

In the Absence of a Summit, Is the Ministerial Council Going Round in Circles?

In a push for greater institutionalization of the then CSCE, the “Council of the CSCE” first saw the light of day in 1990. According to the Charter of Paris, it consists of the foreign ministers of the CSCE/OSCE participating States and “provides the central forum for regular political consultations within the CSCE process”. As a rule, it was to meet “regularly and at least once a year” in a different location each time and was to be chaired by the “representative of the host country”. It was assigned the task of considering issues relevant to the CSCE and taking “appropriate decisions”, as well as preparing the summit meetings and implementing their decisions.

In 1994, the Budapest Summit decided to rename the Council of the CSCE the Ministerial Council, and declared that it was the “central decision-making and governing body”, that would “as a rule” convene once a year in the Chairman-in-Office’s country towards the end of his or her year in charge.¹

Between 1991 and 2007, the Ministerial Council met 15 times.²

Ministerial Meetings in Summit Rhythm

1.	Berlin	19/20 June 1991
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1a	Additional Meeting in Moscow	10 September 1991
2.	Prague	30-31 January 1992
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2a	Additional Meeting in Helsinki	24 March 1992
3.	Stockholm	14-15 December 1992
4.	Rome	30 November - 1 December 1993
5.	Budapest	7-8 December 1995
6.	Copenhagen	18-19 December 1997
7.	Oslo	2-3 December 1998

1 CSCE, Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1994*, The Hague 1997, pp. 145-189, here: p. 154.

2 Prior to the institutionalized series of meetings listed here, the CSCE foreign ministers met on 1-2 October 1990 in New York.

In the years 1994, 1996, and 1999, summit meetings were held but there was no additional Ministerial Council meeting. The last summit took place in Istanbul in 1999. According to the schedule agreed at Helsinki in 1992, this should have been held in 1998, and a further summit held every two years thereafter. As a result of this – ongoing – deficit, ministerial meetings have been held every year.

Non-Summit Ministerial Meetings

8.	Vienna	27-28 November 2000
9.	Bucharest	3-4 December 2001
10.	Porto	6-7 December 2002
11.	Maastricht	1-2 December 2003
12.	Sofia	6-7 December 2004
13.	Ljubljana	5-6 December 2005
14.	Brussels	4-5 December 2006
15.	Madrid	29-30 November 2007

According to the recently adopted OSCE Rules of Procedure, the “Ministerial Council [...] is the central decision-making and governing body of the OSCE *between Summits*.”³ However, as mentioned above, the OSCE has failed to hold a single summit meeting since 1999. Can it be argued on this basis that the OSCE has lost its summit-making potential? In view of this question, this contribution shall consider the role of the OSCE Ministerial Council as effectively the OSCE’s highest organ since 1999, that is, since the Eighth Ministerial Meeting in Vienna.⁴ In doing so, I shall consider in relation to each

3 Organization for Security and Co-operation in Europe, Rules of Procedure of the Organization for Security and Co-operation in Europe, MC.DOC/1/06 of 1 November 2006, reproduced in this volume, pp. 353-376, here: p. 357 (author’s emphasis).

4 For details of individual Ministerial Meetings, see: Victor-Yves Ghebali, The Vienna Ministerial Council Meeting and Its Aftermath: Coping with the Russian Malaise, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 29-38; Heinz Vetschera, The Bucharest Ministerial Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 315-328; Kurt P. Tudyka, The Dutch Chairmanship: From Porto to Maastricht, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 433-445; Kurt P. Tudyka, The Bulgarian Chairmanship Between Crises, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 287-301; decisions and other documents adopted at the Ministerial Councils are reprinted in the respective

dimension the thesis that the number of decisions whose content is redundant has grown more rapidly than the number of decisions as a whole. The corollary of this is that the number of decisions with innovative content is supposed to have declined. I shall also consider the documents and declarations or statements adopted.⁵

Decisions

At the eight ministerial meetings during the period under consideration, the Ministerial Council adopted 113 decisions, of which twelve related to the first dimension, seven to the second, and 37 to the third; 57 concerned organizational matters.

Number and Type of Ministerial Council Decisions (2000-2007)

<i>Meeting</i>	<i>Decisions</i>	<i>1st Dimension</i>	<i>2nd Dimension</i>	<i>3rd Dimension</i>	<i>Organizational</i>
Vienna	7	0	0	1	6
Bucharest	13	1	0	5	7
Porto	11	0	0	2	9
Maastricht	11	2	0	4	5
Sofia	19	4	2	6	7
Ljubljana	19	2	2	10	5
Brussels	21	3	2	6	10
Madrid	12	0	1	3	8
<i>Total</i>	<i>113</i>	<i>12</i>	<i>7</i>	<i>37</i>	<i>57</i>

At every meeting, the number of decisions in the third dimension was higher – usually significantly higher – than in the other two dimensions, and there were usually more concerning the first dimension than the second. However, not all third-dimension decisions were as slanted towards human rights and democracy as the critics who complain of a blatant imbalance and one-sidedness in the OSCE’s decisions would suggest. The third dimension now

OSCE Yearbook for years up to 2002 (Porto). Thereafter, they are available on the OSCE website, at: www.osce.org.

5 All documents adopted by a decision-making body, including decisions, declarations or statements, reports, letters, and others are referred to in OSCE terminology as OSCE decisions or OSCE documents and labelled “DEC.” or “DOC.”, respectively.

also includes topics such as policing issues and combating terrorism, which actually comprise an area distinct from the “classical” third-dimension problem areas or appear to be cross-dimensional.

