan on the exercise of "Fundamental Freedoms in the Digital Age." Since, as you know, the Astana Summit ended without the adoption of such a plan, we intend to renew our efforts to get this breakthrough language adopted at the OSCE Ministerial in Vilnius in December. OSCE's adoption of such language would, I believe, mark the first time that any regional organization formally recognizes that respect for the full range of human rights, and fundamental freedoms must extend to the use of new technologies.

The United States looks forward to working with the Lithuanian Chair, the EU, other participating States and civil society to ensure that the OSCE sends a strong and clear message from Vilnius on Internet Freedom. If I were to distill that message into a tweet to the world, it would be: "Enduring Freedoms, New Apps."

#### **Promises Made, Promises to be Kept**

Mr. Chairman, when he signed the Helsinki Final Act 36 years ago, President Ford famously said, "History will judge this Conference not by what we say here today, but by what we do tomorrow—not by the promises we make, but by the promises we keep." He was right then, and his statement is even more true today.

Europe cannot be completely whole, free and at peace—

Europe and Eurasia cannot become truly integrated—

There can be no lasting security extending from Vancouver to Vladivostok—

until human rights and fundamental freedoms can be fully exercised by all people who live within the OSCE community of nations.

On behalf of President Obama and the American people, I thank the Commission for its decades of principled work to ensure that the promises made in Helsinki are kept. Now I would be happy to answer your questions.

### **Introduction**

I want to thank Chairman Smith and Co-Chairman Cardin for having me back to testify about the Organization for Security and Cooperation in Europe (OSCE) and our goals in the run-up to the Vilnius Ministerial in December. I am particularly proud that you have made me a Commissioner, along with my esteemed colleagues here today. I am honored to associate myself with this Commission and its myriad achievements over the decades.

### **The OSCE**

The OSCE has three attributes that make it unique. First, it has a vast geographic scope, stretching from the Atlantic to the Urals, from Vancouver to Vladivostok. This scope allows it to address a diverse set of security challenges with a variety of approaches, drawing on its extraordinary 56-nation membership.

Second, the OSCE has a three-basket approach to security—comprised of the human dimension, the economic and environmental dimension, and of course the political-military dimension. This comprehensive approach, enshrined in the Helsinki Final Act of 1975, was revolutionary at the time—by including dialogue on human rights, democracy, and economic development along with military transparency—and is still relevant today.

Third, the OSCE has an extraordinary and storied history. The Conference on Security and Cooperation in Europe—the predecessor to the OSCE—played a critical role in providing support and hope to persecuted groups behind the Iron Curtain during the Cold War, and helped to bring order during Europe’s tumultuous political transitions of the early 1990s.

Throughout its history, the OSCE has adapted to new challenges and changes in the security environment. In keeping with this tradition, we must continue to adapt the OSCE’s political-military security toolbox to face the challenges of the 21st century.

### **Astana Summit**

In December of last year, the OSCE held its first Summit since 1999 in Astana, Kazakhstan. At the Summit, we learned that the achievements of the OSCE cannot be taken for granted. The effort to produce an action plan for 2011 foundered over fundamental disagreements on the security challenges facing the OSCE—especially on conventional arms control and the unresolved conflicts in Georgia, Moldova, and Nagorno-Karabakh. The United States insisted on an action plan that reflected our longstanding principles on sovereignty, territorial integrity, and host nation consent as it relates to the unresolved conflicts. Russia was unwilling to support this, and the resulting impasse threatened the Summit outcome.

Without hope of consensus on an action plan, the U.S. delegation, led by my good friend Assistant Secretary of State Phil Gordon, worked assiduously to produce the Astana Commemorative Declaration instead. The Declaration recommitments all 56 participating States of the OSCE “to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals.”

Importantly, the Astana Declaration reaffirmed the right of countries to choose their own security arrangements and reasserted that no country can create a sphere of influence or seek to strengthen its security at the expense of others. The Declaration reiterated the importance of arms control and confidence- and security-building measures, highlighting their role in ensuring military stability, predictability and transparency. It also committed all of us to revitalize, modernize, and update the three most important parts of the conventional arms control regime—the Vienna Document 1999, the Open Skies Treaty, and the Conventional Armed Forces in Europe Treaty.

I will leave it to my colleagues from State to address the human and economic-environmental dimension, and focus instead on what the Administration would like to accomplish before the OSCE Ministerial in December in the political-military dimension of security.

