



REP Seminar Summary

Kazakhstan's Chairmanship of the OSCE and Prospects for Democracy and Human Rights

17 December 2010

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SESSION ONE: 'REPORT CARD': KAZAKHSTAN AND ITS OSCE COMMITMENTS

Madina Jarbussynova

The speaker started by saying that 2010 has been a successful year for Kazakhstan and the OSCE, which culminated in the first meeting of the OSCE head of states in eleven years. Most of the heads of delegations who participated at the seventh OSCE summit in Astana deemed the summit successful. In his general address marking his OSCE chairmanship, President Nursultan Nazarbayev said that the motto for the OSCE should be trust, tradition, and transparency – and Kazakhstan has worked towards this.

In terms of security, the reconstruction of Afghanistan, countering terrorism, and combating Eurasian drug trafficking are all issues Astana has aimed to improve. More broadly, the construction of European security architecture has also been pursued. The OSCE chairmanship was an opportunity to renew and reset relations, and on attempt to overcome distrust and divergent agendas. Our security community cannot end at the European border of the EU or the Urals. The outcome of the OSCE summit and its ability to agree on classical security are also influenced by Asia. Next year Kazakhstan will chair the Organisation of the Islamic Conference; this will also be important in advancing regional and sub-regional organisations.

The OSCE also needs to ensure that states are accountable to their citizens. Civil society and free media have an important role to play in our countries. The Astana summit itself was enriched by dialogue between civil society delegations and state representatives on the margins of the summit. There has also been a commitment to increase efforts to resolve existing conflicts in the OSCE area and to promote a stable and democratic Afghanistan.

As to the human dimension – the third basket of the OSCE – concern was previously expressed (especially in 2009) that Kazakhstan would either ignore this dimension or lower its activities and efficiency. These concerns about the chairmanship have been proven to be false. Kazakhstan has helped the office to strengthen capabilities and to help it work more efficiently has maintained all of the traditional meetings of the third basket. Critical to this has been dialogue between civil officials and civil society. All OSCE events during 2010 saw greater NGO participation than in the previous year.

Kazakhstan is a young democracy, having only just recently marked its 19th year of independence. Since then progress on democracy has been made. But democracy and human rights in Kazakhstan are a work in progress. More needs to be done and Kazakhstan is already working towards this.

Roza Akylbekova

Kazakhstan's chairmanship of the OSCE was a chance to get closer to the standards of the OSCE. Until 2008 Kazakhstan was happy to pursue certain reforms; this was seen as promising by the OSCE. There were several positive achievements in 2010 such as economic issues and development aid for Afghanistan. Kazakhstan has contributed to promoting tolerance within the OSCE and there was an inter-faith dialogue in August. 2010 also saw the ratification of a number of international documents that allowed Kazakhstan citizens to turn to the UN on issues like human rights. It is also worth noting Kazakhstan's achievements in using the NGO community. But these initiatives have had no impact on law creation or executive bodies.

We have also seen no improvements in other areas, like freedom of speech and the media. A report of Kazakhstan's chairmanship by leading NGOs monitoring Astana's delivery of its promises found that in terms of legislation, Kazakhstan is lagging behind the Paris principles. Local authorities are still harassing peaceful religious gatherings. In terms of Kazakhstan's democratic development – for example the development of independent political parties and allowing public gatherings – there are no improvements. This does not correspond with the Kazakhstan's obligations under the Copenhagen agreement. The regulations on political parties make a mockery of democracy.

The authorities employ a broad definition of what constitutes a demonstration. Locations for protests are usually reserved on the outskirts of cities or in the countryside – in essence, denying protestors the right to confront the authorities peacefully. Kazakhstan's courts still lack the necessary freedom from the executive.

Discussion

A participant asked the Ambassador to what extent the picture she described was in line with expectations. Her response was that of course it was different from the expectations expressed by civil society activists, who saw the

chairmanship merely as an opportunity to lobby for human rights improvements.

Another participant asked Roza Akyzbekova what needs to be done in the year ahead so that focus is not lost. Her response was that the dialogue that took place at the working group meetings was friendly and focused on the human rights situation in Kazakhstan. Numerous recommendations were made, which included ratification of the optional protocol on the death penalty, decriminalisation of defamation, and complying with the convention against torture.

