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PERMANENT COUNCIL

“Bold ideas for transforming OSCE will require careful consideration”

U.S. Ambassador says changes should further Organization’s ideals

Nearly three years into his term as United States Ambassador to the OSCE, Stephan M. Minikes gave an interview to OSCE Spokesperson Richard Murphy and surveyed the current general debate regarding the Organization’s future directions. “If we were to re-create the OSCE today, none of us might replicate its current organizational structure exactly,” he says. “But I think we would replicate some of its central features.”

What do you think of the recent call of the Chairman-in-Office for a transformation of the OSCE?

Ambassador Stephan Minikes: The hallmark of the OSCE has always been its responsiveness and flexibility, and that it is not bogged down by bureaucracy — not yet, anyway — and we need to keep it that way. We talk about this often because these features distinguish the OSCE from other regional organizations, are key to its effectiveness and must be preserved. We believe that the OSCE, like any organization, should always be looking for ways to improve itself, and to adapt to the changing needs of its participating States and to changing political environments. We are always prepared to discuss constructive ideas for transforming the OSCE.

The OSCE is based on principles that represent the shared values of the participating States. What these principles mean in practice has been elaborated in a long series of consensus documents over the years. They, too, must be preserved if we are to remain faithful to the ideals to which all participating States have committed themselves.

Our Chairman-in-Office, Bulgarian Foreign Minister Solomon Passy, has outlined some bold ideas for changing the OSCE. Our responsibility, it seems to me, is to consider them carefully to be sure that whatever we decide to do, does indeed strengthen the Organization and furthers its ideals. This will require lots of time, thought and negotiation.

In what direction would you like to see the OSCE develop, both politically and organizationally? How do you see the future of the Chairmanship, the Secretary General and consensus decision-making?

We believe the OSCE meets a profound need in its promotion of democracy, human rights, good governance and arms control. The most important conflict-prevention and confidence-building measures we can undertake are establishing democracy and market economies, fostering security, and promoting and protecting human rights.

The job of perfecting democracy and achieving security is far from finished. Conflicts are now occurring in Eurasia. Terrorism afflicts all of us. Intolerance abounds. Some elections are neither free nor fair. This is where OSCE’s principal challenges are.

If we were to re-create the OSCE today, none of us might replicate its current organizational structure exactly. But I think we would replicate some of its central features. A rotating chairmanship breathes new ener-

gy and political accountability into the OSCE every year. The consensus rule ensures that what we all agree upon will stand the test of time. The field presences ensure that the OSCE's work is operational, practical and relevant.

The Office for Democratic Institutions and Human Rights (ODIHR) and the Secretariat provide expertise, organizational continuity and the capability to transform dialogue into action. Special Representatives call political attention to urgent issues.

Are there controversies over some of the OSCE's operations? Of course. If there weren't, then the Organization would not be doing its job.

With the term of Ambassador Ján Kubiš coming to an end, there has been a lot of discussion about whether and how the role of the Secretary General should or could be changed. This is an important and serious issue that my Government is considering carefully.

And the future of the system of short-term secondments to field missions?

The secondment system fills an important role, namely supplementing a unified budget that has long been insufficient to meet the core needs of the Organization. That said, I believe it's time to re-evaluate the duration of these short-term appointments. In the past five years especially, the OSCE has become much more of a conflict-prevention and post-conflict stabilization organization and much less of a crisis-response operation.

The six-month contracts for field personnel were initially established because these people were largely responding to crises. With the evolution of field work toward longer-term conflict prevention and confidence-building, six-month contracts may be a disadvantage as they tend to hinder any sustained activity and may be an obstacle to recruiting the best talent. It might be time to designate applicable jobs in the field presences as longer-term positions and fill them for 12 months at a time. This would improve effectiveness without losing any real flexibility.

Some commentators in the United States have been critical of Washington's decision to invite ODIHR to observe the presidential election. How would you respond?

First and foremost, I would say that the United States takes its OSCE commitments seriously; in line with these, we are obligated to invite OSCE observers. We can hardly expect other participating States to abide by their commitments to the Organization if we do not abide by ours. It's as simple as that.