### **Conventional Arms Control**

I will address each part of the conventional arms control regime in turn, and note that the United States is fully engaged in the process of modernizing them, in both Vienna and Washington. Last month, Assistant Secretary of State Rose Gottemoeller, assisted by Deputy Assistant Secretary Daniel Russell and my Deputy Assistant Secretary, Celeste Wallander, attended OSCE’s Annual Security Review

Conference. DASD Wallander represented me in discussions on the Vienna Document 1999, and it is to that instrument that I turn now.

*Vienna Document 1999*

The OSCE can trace its role in arms control to four pages in the 1975 Helsinki Final Act, which established a confidence-building mechanism to reduce the chance of conflicts arising from large military maneuvers in Europe. The subsequent talks on military transparency, which eventually resulted in the Vienna Document 1999, formed one of three pillars of the effort to secure peace in Europe during the Cold War. The second pillar was the Mutual Balanced Force Reduction talks, focusing on balancing NATO and Warsaw Pact conventional armaments, which evolved into the Conventional Armed Forces in Europe Treaty, or CFE. The third pillar was the ongoing bilateral U.S.-Russian strategic arms limitation talks, which eventually led to the START Treaty.

The Vienna Document has grown to 60 pages, and comprises a series of confidence- and security-building measures designed to increase the transparency of military affairs on the territory of all participating European and Central Asian States. It includes a conflict-prevention mechanism, visits to military air bases, annual exchanges of military information, on-site inspections and visits to evaluate the information exchanges, and a series of military-to-military contacts. The Vienna Document 1999 applies to all military forces in the OSCE zone of application.

The OSCE is engaged in an intensive effort to update the Vienna Document for the first time since 1999. With the direction provided by our Heads of State in Astana, we are approaching the milestone of issuing a new Vienna Document in December in Vilnius. Delegations have been working in the OSCE's Forum for Security Cooperation for the past year to review the Vienna Document comprehensively and update it to meet today's demands. Several proposals already have been adopted, and dozens more are under consideration. However, the proposals adopted to date have been administrative in nature, and more needs to be done if this effort is to be judged a success. One proposal to increase military transparency that I would like to highlight would lower the thresholds for notification of military manoeuvres—a subject central to the intent of the original document. Adopting this proposal made by the French delegation would send a clear signal that the OSCE is serious about modernizing its approach to military transparency and security.

The dedication all delegations are demonstrating in this effort is encouraging; however, much more needs to be done. I believe the United States needs to have a deeper discussion with other delegations on the future of military transparency and what measures are needed to improve the security of all participating States. Our military budgets are all under pressure, and many participating States are undergoing rapid and radical military transformations. The Vienna Document must continue to evolve to keep pace—and the quality of military advice in Vienna must be equal to the challenge.

*Open Skies*

The Treaty on Open Skies started with an idea by President Eisenhower—to reduce the need for destabilizing espionage and transform the security environment. The idea was revived in the 1980s, and then, in 2002, the Treaty entered into force. To date, the 34 States Parties have flown more than 700 aerial observation flights, providing unprecedented levels of military transparency. The ability of any party to overfly every part of the territory of every other party from Honolulu to Vladivostok is extraordinary. Indeed, the United States and Russia both use the Open Skies Treaty as part of the verification of the New START, highlighting the linkages and reinforcing effects among these agreements.

In June 2010, the parties met for their second Review Conference in Vienna. There, they recommitted themselves to addressing the challenges and guiding the way toward improved transparency. These challenges include implementation problems, such as increasing instances of interference with the full exercise of Treaty rights; economic issues, such as determining the future of aging airframes; and technological issues, including adapting to digital technology and fully implementing Treaty-allowed sensors. Addressing these challenges will require political will and could put strains on increasingly scarce defense budgets.

We are seeking to recommit the United States to the Treaty, both by increasing the number of flights we fly and participate in each year, and by taking advantage of the ability to upgrade our sensors from film to digital capability. According to recent media reports, Russia has begun flight-testing a new TU-214 airframe with a full suite of digital sensors for use under the Treaty—the same airframe as the forthcoming replacement for their equivalent to Air Force One. No other partici-

pating State has been able to commit to updating its aircraft. In fact, some, notably the United Kingdom, have eliminated their aircraft due to budgetary pressures.