An expert journalist said that he felt a sense of two ships passing each other by. On the one hand, the official view sees it as a great success. But on the ground, one can tell that Kazakhstan and its political framework has not drastically changed. The insistence that Kazakhstan is a country heading towards democracy does not do the reality justice. There is tight political control that is perhaps understandable given Kazakhstan's neighbours. But if you're serious about human rights, why is Evgeny Zhovtis in jail? The Ambassador responded that listening to Roza Akyzbekova's presentation, it just sounded like a speech full of unsubstantiated accusations – so yes, neither side is hearing the other. From civil society there is no acknowledgement of what has been done. Kazakhstan must improve legislation and it is working on this. The national action plan was adopted in 2009 and still has two more years to go. As to religious freedoms, Kazakhstan has over 45 religious organisations – traditional and 'non-traditional' – peacefully coexisting in Kazakhstan, free of obstacles. Turning to Evgeny Zhovtis, it was argued that he is not imprisoned for being a human rights campaigner, but because of a traffic accident he was involved in and the subsequent death of a pedestrian.

A Central Asian academic noted that no other chairman of the OSCE has been treated with such scrutiny. This is double standards. There should be scrutiny for everyone. It is vital that the OSCE tries to be more realistic.

Kazakhstan's representatives need to see how important perceptions of Kazakhstan are. Certain agendas advanced by countries allied to Kazakhstan have been surprising. Russia and others have been very critical of independent observation missions by OSCE institutions. Kazakhstan has very quietly distinguished itself as an independent player and this should be noted.

Another participant asked if Kazakhstan was really going to work on its mistakes? The Ambassador responded that there are no negative

assessments of Kazakhstan's chairmanship. There is no need to improve on mistakes because there were none.

Akyzbekova noted that some people in her organisation think that she is too positive about the situation in Kazakhstan. Kazakhstan International Bureau for Human Rights has nine branches in the country, monitoring the situation carefully. When she heard that Zhovtis was involved in a traffic accident, colleagues went to examine the scene. If it was not political, then why was it necessary to intimidate his mother and for the police to harass members of Kazakhstan International Bureau for Human Rights?

Ambassador Jarbussynova agreed that Kazakhstan has been under special scrutiny. But Kazakhstan has been able to withstand the scrutiny with honour. Kazakhstan's President Nursultan Nazarbayev was aware of President Bush's support for Kazakhstan to chair the OSCE. Kazakhstan's experience in this regard has helped other states learn about its achievements and help Kazakhstan more forward. Kazakhstan has endeavoured to be impartial because of concerns over Russia's influence. It was also important that all three dimensions of the OSCE – political, military, economic, and human were properly addressed.

SESSION 2: DEMOCRACY AND HUMAN RIGHTS IN KAZAKHSTAN AND THE WIDER REGION

Kazakhstan sits quite comfortably in Central Asia in terms of human rights in comparison to its neighbours, so it is better to focus more on aspirations. The concept of sovereign democracy is widespread in Central Asia; some leaders say their citizens are not mature enough for democracy and freedom of the press etc. There has even been debate as to whether criticism of democracy and human rights constitutes interference in internal affairs of a state. However, the Astana declaration stipulated that human rights are a legitimate concern.

Adil Nurmakov

There are some commonly accepted myths about Kazakhstan. One of them is that the country is undergoing a transition to democracy. However, by the end of the 1990s it was already clear that the model of centre-led democratic transition had failed. Like other states in the region, Kazakhstan political development was frozen. Democratisation was not going forward. Kazakhstan has never had democracy. There is a common sentiment that it took Europe two hundred years to achieve democracy, so it is no wonder that it is taking time in Kazakhstan. Civic culture develops much faster in the states where there is political will, but the scope of rights and freedoms has been restricted in Kazakhstan since 1995. Another argument often put forward by the leadership is that Kazakhstan has its own way of development, focusing on economic development first and on democracy later. This is doubtful as we do not see the state developing the stable institutions and human capital necessary for this process. What we have seen is a manipulative retention of reforms, with the government showcasing state-funded NGOs.

Two opposing views of Kazakhstan's future stand out. The optimistic view is that economic liberalisation and openness to western culture shall lead to openness to political changes under the next president. The pessimists suggest that the transition of power will not be smooth and a rise of populist nationalism might take place.

We still see the prevalence of the leadership pattern inherited from the Soviet tradition. There is no normal public politics and no notion of political parties. The labour movement is weak, the leaders prefer offering their people material benefits at the expense of civil activism.

External factors have also contributed to this situation. Kazakhstan is vulnerable to Russian and Chinese influence. Both are autocratic world powers, and they use loans as a means of establishing influence. Kazakhstan is in their zone of strategic interest. Russia dominates the information field in Kazakhstan, especially the television channels. Thus Kazakhstan could be seen as sacrificing human rights agenda to geopolitical considerations. There is also the issue of traditionalism and non-conventional Islam, and the alleged security concerns over the latter.

