

France and the OSCE

This year, as the OSCE commemorates the 30th anniversary of the Helsinki Final Act, it also enters a phase of uncertainty. If the Organization's *acquis* is to stand the test of time, it is necessary that the trust that once prevailed between Russia and its Western partners within the Organization be re-established. At the same time, however, it is thanks to this very crisis of trust that the OSCE, whose role in diplomatic consultations between the main capitals had significantly diminished, is now once again on the agenda in talks between European, Russian, and American high-ranking officials. France has contributed considerably to this by engaging in an intensive dialogue not only with Russia, but also with Germany, the USA, the UK, and its other partners in the European Union. This is also the context in which France's candidacy for the post of OSCE Secretary General should be seen.¹

The OSCE's Remarkable Acquis

Thirty years of the Helsinki Final Act have proven how important it was, and still is, to go down the path that has been followed since the passing of the Decalogue of Principles in 1975 – ten statements that have lost none of their relevance in 2005. Today, just as thirty years ago, refraining from the threat or use of force, commitment to the peaceful settlement of disputes, and acknowledging the inviolability of frontiers go hand in hand with respect for human rights and the fundamental freedoms of thought, conscience, and religion or belief.

However, even if the OSCE's common commitments may have lost none of their validity, they apply today to an "OSCE space" that has little in common with the Europe of 1975. The CSCE and – since the Budapest Summit Meeting of 1994 – OSCE have facilitated the provision of support to countries in Eastern and South-eastern Europe, the Caucasus, and Central Asia in their transition to democracy and respect for human rights. Equipped with the appropriate institutions, the OSCE was also able to contribute to ensuring that the participating States could fulfil their commitments. Since the beginning of the 1990s, for example, the Office for Democratic Institutions and Human Rights (ODIHR) has been gathering globally recognized expertise in the field of election observation. This proved particularly valuable in monitoring the elections of 2003, 2004, and 2005 in Georgia, Ukraine, and Kyrgyzstan, respectively, which were crucial for the democratic transforma-

1 On 10 June 2005, the French diplomat Marc Perrin de Brichambaut succeeded the former Secretary General of the OSCE, Ján Kubiš.

tion of those countries. France regularly provides ODIHR with short and long-term observers; it also dispatched staff to the Election Support Team during the presidential and parliamentary elections in Afghanistan, one of the OSCE's Partners for Co-operation.

Seventeen field missions in Central Asia, the Caucasus, and Eastern and South-eastern Europe are presently providing their host countries with assistance in a range of areas, including the destruction of small arms and ammunition, police-training, advising on media law and the law on political parties, inter-ethnic dialogue, and the fight against corruption. The OSCE Centre in Bishkek, for instance, was quick to offer Kyrgyzstan assistance in overcoming the crisis it faced in the spring of 2005. It played a significant role in preparations for the presidential elections, which had been brought forward, and enhanced its police-training activities in which France, at the request of the Senior Police Advisor to the OSCE, Richard Monk, has participated for many years, seconding both paramilitary (*gendarmérie*) and regular police. France has also provided other OSCE missions with personnel on a regular basis, including the heads of the OSCE missions in Kosovo (until March 2005) and Tajikistan. Furthermore, France has granted missions extra-budgetary funds for the financing of projects in connection with democratic governance (rule of law, combating corruption, trafficking in human beings) and has sent experts (e.g. on the destruction of ammunition in Tajikistan) to the missions. French embassies in host countries are required to work with the OSCE missions and to participate in joint projects.