#### *CFE*

The news on the Conventional Armed Forces in Europe Treaty is less encouraging. However, it is worth noting the Treaty's achievements—including the elimination of more than 72,000 battle tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters; the successful completion of thousands of on-site inspections; and the orderly, verifiable, and peaceful withdrawal of the massed armored forces that typified the Cold War standoff for decades. The CFE Treaty succeeded in eliminating the possibility of large-scale, surprise attack in Central Europe; it has been at an impasse with Russia's "suspension" of implementation of CFE in December 2007, which was further complicated by Russia's 2008 invasion of Georgia.

The State Department named Ambassador Victoria Nuland as Special Envoy to engage in modernizing CFE in February 2010. She consulted closely with our NATO Allies to launch an effort to reach agreement among the 30 CFE Parties, joined by the six NATO members that are not signatories of the CFE Treaty (Estonia, Latvia, Lithuania, Albania, Croatia, and Slovenia), on a framework agreement based on three of President Obama's five principles of European security: 1) reciprocal transparency of conventional armed forces; 2) reciprocal restraints on concentrations of heavy forces and permanent basing in sensitive regions; and 3) a renewed insistence on host-nation consent for the stationing of foreign forces on sovereign territory.

Since June 2010, the United States and our Allies have been engaged in an intensive effort to reach agreement on a framework for negotiations to strengthen and modernize conventional arms control in Europe. However, after ten rounds of consultations in Vienna, Russia remains inflexible on two key issues: host-nation consent for the stationing of foreign troops on sovereign territory, and providing appropriate transparency among all parties regarding their current military posture for the period of any negotiation. Currently, the United States is consulting with Allies to decide the way forward, while continuing to encourage Moscow to reconsider its position. If Russia will not reconsider, we must look carefully at our options regarding the current unequal situation, whereby 29 Parties implement the Treaty and one does not. As the NATO communique issued at the Lisbon Summit warned, this situation cannot continue indefinitely.

While the future of CFE remains uncertain and the Treaty cannot be replaced by the Vienna Document, we remain committed to conventional arms control and military transparency in Europe. We will continue to work through the OSCE to advance these objectives through modernizing the Vienna Document and the Open Skies Treaty.

Outside of the OSCE, we are working both bilaterally with Russia and through the NATO-Russia Council to address concerns about missile defense and strategic stability. At the same time, through the Forum for Security Cooperation, we are seeking to address modern threats, such as transnational crime, nuclear proliferation, Central Asian instability, and unsecured, unsafe stocks of small arms and light weapons. Finally, we are using every opportunity possible, including the OSCE, to address the unresolved conflicts that have contributed to the stalemate on modernizing of the CFE.

#### **The Unresolved Conflicts**

The OSCE continues to play a critical role as a central forum for addressing the unresolved conflicts which emerged at the end of the Cold War in Georgia, Moldova, and Nagorno-Karabakh. As the 2008 war in Georgia showed, these conflicts hold the devastating potential to destabilize security in the OSCE region, and their resolution must remain a high priority for the OSCE and all its member states. The United States seeks to use the leverage of the OSCE's diverse membership to address these unresolved conflicts, and, through cooperative efforts, resolve them. While each of the conflict resolution processes has faced myriad difficulties this year, I still hold out hope that with the help of our Lithuanian Chairman-in-Office, we can show progress by Vilnius.

#### *Georgia*

We have seen few signs toward progress on resolving the conflict between Georgia and Russia. First and foremost, the OSCE has not been able to resume its presence on both sides of the administrative boundaries in Georgia. Talks continue in Vienna and Geneva on the possibility that an OSCE team, based in Vienna, will be given access to all of the territory of Georgia within its internationally-recognized borders. This would be a significant step forward, but Russia and Georgia have yet to agree on the conditions for bringing such a team into existence.

As the Co-Chairs of this Committee noted after the 2008 hostilities, Russia's invasion of Georgia represented "a clear violation of Georgia's territorial integrity and Principle Four of the Helsinki Final Act." The expiration of the OSCE mandate in Georgia at the end of 2009 was regrettable. Our position remains unchanged: the U.S. continues 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 U.S. continues to support Georgia's territorial integrity and sovereignty within its internationally recognized borders, and we will maintain our support for international efforts to find a peaceful resolution to the dispute over Abkhazia and South Ossetia. Russia needs to abide by its ceasefire arrangements and take steps that promote stability in the region. We reaffirm this message regularly to our Russian counterparts.