The western countries have also contributed to this situation. There have been significant failures in the western perceptions of Kazakhstan. There is a need to learn more about the country to change the existing stereotypes of Kazakhstan as Soviet, Muslim and weird. These perceptions have led to political errors, and the emasculated EU strategy is a good example. Kazakhstan should be compared to the European countries and not to its Central Asian neighbours. The West has been employing inefficient approaches in its foreign policy towards Kazakhstan. In order not to upset the state it considers a 'strategic partner', the West has employed a soft approach, sometimes too soft. The backing of Kazakhstan's bid for the OSCE chairmanship was substantiated by these strategic concerns. When the West realised it had been deceived, it switched to a utilitarian approach based on economic cooperation.

Possible recommendations for the West include a return to the values of modern international relations. The backing of the current regime in Kazakhstan is in no one's interest. Foreign representatives should insist on meetings with the opposition. It is ridiculous to think that the government would squeeze the oil companies out if criticised on human rights.

Kazakhstan's chairmanship of the OSCE was better than that of many other countries, there were many initiatives but the country has failed to meet its democratisation commitments. It was too easy for Kazakhstan to get into the OSCE. The consensus-based decision process runs counter to the organisation's authority, and it will be unable to upgrade to an organisation in which commitments are precise and mandatory. The international community should exploit the leadership's vanity and lust for international recognition, as shown by the application to the Council of Europe. An approach involving concrete procedures instead of memoranda will achieve more.

Tamara Kaleyeva

There has been debate as to whether Kazakhstan really needs help from the West. Central Asian countries are often considered alike and treated in a similar manner. However, there are many differences. For example, both Kazakhstan and Uzbekistan are led by presidents who are former first secretaries of the communist party. But while the democratic reforms have been rolled back in Uzbekistan, they continue in Kazakhstan. The best democratic environment is to be found in Kyrgyzstan, but there exists economic failure, etc. Kazakhstan has much in common with Uzbekistan, but the problems in Kazakhstan are less pronounced. There are 3,000 media outlets in Kazakhstan; but 500 in Tajikistan. Kazakhstan is in a unique situation due to its natural wealth and the many problems associated with it. It has had the same president for nineteen years. Huge national wealth has been privatised, though not in a transparent and objective manner. There is a single party parliament chaired by the president. When the president turned seventy, he was granted the title Leader of the Nation, which also guarantees freedom from prosecution.

There is a need and an opportunity to speak about the fact that there are reforms; their nature and speed is another matter. The most relevant and timely issue is that of the presidential and parliamentary elections in 2012. The president can run as many times as he likes and it has already been said that he will run again. That will hardly make parliament more diverse. The most vibrant issue is transparency and democracy in legislation and in practice. The CIS countries have always described the elections as honest, others have disagreed. Freedom of dissemination and obtaining information on the internet and television is also an issue. NGOs never see draft laws, it takes great effort even to be able to look at the finalised drafts, there is never an opportunity to participate in the development of legislation.

How could the West help? Unlike some countries, Kazakhstan accepts help. There are no new recipes, only the old ones: monitoring and observation, working together with organisations such as Reporters Without Borders and Human Rights Watch. Everyone understands how necessary monitoring is in order to move the situation forward. It is necessary to cooperate in a deeper and more detailed way; to work in partnership with national democratic institutions in order to promote specific suggestions. Cooperation with Freedom House is a good example, they know the situation well. Criticism of these organisations, accusing them of interfering in internal affairs is not justified. Such criticism usually comes from the authorities when the West tries to point out their lack of will to democratise.

Questions and discussion

A representative of the media mentioned a report on religious freedoms in Kazakhstan. While Kazakhstan is not the worst country in the region, it should not be forgotten that it has chosen to abide by certain obligations as a member of the OSCE and should therefore abide by them. The participant also mentioned that a new restrictive law on religions is being drafted, as the last one was rejected by the Constitutional Council; this points to a lack of political will for reforms. If there was enough political will, the government could abolish penalties for group meetings in private homes without legal permission, for example.

Another participant agreed that there has been no political will to promote democratisation in Kazakhstan. A chance to build strong institutions and an independent judicial sector to support the rule of law was missed in the 1990s.

A specialist argued that the panel has shown a lack of historical perspective in their treatment of democracy. If democracy is taken as a concept, it denotes a way of organising society. Democracy in the UK has changed considerably over the past 15 years. The panel has provided a narrow interpretation of what is a tool for organising human relations. Each country has its own way of developing; it is insulting to dismiss the Central Asian states, with their long histories and cultural traditions, as second class. As for religious freedoms, people rarely say that religious freedoms are the most important thing for them. We need a bigger picture of what people want: security and ability to live in stable societies. We should think more broadly of what human life requires.