New Commitments

To be able to respond to new challenges, the OSCE participating States have taken on a number of new commitments:

- *Action Plan to Combat Trafficking in Human Beings*: This plan aims to tackle the problem in countries of origin, transit, and destination. France vehemently opposes this new form of slavery, makes contributions to ODIHR administered funds to combat people trafficking, and has, on numerous occasions, welcomed the new OSCE Special Representative on Combating Trafficking in Human Beings, Helga Konrad, to Paris to inform her of its measures in this area. France held a regional conference on this topic in Bucharest in co-operation with Ms. Konrad.
- *Combating Anti-Semitism and Racism*: France's Jewish community is the largest in Europe; it also has a significant Muslim population. France has actively participated in the OSCE Conferences on Anti-Semitism and Racism in Vienna, Berlin, Brussels, and Cordoba. Both government representatives and public figures such as Simone Veil, Robert Badinter, the Deputy Pierre Lellouche, and Dalil Boubaker, Rec-

tor of the Muslim Institute of the Paris Mosque and Head of the French Muslim Council, warned against an increase in anti-Semitic and racist acts and expressed their support for the OSCE's efforts to persuade participating States to tighten their criminal laws and promote mutual respect. France has also supported the Programme on Tolerance and Non-Discrimination developed by ODIHR, whose Director, Christian Strohal, has been received in Paris many times.

- *Combating Terrorism:* French experts participate in workshops organized by the OSCE's *Action against Terrorism Unit* (ATU) and provide assistance to projects in countries hosting OSCE missions (such as a study of travel document security in Macedonia). France shares its experience in combating terrorism with other participating States. In April 2005, for instance, at the request of Brian Woo, the Head of the ATU, France gave a presentation in Vienna on co-operation between the French and the Spanish police and judiciaries.

The European Union within the OSCE Framework

The 25 member states of the EU, as well as the states associated with it, support the OSCE in the framework of complementary relations between Brussels and Vienna. The criteria that EU candidate countries must fulfil in the areas of democracy and rule of law, protection of human rights, and respect for and protection of minorities are, to a large extent, identical with the commitments that they have undertaken within the framework of the OSCE. Some of the objectives of both organizations – as well as those of the Council of Europe – are very similar.

France supports a more active role for the European Union within the OSCE, including, for example, the allocation of funds by the European Commission for the financing of certain high priority projects (economic reconstruction of South Ossetia, the destruction of small arms and ammunition, police assistance in Kyrgyzstan). For example, France included the OSCE Conflict Prevention Centre in a consortium that received subsidies from the European Commission under the programme Community Assistance for Reconstruction, Development and Stabilization (CARDS) with a view to helping the countries of South-eastern Europe secure their borders. The adoption of a document by the EU Council of Foreign Ministers in December 2004, in which the priorities of the 25 EU member states within the OSCE are laid out, was also borne of France's initiative.

A Phase of Uncertainty

Recently, and since 2003 in particular, relations between Russia and its Western partners have entered a phase of uncertainty that has compromised the OSCE's ability to function. At the Ministerial Councils of Maastricht in December 2003, Sofia in December 2004, and Ljubljana in December 2005, the participating States failed to reach a consensus and thus to adopt a common political declaration. In 2004, Russia and several other CIS states published two declarations (first in Moscow, and later in Astana) in which the signatories levelled strong criticisms at the OSCE and demanded that the Organization be reformed. The individual points of critique have since become widely known: accusations of "double standards" in assessing how states have implemented their commitments concerning democratic institutions and elections; criticism of an imbalance in the work of the Organization that favours the human dimension at the expense of the politico-military and economic-environmental dimensions; and a rebuke that the written reports of ODIHR election observers are excessively political instead of being limited to matters of fact. As a result, and following Russia's demand that its level of contribution to the Organization be significantly decreased, the OSCE found itself with neither a budget nor a scale of contributions in the spring of 2005. Furthermore, Russia terminated the OSCE Border Monitoring Operation (BMO) on the Georgian-Russian border.

The impasse caused by Moscow led some participating States – notably France – to start discussing ways of restoring the OSCE's functional capability. Foreign Minister Michel Barnier used the annual French-Russian consultations on security questions held in Moscow on 20 and 21 January 2005 to extensively discuss the OSCE with his Russian colleague, Sergei Lavrov. At the request of the ministers, the representatives of both countries have since met to discuss ways of solving the various problems.

These consultations helped to improve the atmosphere at the Ljubljana Ministerial Meeting, which was attended by Barnier's successor, Philippe Douste-Blazy, and where agreement was reached on the scale of contributions and the OSCE's budget, among other things.