#### *Moldova*

The OSCE (then the CSCE) became involved in peacekeeping in Moldova in 1993, and continues to play an important role in supporting a peaceful resolution of the dispute over Transnistria through the 5+2 talks. These talks comprise Moldova, Transnistria, Russia, Ukraine and the OSCE, plus the U.S. and the EU as observers. The United States continues to press for a resumption of formal 5+2 negotiations to make progress toward a settlement that will end this conflict based on Moldova's sovereignty and territorial integrity. Informal 5+2 talks in February discussed freedom of movement between the sides, the negotiating process, and a work plan for 2011—but showed limited results. President Medvedev hosted another informal 5+2 meeting in June in Moscow, but was unable to reach agreement on holding a formal meeting in September. Even without formal 5+2 negotiations, we encourage the parties to continue to pursue confidence-building measures, such as those to facilitate commerce within the existing customs process and to otherwise work to improve the daily lives of citizens on both sides of the Dniester River.

In addition, the OSCE stands ready to support the completion of the removal of the estimated 20,000 tons of ex-Soviet arms and ammunition left on Moldovan territory, in Cobnasa, as well as any remaining equipment. The OSCE began assisting Russia and Moldova in removal and destruction of equipment, arms, and ammunition in 1999, but Russia stopped this effort in March 2004. The OSCE has allocated both money and manpower ready to facilitate the completion of Russia's obligation to complete this effort.

#### *Nagorno-Karabakh*

The United States remains closely engaged with our OSCE Minsk Group co-chairs—Russia and France—in supporting efforts to bring a peaceful settlement between Armenia and Azerbaijan over the Nagorno-Karabakh conflict. Presidents Obama, Medvedev, and Sarkozy in a joint statement at the G-8 Summit in Deauville in May noted "the time has arrived" to move beyond the "unacceptable status quo" and called for a "decisive step toward a peaceful settlement." Specifically, the three presidents urged the Presidents of Armenia and Azerbaijan to finalize the Basic Principles, which will provide the formula for a future comprehensive settlement. If we reach agreement on the Basic Principles, the United States will work diligently with its partners, including the EU and the OSCE, to take the next steps toward implementing an eventual peaceful settlement to this terrible conflict.

Unfortunately, there has been a step backward in this effort. I am sad to report that the attempt to reach a breakthrough in Kazan, Russia on June 24 failed, while tensions along the Line of Contact are increasing. Armenia and Azerbaijan remain unable to finalize the Basic Principles, and we remain at an unhelpful and dangerous stalemate. President Medvedev has put forward another proposal to break the stalemate, but the prospects for progress are uncertain.

#### **New and Emerging Threats**

Part of the rich history of the OSCE, and a source of its strength, has been the adaptability of the institution to face new and emerging threats. No one in 1975 could have imagined that cybersecurity would be a topic of discussion among states. In addition, the specter of nuclear proliferation to non-state actors, the control of small arms and light weapons, and border security in Central Asia all have become issues that concern all participating States. Fortunately, the OSCE provides ample flexibility to address new threats as they arise.

#### *UN Security Council Resolution 1540*

UN Security Council Resolution 1540 was adopted in April 2004 to facilitate an effective global response to WMD proliferation threats by committing states to improve their domestic controls and prevent non-state actors from acquiring or developing WMD and their means of delivery. As the world's largest regional security or-

ganization, the OSCE plays an important role in the full implementation of UNSCR 1540 through effective norm-setting and providing leadership that other regional groupings with less developed structures are looking to follow.

The United Nations Committee overseeing implementation has welcomed the OSCE's efforts to implement UNSCR 1540, praising its ability to leverage and empower regional approaches and understandings. In January 2011, the OSCE hosted a workshop specifically to define the Organization's role in facilitating UN Security Council Resolution 1540. It brought together policymakers and experts from around the world, reviewing progress in the implementation of UNSCR 1540, the facilitation role appropriate for regional organizations and the UN, best practices, lessons learned, and the utility of border controls and end-use monitoring.

The OSCE 1540 workshop demonstrated the Organization's critical role in bringing together national, international, and non-governmental organizations to stop the spread of WMD, and the results are leading to further cooperation. The United States, with support from other delegations, is pressing for the development of such OSCE tools as a best-practices guide for UNSCR 1540 implementation for OSCE participating States, integration of the 1540 Adviser who started working in 2010 at the Secretariat level, national action plans, and making use of OSCE institutions such as the Dushanbe Border Management College.

#### *Small Arms and Light Weapons*

The OSCE continues to provide a vital forum for Euro-Atlantic cooperation on the reduction of threats posed by the illicit transfer of small arms and light weapons and their possession by subnational groups. Beginning with the adoption of the OSCE Document on Small Arms and Light Weapons in 1999, the OSCE has fostered cooperation among participating States in reducing trafficking, securing existing stocks, and eliminating excess small arms and light weapons and related materials.