One of the participants noted the need to understand the economic realities of the collapse of the Soviet Union and some of the fundamental characteristics of the FSU republics. Kazakhstan was very much a quarry for the soviet military. The participant recalled a statement by a former Kazakh minister that at the time of the Soviet collapse, 93% of the Kazakh economy was controlled from Moscow. Kazakhstan's economy is based on four or five large mining and resource industries. The government does not need the people and their taxes, it has its own sources of income. It is important to remember this when talking about the possibilities of democratic development in Kazakhstan. Foreign investment in the country is enormous. The main political risk at the moment is that the country is ruled by one man and no one knows what will come after him. If we see the emergence of a middle class, we can perhaps look toward a democratic development on that basis.

A Kazakhstani official said he was unclear about the first speaker's understanding of democracy as there seemed to be many contradictions in his presentation. He reiterated the need to focus on the country's economy. He argued for a need to find a balance between individual and collective rights, and said he considered democracy a mechanism for building a welfare society.

The speaker responded by saying that he does not think democracy is a dogma. It is a set of institutions and procedures that should work and should be substantiated by a functioning legislative basis. Many countries deemed democratic suffer from serious economic and social problems. It is very easy to look at the problems in democratic countries and conclude that democracy does not work anywhere. Does Kazakhstan have a special way of development? Yes, every country is special. But how good is this special way for the future of the country? A stable and safe environment is certainly a blessing, but will this last without the necessary institutions? The results of the alleged prioritisation of economic development in order to facilitate political reforms are weak. There are several industrial giants and the economy has grown, but it is still based on natural resources. It has not reached the next stage, it has not developed into a diversified economy.

A member of the audience argued that it is correct that Central Asia is not a monolith, but neither is the West. The western countries are different, and each has a different approach and policy regarding Kazakhstan's chairmanship of the OSCE, the events in Andijan etc. The participant also noted that while non-traditional Islam is a problem in other countries, it is not normally associated with Kazakhstan.

In response, it was suggested that "primitive traditionalism" is the main problem. Primitive traditionalism it is not to be confused with adherence to traditions. It was defined as a system based on cronyism, paternalism, surviving clan structures and closed elite circles. It can lead to a vulnerability to religious brainwashing given the dearth of other examples and a lack of space for civic activism. It is true that non-traditional Islam is not a major issue but it can become dangerous in this situation. It was also argued that there are forces among the elite that view non-traditional Islam as something they would like to promote.

A Kazakhstani official countered that this was too abstract. There are many definitions of democracy; one of them is that democracy is the force of the majority which respects the rights of the minority. 90% of Kazakhstan's electorate support President Nazarbayev and will continue to do so, thus the

parliament is ruling on behalf of the people. It is true that up to the mid-1990s there was a better situation in terms of democracy and freedom of speech. However, the President always said that democracy should have a solid economic basis and it was necessary to create a middle class. He separated economic and political reforms because it was difficult to work on both at the same time. Still, comparing the current situation with that of twenty years ago, one sees that gigantic changes have taken place. Now there are 3,000 media outlets, the opposition is well represented and often voices vociferous criticism of the government.

A specialist in the audience focused on the western approach to the human rights situation in Kazakhstan. It was noted that the US Secretary of State mentioned Yevgeny Zhovtis as one of people working on human rights in Kazakhstan, but also mentioned non-proliferation as a human rights issue. What would be an appropriate way for western officials to speak about human rights? Should the issue be raised only by international organisations?

In response, it was said that while it is difficult to come up with a recipe, some of the election observation reports are an example of how not to do it. It is true that these missions are under considerable pressure and have to choose their formulations carefully. However, when the observers say an election was democratic despite minor irregularities and praise it for being peaceful, it does not help the situation. The formulations should be as diplomatic as they should be truthful.

Another expert asked whether Russia has influenced Kazakhstan's chairmanship over human rights and whether it has cast any shadow over the government. It was argued that the chairmanship was used by Kazakhstan as a tool to display its own independence in the arena of foreign relations. Many expected Kazakhstan to try and reform the OSCE in terms of limiting the ODIHR and its mandate because of the statements released by CIS countries and orchestrated by Russia. The fact it did not happen speaks volumes about Kazakhstan's desire to escape from this influence. Russia has an influence in many respects but not in terms of the OSCE chairmanship. Russian influence is normal because of the deep historic ties. However, Russian domination in the media field is a cause for concern, especially when one remembers how the Russian media channels were used in elections that have taken place over the past few years.

The audience was interested in the possible explanations for the low level of civic consciousness in Kazakhstan. One of the participants wanted to know whether there has been any progress on reducing the registration fee for

political parties. In response, it was said that attempts have been made by political activists at the legislative level, that there have also been public campaigns to change the rules for registering political parties, but the situation remains as before. The OSCE promotes decriminalisation of information, and the chairing country should adhere to that. There have been discussions between the government and the activists, but there is a need for specific steps. There are only ten opposition media. One often hears hear that there are 6,000 NGOs and the state spends a significant amount of money to support them. But is a single tenge spent on reforming the election legislation? There have been many reports, but this does not show there is political will to build a really democratic state.