The Organization's Trump Cards

In order to hold on to the OSCE's remarkable *acquis*, trust between Russia and its Western partners must be restored. This year, as we celebrate the 30th anniversary of the Helsinki Final Act, we need to grasp the opportunity to end the deadlock that is currently paralysing the Organization.

First, we should take a close look at the OSCE's trump cards:

- Under Chapter VIII of the Charter of the United Nations, the OSCE is the only regional security organization in which Russia, the entire EU, and all the countries of North America, Central Asia, the Caucasus, and South-eastern Europe come together as equals. While Russia has entered into dialogue with the EU and NATO, it has done so only as an external partner who does not belong to these organizations and has no wish to join.
- Due to its comprehensive concept of security, the OSCE is required to deal not only with a diverse spectrum of existing tasks within the three dimensions of security – the politico-military, the economic-environmental, and the human – but also to take on new challenges, such as combating terrorism, trafficking in human beings, racism, anti-Semitism, and much more. The OSCE is virtually tailor-made to deal with the new security threats to its participating States (border management concerns, ammunition stockpiles, money-laundering, organized crime, etc.).
- Finally, within the OSCE, there is the principle of consensus, which guarantees that all participating States are treated equally. Negotiations must continue until a compromise is reached that is acceptable to all. The consensus rule should contribute to building more trusting relations between the participating States, as the viewpoint of each state – even the smallest – must be given equal consideration.

Restoring Trust between Russia and the West

In order to restore the trust of all the participating States in the Organization, a first priority must be to strengthen the politico-military dimension, which is currently underdeveloped. With the failure to ratify the 1999 Adapted Treaty on Conventional Armed Forces in Europe (ACFE) and the lack of new initiatives on the part of the Forum for Security Co-operation, it may appear that the politico-military dimension is no longer moving forward. But the OSCE should certainly not be ashamed of its achievements with regard to military confidence-building and the establishment of transparency in the transfer of small arms and ammunition. On the initiative of France and the Netherlands, for instance, the Maastricht Ministerial Council adopted a document on stockpiles of surplus ammunition, which is currently being implemented on the ground in Tajikistan, Kazakhstan, and Kaliningrad. The OSCE should also do more to create awareness of the scope of its commitments in the politico-military dimension, particularly in the United Nations and other regional organizations, which might be interested in learning from the OSCE's experiences.

There is, however far more that needs to be done: Existing documents must be updated to cope with the new terrorist threats and problems such as the proliferation of weapons of mass destruction. In November 2005, France

proposed new initiatives to the Forum for Security Co-operation, such as curbing air-transport of trafficked SALWs and ammunition, sub-regional CSBMs, and the universalization of the Ottawa Treaty on anti-personnel mines. As already proposed by Russia, a seminar on military doctrines should be arranged to discuss, in particular, the possible adaptation of OSCE documents to new developments in military strategy and technology.

The OSCE could also expand its activities in the uncontroversial area of combating terrorism. Here, however, it is not the Organization's task to establish new norms that would only duplicate or create complications for those that have already been drawn up by the UN and other organizations. Instead, the OSCE could create a pool of national experts for each specific type of threat and offer assistance to states whose ability to react to threats is limited. In October 2005, therefore, at the suggestion of France, the OSCE organized an expert meeting on questions relating to the use of the internet for terrorist purposes, such as the collection of funds, recruitment of members, the spread of propaganda, and the preparation of terrorist acts.

In the area of conflict prevention and conflict management, the OSCE could become more involved in seeking a solution to the problems in South Ossetia, Transdniestria, and Nagorno-Karabakh. While the Organization alone cannot guarantee a solution to the so-called frozen conflicts, its role should not be underestimated. In South Ossetia and Transdniestria, it offers numerous confidence-building measures. The EU, which recently appointed a Special Representative for Moldova, could be more resolute in its support for the OSCE's efforts, particularly as regards financial support. The latest fact-finding mission to Nagorno-Karabakh, which was led by Germany at the request of the three co-chairs of the Minsk Group (the USA, France, and Russia), also represents a contribution to the restoring of trust.