Second, election observation in established democracies provides invaluable experience to monitors who might not have had the opportunity to see how countries with long traditions of free and fair elections organize election campaigns, voting and tabulation, and how they resolve disputes, whether at the polling station or through well-established institutional processes.

I've had the opportunity to talk to public officials who've visited Vienna to learn about city administration and planning, for example, and they were effusive in their praise for on-site visits, noting that one can learn more about how a system really works by a short personal visit than from months of reading about it. When it comes to election observation in the United States, we have nothing to hide. In fact, we are proud of what we have to offer and believe others can learn from it.

How would you respond to suggestions from some participating States that the OSCE applies double standards and that there is a geographic and thematic imbalance in its activities?

As the Ambassador of a country that is frequently on the receiving end of critical interventions in the Permanent Council, I cannot agree that the OSCE applies double standards. Participating States may voice concerns about policies and practices that worry them or that are not in compliance with OSCE commitments. That is a fundamental privilege that has also been reaffirmed in numerous OSCE documents, not the least of which is the Charter on European Security.

Where the OSCE concentrates its attention, and in what substantive areas, is a function of need. It is demand-driven, because States hosting OSCE field presences are involved in requesting and approving OSCE activities on their territory. The OSCE, through the activities of its field presences and its bodies and institutions, helps countries make the transition from command to market economies, from dictatorship to democratic elections, from an official press to an independent press. The OSCE also helps transform state institutions, such as the police and the courts — from bodies that protect the State, to bodies that protect the constitution and the people.

It is a huge undertaking — but a necessary one — for emerging democracies to shed the legacy of half a century or more of thwarted economic and democratic development and move as quickly as possible into the increasingly integrated international

community and global market. Helping with this transition is part of the OSCE's fundamental contribution to comprehensive security, as it has been since 1975.

I have heard complaints that insufficient attention is devoted to the economic and environmental dimension and the political-military dimension. Let's look at the record. Since I have been in Vienna, the second dimension has been strengthened, both in terms of budget and staff in the Secretariat. Last year we adopted the Strategy Document, designed to address some of the most pressing problems facing transition economies. Still, what I have seen in my three years here is that among some participating States, there is a stunning unwillingness to accept the fact that, more than anything else, it is domestic policies and practices that are blocking economic transformation and development.

This was recognized in the preparation of the Strategy Document and is the reason why there is a strong focus on good governance. Expert after expert at economic dimension seminars and at the annual economic forum tells us that governance problems are keeping countries from achieving the benefits of economic integration and globalization. The problems include lack of transparency in contracting, legal requirements that benefit friends and families of those in power, the absence of conflict-of-interest regulations, lack of an impartial and independent judiciary, onerous registration requirements, and laws and practices that hinder rather than facilitate business development and expansion, to say nothing of outright graft and corruption.

This is a hard message for governments to hear, and the transformation process is neither easy nor painless. I strongly believe that the OSCE is here to help governments with this process. It is in our collective interest in building security for all OSCE participating States to move as quickly as possible to consolidate democracy and build market economies; in short, to come into full compliance with basic OSCE commitments. We have high expectations because we have high hopes!

Similarly, in the political-military dimension, the record shows that we have strengthened this dimension considerably over the past years. In the Forum for Security and Co-operation (FSC), we are, collectively, destroying excess ammunition, restricting transfers of small arms and light weapons, and controlling shoulder-fired missiles, or MANPADS. Several participating

States, notably my own, have contributed many millions of euros toward these goals, including funds that are still available to offset the costs of removing excess military equipment from Moldova.

We have created the Annual Security Review Conference, where we concentrate on opportunities to increase security throughout the OSCE region. The OSCE has extended the Wassenaar Arrangement on MANPADS to all 55 participating States. We have dramatically enhanced our contribution to fighting terrorism, an area where I believe we could do even more together. Where the OSCE has been less successful — for example, in resolving the so-called frozen conflicts — it has not been for a lack of interest or effort on the part of the OSCE.

Has the OSCE outlived its usefulness now that NATO and the European Union are enlarging?

Absolutely not. Quite to the contrary. In fact, changes in the Euro-Atlantic security architecture make the OSCE even more important than before to many countries, particularly those that do not belong to NATO or the EU.