In conclusion, it was said that now is the time for political modernisation. The point in history when the country should take the next step was missed in Kazakhstan in the early 2000s. There was a pro-democracy movement, which was not oppositional, merely in favour of reform. Everyone remembers what happened to those people. There has not been a crackdown on religious organisations, and the amendments to the law on religions are meant to fight non-traditional Islam. It is true that 90% of the population are supportive of the president and there is no need to rig elections, but how long will it last and what will happen afterwards? When will economic and political reform be reunited? There is no public politics in Kazakhstan and no notion of political parties because the elections are not free and fair. Parties may emerge but if these are satellite parties, it will be obvious. If the opposition tries to register, it will hardly be possible; there are two supposedly opposition parties now - one is not registered, the other is not re-registered.

SESSION THREE: KAZAKHSTAN'S FOREIGN AND REGIONAL POLICIES

Yermukhamet Yertysbayev

As Napoleon once said, a state's policy is dictated by geography. Kazakhstan cannot help but have an active and independent foreign policy because of its geography – which means that fruitful relations with the US and EU are important. OSCE summits should be seen as indicative of Nazerbayev's foreign policy. The Astana summit was a triumph for the Kazakhstani people. Even three years ago Kazakhstan could not have dreamt of chairing the OSCE.

Concerning active regional cooperation, the Kazakhstani president has repeatedly said that a union of Central Asian states should be created. If Kazakhstan's economic market model is replicated across the region, Central Asia's weight in the world will increase. Kazakhstan does not aspire to be the regional leader, but it does have neighbours to whom it is very close. There is a common language, the people used to live in the same state, and they share similar cultures.

There has been some criticism directed at the Astana declaration but Hilary Clinton said that it is not the text that matters; what is important is how it will be implemented. In two or three years we may see improvements in conflict resolution. Perhaps future historians will attribute this success to the Astana summit. It was encouraging that many states highlighted our successful Chairmanship. Kazakhstan has held many events dealing with all three dimensions of the OSCE agenda. Many heads of states said that the OSCE is in crisis, and that it has been very slow in responding to numerous conflicts – including the recent one in Kyrgyzstan. Criticisms stand of how we reacted to the Kyrgyzstan crisis – like closing borders – but in order to avoid large-scale civil war in Kyrgyzstan we took the right decisions, such as facilitating Bakiyev's departure from the country. These steps were coordinated with the US and Russia.

Nargis Kassenova

Kazakhstan responded to the Kyrgyz crisis in Kyrgyzstan as both a neighbour and as Chair of the OSCE. Kazakhstan started negotiations, sent humanitarian aid, and also helped the Kyrgyzstani government in a bilateral format to implement an anti-crisis programme. More could have been done if

all the OSCE's resources were channelled into Central Asia. Kazakhstan seeks to punch above its weight in its foreign policy. Kazakhstan does not consider itself to be purely a regional player. Kazakhstan's foreign policy has been multi-vector and we can try and balance the interests of major actors like Russia and China by giving them access to resources and forming partnerships with them. Over the past few years this multi-vectored foreign policy has manifested itself in a number of ways. With regards to Russia, Kazakhstan has joined the Customs Union and takes part in joint air defence projects. As for China, Kazakhstan has received some military assistance in the form of equipment and training. Turning to the West, Kazakhstan has chaired the OSCE and is due to send officers to NATO HQ. Kazakhstan is the only Central Asian country with a Partnership Action Plan.

This foreign policy is not just concerned with national security but regime security as well. It is believed that a balanced approach to foreign policy provides greatest stability and security. The Russian vector has become more difficult. In terms of the political dimension, the Russian vector has become stronger, as was seen in the creation of the Customs Union. The idea of the Customs Union dates back to the early 1990s, but this time the decision was taken swiftly, because it was taken at the top. It is a political, not an economic project.

Fortunately, no external actor is interested destabilising Central Asia, so there are reasonable prospects for cooperation with external powers. But there is little potential for cooperation between the SCO and the EU; the approaches to security are simply too different. Kazakhstan once floated the idea of a creating a Eurasian security space. It sounds great, but what would the practical value be? The OSCE already cannot coordinate the different approaches to security amongst its members. In terms of cooperation between the CSTO and NATO, so far the latter has not been very enthusiastic about greater coordination. They are too different.

Overall, Russia is a natural partner for the EU in Central Asia despite the difficulties. In general, Russian engagement in the region is positive and is still a modernising force. It is still a provider of security in Central Asia, which was shown by Roza Otunbayeva's appeal for Russian help in the summer. Events in Kyrgyzstan also demonstrated that support for authoritarian regimes is not Russia's main aim; Moscow actually wanted to remove Bakiyev.