In March 2011, DoD participated in an OSCE-led assessment of ammunition storage, destruction, and related infrastructure in Kyrgyzstan. During this visit, DoD discovered poorly secured man-portable air defense systems MANP ADS and large stockpiles of obsolete and hazardous conventional ammunition. As a result the United States has offered funding for physical security upgrades and MANP ADS destruction there. DoD will participate in an OSCE follow-up visit in July to assess the possibility of an OSCE-funded storage and security improvement program at seven ammunition and small arms and light weapons depots.

#### *Cyber Security*

Next, I would like to address the role of the OSCE in cyber security. Information technologies are vital not only to the global economy but to our national security. There is no exaggerating DoD's dependence on information networks and systems for the command and control of our forces, intelligence and logistics, and weapons technologies. As malicious cyber activities increase in their scope and sophistication, international concern has increased.

In May, the OSCE hosted a conference on cyber security to explore potential roles for the organization. The conference was broadly attended, with participants from the participating States, partners, and international organizations, including Japan, the European Commission, and NATO. At the conference, the United States suggested that the OSCE promote confidence-building mechanisms within the political-military dimension of security to address cyber threats. In the run-up to the Vilnius Ministerial, DoD will continue to support State Department-led discussions on such mechanisms to protect our vital interests.

#### *Border Security in Central Asia*

The United States has been working to promote a stable, secure, and prosperous Central Asia since the break-up of the Soviet Union. At the OSCE Summit in Astana, all participants renewed their commitments across all three dimensions, as well as to continue their efforts to promote a stable, independent, prosperous, and democratic Afghanistan. We can achieve this by improving border security and working to combat drug trafficking and other forms of proliferation across Central Asia.

One area where the United States certainly hopes the OSCE will do more is with Afghanistan. The Government of Afghanistan, an OSCE Partner Country made an urgent request for support in 2007. Responding to this request, the OSCE Secretariat proposed sixteen separate projects to enhance Afghan border security, including an emphasis on building Afghan capacity. These projects are designed to support the Afghanistan National Development Strategy in close coordination with the Government of Afghanistan. We would like to see more progress in these projects.



**Conclusion**

In 1970, if you addressed a group of NATO or Warsaw Pact military planners and told them that they would, within their lifetimes, hand each other their order of battle, publish advance warning of large military exercises, invite the other side to observe the largest of these exercises, conduct thousands of intrusive inspections, and fly hundreds of uncontested reconnaissance sorties over each others' territory, they would have responded with disbelief. Now, we take these measures for granted.

The Helsinki Process, initiated in 1973, and aided by this Commission, remains an important tool to remind people that this effort is still underway, and still necessary to prevent future conflicts, resolve the remaining conflicts in Eurasia, and address new threats as they emerge.

I had hoped that by 2011 we would be looking forward to projecting the peace and security of the OSCE area to other areas of instability that the OSCE area would be serving as a beacon and a guide to the rest of the world. Instead, we have much work to do to fulfill our original promise of a Europe whole, free and secure. As well as engaging in the hard work of creating the conditions necessary for advancement and growth in Central Asia.

I hope that, in the future, the OSCE's Astana Summit will be seen a turning point, where the participating States truly and fully recommitted themselves to reinvigorate the OSCE and move boldly into the 21st century. I think we see some positive signs as we advance toward our next milestone, the Vilnius Ministerial. Time will tell, and with your help, we will succeed.

PREPARED STATEMENT OF DR. MICHAEL HALTZEL <sup>1</sup>

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 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 Corboy,<sup>2</sup> 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

<sup>1</sup>Dr. Michael Haltzel is Senior Fellow at the Center for Transatlantic Relations at the Johns Hopkins University School of Advanced International Studies (SAIS) and Senior Advisor at the consulting firm McLarty Associates. He was Head of the U.S. Delegations to recent OSCE conferences in Warsaw, Copenhagen, and Vienna.

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

implementation measures for the Astana Summit, which, if not accepted would make the United States hard pressed to accept an Action Plan.<sup>3</sup> 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.

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 Mijatovic 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 Lenarcic, 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.

<sup>3</sup> <http://photos.state.gov/libraries/adana/5/ViennaRevCon/ClosingPlenary—10-26-10.pdf>

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.





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