You only have to look at the OSCE's work on counter-terrorism to see how useful it is, and how quickly and effectively the OSCE adapted to the changing political and security environment in the post-11 September 2001 world. In barely three months, the OSCE produced the Bucharest Plan of Action for Combating Terrorism. OSCE bodies then quickly produced their own roadmaps outlining how they would go about their Bucharest taskings.

In July 2002, OSCE participating States committed themselves to completing the Financial Action Task Force self-assessments on compliance with anti-terrorist financing measures. This started work that continues to this day on combating terrorist financing and money-laundering, enhancing States' abilities to detect and deter illegal financial flows. Most recently, we agreed to focus on making sure that NGOs and charity groups are not misused by terrorists and other criminals. The decision on travel document security, agreed in Maastricht in December 2003, will significantly impede the ability of terrorists and criminals to move about the world undetected.

The OSCE Secretariat now has a fully functioning Action Against Terrorism Unit which is helping the OSCE set the standard for what a regional organization can do to address the multi-faceted threat of terrorism.

On a political level, the OSCE brought Afghanistan into the fold, making it a

Partner for Co-operation in April 2003. That paved the way for joint activities and confidence- and security-building measures aimed at helping Afghanistan in its own efforts to make the transition to peace and stability. This is essential for peace and stability throughout a region that encompasses several OSCE participating States. The OSCE provided Afghanistan with an election support team at its October polls.

The OSCE is doing tremendous work in Georgia and Moldova on early warning and conflict prevention, largely through its field presences. The fact that contentious problems in South Ossetia and Transdniestria are being dealt with through negotiations and have not led to open conflict is testimony to the critical work that OSCE field presences perform.

What is your reaction to recent comments on the future of the OSCE from the leaders of many members of the Commonwealth of Independent States (CIS)?

I very much welcome the engagement of Heads of State and Government of several CIS countries in the future of the OSCE. It demonstrates that what the OSCE does is highly relevant to these and many other countries, as it is to mine. The United States is always willing to engage in constructive discussion with participating States on the functioning of the OSCE, on ways to improve it, and on ensuring that the OSCE is important to participating States, both individually and collectively.

As I've said regarding recent activity in the political-military and economic dimensions, I disagree with the claim that there is a fundamental imbalance in the OSCE's work. My Government is, and will remain, a leader in proposing more concrete activities in those areas. Nor do I believe in the least that field activities are ineffective. Indeed, I always hear during my many visits to countries that host field activities — including countries of the CIS — just how helpful they can be. And those comments come from government officials, NGOs and private citizens. Nevertheless, I welcome the opportunity to discuss how the OSCE can do an even better job in all these areas.

What troubled me more in the statements was the extraordinary re-emergence, for the first time in many years, of a criticism that participating States have repeatedly agreed to lay to rest — that of interference in internal affairs. In fact, I had to read it twice to be sure I was reading it right — that's how surprising it was.

Any discussion of the OSCE's fundamen-

tal documents must include what States actually committed themselves to in the Charter for European Security (1999) and the Moscow Document (1991). The former says: "Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States."

This language built upon the Moscow Document, which says: "The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."

Concern expressed about States' practices that violate OSCE commitments is not, therefore, an example of meddling in internal affairs; rather, it reflects what the Charter for European Security and the Moscow Document say the OSCE should be doing.

We now find ourselves in the midst of a very active period of elections in many OSCE countries. I think that OSCE participating States can agree that we all aspire to conducting truly free and fair elections. In the ODIHR, we have, together, over the years established the world's strongest institution for observing elections and helping to improve them. That's what the OSCE is and should be doing to serve our collective interest in comprehensive security.

Stephan M. Minikes assumed his post as the United States' Ambassador to the OSCE in December 2001, shortly after his nomination by President George W. Bush and his confirmation by the U.S. Senate. A graduate of Cornell University and Yale Law School, he is a well-known member of the Washington and New York legal community. He has lectured widely on issues focusing on foreign policy, national defence and security, democracy and human rights, and international trade and finance. Ambassador Minikes was born in Berlin, where he grew up and lived through the Second World War. His family emigrated to the United States in 1949.