Questions and Discussion

From the floor it was argued that there is no common understanding or agreement on how conflict resolution in the region could be achieved. Kazakhstan's president is not concerned with being a regional leader; modernisation of the country is paramount.

One expert said that the assertion that cultural contact between the Central Asian countries is close is a myth; in recent centuries this has not been the case. In terms of frozen conflicts, one of the scandals of the OSCE is that it does not look at Cyprus; it needs to think about its responsibilities to all members. As to the recent crisis in Kyrgyzstan, she was not aware that the OSCE had an active presence in Kyrgyzstan over the past 10 years. The OSCE has constantly stressed the importance of early warning mechanisms – yet failed to see what was happening under its nose. What was the OSCE doing?

Another participant asked about the priorities for Kazakhstan's Chairmanship of the Organisation of the Islamic Conference. What tools exist to deal with Kyrgyzstan should it remain unstable? The response was that Kazakhstan's relations with Arab countries, the Middle East and Muslim states are very good. Astana needs to find finance in the Middle East and some Middle Eastern states are interested in good relations with Kazakhstan. Astana plans to hold events on religious tolerance. It is important to carry out deep modernisation in Kyrgyzstan. It is smaller than any Kazakhstani oblast, has a population of around 4 million, 97% of the country's territory is mountainous and unemployment is very high.

One participant asked Mr Yertysbayev what the Russian motive was for Kazakhstani membership of the Customs Union. He responded that the Kazakhstani president wants a competitive economy for his country and is always against a protectionist economic policy. He believes that membership of the Customs Union will stimulate the economy and genuinely make it competitive; this was the key driver behind the creation of the Union. Kazakhstan shares a lengthy border with Russia and 70% of Kazakhstan's imports come from Russia. This is a purely pragmatic approach and any suggestion of further political reintegration is fantasy.

It was pointed out that Kazakhstan is the largest producer of uranium in the world and is going to move from being a net importer of capital to being a net exporter of capital. How will Kazakhstan deal with people approaching it for oil, uranium and money? Yertysbayev answered that Kazakhstan should

learn to live without oil. All oil revenues are automatically channelled into the national fund. Dutch disease will be lethal for Kazakhstan.

Another participant asked the political advisor how he thought Kazakhstan had fared on the issue of conflict resolution. His response was that the presidents of Russia and Georgia had their first face-to-face meeting after the Astana summit – an important achievement. Both men said that they were willing to seek greater dialogue and the speaker was confident that both countries will find a way to resolve this conflict over the next five years: politicians can make mistakes but nations cannot. Concerning Nagorno-Karabakh, the problem is that the roots of this conflict are very deep. We have broached the subject of Kosovo – but the OSCE is split on this issue. For 56 countries to find a solution on South Ossetia, Abkhazia or Nagorno-Karabakh is very difficult, but all states have stated their willingness to do so. Kazakhstan devised a resolution on the protracted conflicts but it never believed it could solve them in one year. But Kazakhstan has managed to bring the parties to one table and establish dialogue on the conflict areas.

SESSION 4: THE FUTURE OF THE OSCE

The OSCE could be said to be built on three premises: to promote a norms-based rather than power-based international system in Eurasia; to establish a formal and institutionalised link between security in the state and security between states; and to establish an effective and inclusive security institution. These three objectives are not necessarily compatible or convergent. To what extent has Kazakhstan affected this balance? What conditions does it leave for the new Chairman (Lithuania)? The OSCE has accomplished some concrete things in relation to conflict resolution, human rights and minority rights, and it has *de facto* a large measure of autonomy from the governments of the member states.

Vladimir Shkolnikov

It is necessary to consider how obtainable the OSCE goals were to begin with. What would the world without the OSCE be like? The OSCE essentially deals with all kinds of inconvenient issues in international relations, such as human rights and frozen conflicts. It is the only European organisation to include the Central Asian states. It was designed by the West to talk to Russia and its neighbours. Usually, one sees a bilateral communiqué issued by two presidents which says they will deal with each other regarding certain issues within the UN and OSCE framework. Talking to the current generation of OSCE diplomats, one gets the impression that the OSCE is a waste basket for inconvenient issues. Yet when the situation in Kyrgyzstan escalated, the OSCE special representative for Central Asia argued that the OSCE was in the best position to act when the UN refused to take up the issue.

Regarding the issue of principles, commitments and norms, many portray the Astana summit as a failure. The Astana declaration says that human rights are a legitimate concern of all countries, and not interference in another state's affairs. This language is probably not a failure, and it is probably due to Kazakhstan's chairmanship that this happened. Even the most critical Kazakhstani NGOs did not see the summit as a failure or sham.