The OSCE's economic-environmental dimension is lacking dynamism. Of course, the OSCE is not a development organization – in contrast to the EU, which has developed assistance programmes for its “new neighbours” in Eastern Europe, including the states of the Caucasus. Nonetheless, the Organization could offer its participating States support with matters such as the implementation of the United Nation's Convention against Corruption and the establishment of modern border management practices to fight the various forms of trafficking by facilitating legal trade and passenger traffic. Russia's recommendation that the OSCE's 2006 Economic Forum deal with the issue of pan-European transport networks is more than justified. Emphasis could be placed on opening up regions that are either affected by conflicts (Caucasus) or are insufficiently integrated (Central Asia). The expertise of the European Commission should be drawn upon with regard to all these questions and not only leveraged within the context of EU-Russian economic co-operation, but also brought to bear on the considerably larger geographical space of the OSCE.

In the end, the achievements of the OSCE's human dimension must be conserved and developed further. ODIHR should employ more observers from countries "East of Vienna" in its election monitoring activities. For the third round of the Ukrainian presidential elections, for instance, France financed the participation of some 20 observers from Bulgaria, whose ability to speak Russian significantly facilitated the mission. France is willing to enter into all kinds of discussions on the modalities of election observation, as long as the effectiveness of such missions is not called into question.

To combat intolerance, the participating States must fully comply with the commitments into which they have entered. This includes the prosecution of racist and anti-Semitic acts, and the promotion of mutual respect and tolerance in schools and the media. In this context, the OSCE Paris Conference, which was opened by then Foreign Minister Barnier and Chairman-in-Office Passy, recommended in June 2004 that particular attention be paid to the internet. In the OSCE context, the participating States can exchange information regarding measures to promote the integration of immigrants, to combat all kinds of discrimination, and to protect and reintegrate victims of human trafficking (particularly women and children). On 28 and 29 April 2005, ten years after the World Conference on Women in Beijing, France hosted a conference on the topic of violence against women, which was co-financed by the OSCE. Attendees included Foreign Minister Michel Barnier; the Chairman-in-Office of the OSCE, Dimitrij Rupel; the Director of ODIHR, Christian Strohal; the OSCE Special Representative on Combating Trafficking in Human Beings, Helga Konrad; and the OSCE's Senior Police Advisor, Richard Monk. In September 2005, the Personal Representative of the OSCE Chairman-in-Office on Combating Anti-Semitism, Gert Weisskirchen, and the Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims, Ömür Orhun, visited France and reported on French legislation and good practices in these areas.

Better Co-ordination of OSCE Activities

The OSCE could improve the effectiveness and raise the profile of its many diverse activities if it made better use of synergies between, for example, its field missions, institutions, the Personal Representatives of the Chairman-in-Office, and the Parliamentary Assembly. In the spirit of the decision adopted by the Ministerial Council in Sofia, the Secretary General – under the guidance of the Chairman-in-Office – could be tasked with co-ordinating the Organization's work as a whole. In order to avoid duplication and to enable a co-ordinated approach, the Secretary General maintains co-operative relations with colleagues in other international and regional organizations (UN, EU, NATO, Council of Europe, the Organization of the Islamic Conference, the Arab League, etc.). The Ljubljana Ministerial tasked the Secretary Gen-

eral with preparing an OSCE contribution to the Alliance of Civilization launched by Kofi Annan. At the same time, the Secretary General embodies the institutional memory of the Organization. Finally, the Secretary General should be available to help the participating States to find solutions to crises and conflicts – as he has already done in working together with the Chairman-in-Office in Ukraine, Kyrgyzstan, and Uzbekistan (in the aftermath of the Andijan crisis). A more ambitious media policy would also bring the Organization considerable benefits by allowing it to publicize both established activities and emerging new tasks.

Working in concert with key partners, France is using all the means at its disposal to help overcome the problems the OSCE has faced in 2004-2005. It should thereby be possible for the Organization to make a fresh start and to restore trust between all parties. Clearly, the differences of opinion between the participating States will not disappear overnight. Nonetheless, the OSCE can return to being a real forum for dialogue, where everything that concerns our common security in the broadest sense can be discussed without acrimony.