Could the OSCE's activities be performed by someone else? There is a very unique OSCE peer-review forum on human rights and democratic commitments, where each country is reviewed once every four years. There is also the Representative for the Freedom of Media, who deals with issues like regulation of the internet which not many people understand.

The issue of effectiveness is an issue of political will - it depends on the participating states. In South-Eastern Europe, the states had the will to work through the OSCE. This is why chairmanships are important. The situation is similar regarding the issue of frozen conflicts. For example, the EU and UN did not achieve any more success in Cyprus than the OSCE in other frozen conflicts. It would be difficult to replace the OSCE.

Is the OSCE in crisis? It is important to note that no Chairmanship has done as much damage to ODIHR as the Belgian one in 2006. And the steps it took in order to defuse the tension between Russia and the West. We have seen a lot of interest in Kazakhstan's Chairmanship, we do not see the same interest in the Lithuanian or Ukrainian chairmanship in 2011 and 2012. Is this because of the organisation's ineffectiveness? Instead of discussing the so-called crisis in the OSCE, the focus should be on what the OSCE does and what it can do. Kazakhstan's chairmanship has been successful in making sure that Russia does not impede the proceedings. Whether this will continue is another question. Also, the focus on Central Asia that the Chairmanship has created is good and should continue.

Rick Fawn

It is important to clarify the criteria of assessment and consider the position the OSCE is in. It is said that it has traded inclusiveness for the capacity to act. It does not have a legal personality and it was created without any criteria. It is dealing with the hardest politics around. Five or six years ago, we would have asked whether the OSCE was facing disaster or death. This would be to forget the success in the Balkans. Today, we are asking about the future. It is rare to see any particular interest in any given OSCE Chairmanship. So the Chairmanship this year has been extremely important for the public profile of the Organisation.

It was previously said that if the West does not respect the OSCE, why should other countries? This is a question about managing tensions; a question of whether we want an inclusive body or a norms-based one. A part of the ongoing success of the OSCE is that it offers a package. It offers various things to different countries. The dissidents in Eastern Europe acquired political space and political security from the OSCE norms. A part of the answer to the tension between norms and inclusiveness is to continue with the balance, to continue to offer different things. Offering specific projects is a part of this. Some of the projects may seem farcical. However, some countries that had wanted to scale down their involvement were brought back

because of the projects such as management of the Tajik-Afghan border. There was a joke that the OSCE was training dogs in Uzbekistan when the events in Andijan occurred; this is of course horrible but maintaining this kind of presence might keep the OSCE principles active.

Democracy and human rights are not the same thing, they overlap. For democracy one needs human rights, pluralism etc. The OSCE is extremely important in addressing these two things as entities in themselves. Some countries fear that the OSCE's attitude is comprehensive and interested in long-term processes. I am not convinced there is anyone else doing this. It is a very easy to emulate international election observation; on many occasions officials say that international observers had monitored the election and said it was fine. These observers are often unnamed. The OSCE offers election monitoring, but this can sometimes appear threatening to other countries. The process is overcritical and undercritical at the same time. It is very difficult undertaking and some trade-offs may be being made, but if the OSCE continues to offer other benefits, we may see more long-term provisions. It is difficult to talk about the achievements in a single year. The holding of a summit is a success; it pushed some countries to reconfirm their commitment to certain values, which provides an opportunity to apply pressure and maintain oversight.

Questions and Discussion

At this point, it was noted that the annual review should not become synonymous with reviewing the Chair. An expert said that Turkmen officials recently quoted the OSCE as praising an election; however the OSCE denied this. Is there not a danger if declarations of political consensus are considered an achievement in itself?

In response, it was said that it is necessary to go back to the criteria used. Many achievements are intangible, but there have been reaffirmations. It was also noted that the member states often forced ODIHR to cooperate on the election statements made on the days after the election, these statements were often very mild. There should be a statement by every organisation instead of a joint one.

A Kazakhstani official praised the speakers for their realistic approach. He said that the first period of the organisation's existence was devoted to overcoming the legacy of the Cold War. The FSU republics joined in 1992. The OSCE has changed since but the legacy of the Cold War perceptions

could still be felt. For example decisions were often blocked by Turkmenistan, Uzbekistan and Belarus and these countries rarely participated in discussions of draft statements. Yet this year they were the most active participants. Is this not progress, a confirmation that the organisation is alive? Another new feature is that before last year the talks were usually about European security, but have now shifted to Eurasian security.

It is important that the Europeans are ready to shift from European to Eurasian thinking on security. However, many principles are not clearly defined. There are contradictions in the UN principles. Without examining this, we will lose the opportunity to agree and prepare a well balanced agenda. It is time to go from informal to formal discussion on this issue as it would provide a substantial impetus and contribution to OSCE activities.

At this point, it was noted that there may be a good reason for not having a definition of concepts such as terrorism. Nevertheless, one often sees a lack of clarity, and many differences of meaning when different people use the same concepts.

One of the experts commented that raising awareness means many things; it puts a responsibility on the OSCE to renew efforts, there is responsibility to those who need these efforts. It has been said that the OSCE was unbalanced, particularly ODIHR and its election observation. However, ODIHR has done a great deal. The countries' participation has increased tremendously. There is a great deal of inclusiveness and balance in this area, the issue of double standards has been addressed, and that is a part of the package of raising awareness and moving forward.

A member of the audience noted that the view of the media and academics is often much more critical. For example, during the war between Georgia and Russia the Organisation was sidelined by the EU and forgotten. Over the past year, several journalists in OSCE member states were threatened, six were killed. It is not right to congratulate ourselves and say we need consensus; we are going backwards. The OSCE has moved from insistence on democracy to adjective democracy, to sovereign democracy. One cannot have everything, but when the western governments give up on raising these principles in favour of consensus, the game has been lost.

An expert argued that the OSCE should be much more critical. It needs to do a better job of explaining what it does and showing results. For example, a significant amount of money was spent on the project of early warning and conflict prevention in Kyrgyzstan, and yet they were found completely

ineffective when there was a major conflict. Secondly, Kazakhstan has done a huge amount to try to break the logjam and discuss difficult questions, to raise issues and move things forward. It is interesting that so many member states were reluctant to come to the summit. They themselves sent a message that they do not think the organisation is a priority. Hopefully, we will see more regular meetings.

A member of the audience argued that the possibility of the events like those in Osh reoccurring is quite probable. What will happen next time? What practical lessons have been learnt?

In response, it was said that this question relates partly to the issue of the public image of the OSCE. No chairmanship admits failure. Regarding the alleged failure in Georgia, was it the OSCE or the EU that failed by taking responsibility and bypassing the OSCE? It was also noted that the debate should be on what we can expect from the OSCE. It is important to realise that we are dealing with a group of countries which can bypass the OSCE if they are pushed. Much of Central Asia could have been lost in 2005. There are other options - CSTO, SCO. The question is whether we should make concessions to keep these entities alive. It is a question of difficult choices and compromise.

One of the NGO representatives argued that the situation of the OSCE was not the best when Kazakhstan took over the Chairmanship. It was known that Kazakhstan was not adhering to OSCE principles. But what next? One can praise or criticise the Chairmanship, but it is important that we do not see a big rollback in 2011. Also, it has been argued that economic development is tied to political rights, without these, one cannot speak of economic success. Yet in 1948 when the Soviet bloc argued that it is important to include economic rights into the Universal Declaration of Human Rights; a British expert said the document was prepared not for fed slaves but for hungry free people.

Regarding the future of the OSCE, another participant noted that the OSCE may have a unique mandate and membership, but it seems that the Organisation is now turning into a polite club, which countries together and then leaves them with the same problems; the OSCE is not instrumental in providing decisions and solutions to problems. Also, the reason why the OSCE is not covered well in the news is that people do not know what it is and why it exists. The OSCE was hugely overestimated by the media and observers when Kazakhstan expressed an interest in the Chairmanship. This was because people went back to the Helsinki document and realised the

organisation was meant to promote democracy and spread reform to the East, and this led to criticism. It will probably remain an Organisation for border control and training. When people criticise the OSCE, they are usually referring to its work in the third 'basket'!

A representative of the media noted that some people have tried to avail themselves of the opportunities that OSCE offers. They ask for help and the OSCE has provided none.

In response, it was said that the future of the OSCE is its past. Many are dissatisfied with the Organisation but the situation could be far worse. If the OSCE ceased to exist, even the little help there is now would not be available. The EU does not have a coherent policy towards Central Asia. It was established this year that the OSCE Chairmanship is not an effective tool for democracy and human rights promotion in the Chairing country. It had been hoped that the Astana summit would be about the human dimension, but what stopped consensus and ultimately killed the action plan in Astana is the issue of frozen conflicts. The future of the OSCE may be connected with that rather than the human dimension.

In conclusion, a question was raised about whose failure it is when the norms advocated by the OSCE are not observed and nothing is done. Is the OSCE to blame, or is the UN, or the Council of Europe, or someone else? It is possible that some people have overestimated what the OSCE could do. But who would have anticipated in mid-1990s that the OSCE would be chaired by Kazakhstan? In 2000 the Deputy Foreign Minister of Russia said he flatly opposed OSCE involvement in the countries east of Vienna. The future of the OSCE is thus very much an open question.