The large number of decisions – approaching half – that concern the internal existence of the OSCE itself, organizational aspects, might appear surprising. Of course, some are regularly recurring formal resolutions, such as the determination of the time and place of the next ministerial meeting and the coming Chairmanship. Such organizational decisions are often the end result of a long tug of war, and that is particularly true of those concerning personnel, such as the appointment of the heads of the various institutions and the Secretary General, or the renewal of their contracts. Very few decisions break new ground or lead to spectacular changes.

Organizational decisions taken at the Ministerial Councils of Bucharest in 2001 (on the role of the OSCE as a forum for political dialogue) and Porto in 2002 (on the development of an OSCE Strategy to Address Threats to Security and Stability in the 21st Century; on the establishment of an annual security review conference; and on the role of the Chairmanship-in-Office) strengthened the OSCE and set the Organization’s course for the future. In Maastricht in 2003, the decision to create an OSCE Counter-Terrorism Network was a major organizational change. Sofia 2004 added decisions on the role of the Secretary General; on improving the efficiency and effectiveness of the Economic Forum; and on the creation of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE. The most important organizational decision taken in Brussels was the formal adoption of the previously agreed Rules of Procedure for OSCE bodies.

There has been a plethora of decisions in the third dimension, though their significance varies considerably from case to case. The most notable example is the comprehensive decision on combating terrorism adopted in Bucharest in 2001 – three months after the 9/11 attacks on the USA. The decision on the OSCE’s police-related activities was also significant. At Maastricht in 2003, two extremely detailed and well-prepared decisions were passed in the area of human rights and minority protection: one on combating trafficking in human beings and the other on an action plan to improve the situation of Roma and Sinti within the OSCE area. Two equally detailed decisions were taken at Sofia in 2004 and two more at Ljubljana in 2005: on tolerance and non-discrimination (Sofia) and on promoting mutual respect and understanding (Ljubljana); and on the action plan to promote gender equality (Sofia) and to prevent and combat violence against women (Ljubljana). Two further decisions were taken at Brussels in 2006, which were distinctive from the other third dimension decisions, at least in terms of their subject matter. The first dealt with organized crime and the second with the sexual exploitation of children.

The situation regarding decisions in the second dimension is meagre. In Sofia in 2004 and in Ljubljana in 2005, the decisions on container security

created a new area of activity, to which the decision on transport security passed in Brussels in 2006 also contributed. Notable decisions on combating corruption and transnational organized crime were also passed at Sofia and Ljubljana, respectively.

The Ministerial Council has passed no significant decisions relating to the first dimension. The decisions taken between 2000 and 2007 were all formal declarations to support United Nations initiatives or the work of the Forum for Security Co-operation.

A glance at the topics of the 113 decisions taken shows that human trafficking, terrorism, and the complex of selective misanthropies (xenophobia, racism, anti-Semitism, etc.) have been granted the most attention. They were the subjects of decisions at six of the seven meetings; if one also counts documents and declarations adopted, they were dealt with at all seven. The next most frequently discussed topics were discrimination and violence against women and, finally, the issue of Roma and Sinti.

Terrorism has been a central topic since the 2001 Bucharest Ministerial meeting, which, as mentioned above, took place only three months after the 9/11 attacks. In various regards, it played a prominent role at all subsequent meetings.

The above considerations of the decisions of the Ministerial Council show clearly that the OSCE has stood still in the politico-military dimension, while focusing its attention almost entirely on the third dimension, the human situation. Nonetheless, between 2000 and 2007 it did make 18 declarations or statements and adopt six documents that at least touched upon the first dimension, as the following overview demonstrates.

Declarations or Statements and Documents

When released formally, declarations or statements and documents may be designated in three different ways: as local declarations (e.g. the Bucharest Declaration),⁶ as collective positions (such as the OSCE Ministerial Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant),⁷ or as issue-based declarations (e.g. the OSCE Document on Small Arms and Light Weapons⁸ or the Declaration on Trafficking in Human

6 Cf. Bucharest Ministerial Declaration, in: Organization for Security and Co-operation in Europe, *Ninth Meeting of the Ministerial Council*, 3 and 4 December 2001, Bucharest 2001, in: *OSCE Yearbook 2002*, cited above (Note 4), pp. 391-417, here: pp. 392-393.

7 Cf. Ministerial Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant, MC.DOC/3/05, in: Organization for Security and Co-operation in Europe, *Thirteenth Meeting of the Ministerial Council*, 5 and 6 December 2005, Ljubljana, 6 December 2005, pp. 2-3.

8 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *OSCE Document on Small Arms and Light Weapons*, Vienna, 24 November 2000, in: *OSCE Yearbook 2001*, cited above (Note 4), pp. 503-519.

Beings);⁹ these three forms cannot easily be distinguished in terms of their substance. The form of title they are given appears not to depend on any system but rather on the prevailing political circumstances and tactical diplomatic manoeuvres present at the time.

*Ministerial Council Documents/Declarations between 2000 and 2007*¹⁰

<i>Meeting</i>	<i>No.</i>	<i>Topic</i>
Vienna*	2	Document on Small Arms and Light Weapons, Declaration on South-eastern Europe
Bucharest	2	Bucharest Declaration, Joint statements
Porto	4	Porto Declaration, Joint statements, Charter on Preventing and Combating Terrorism, Declaration on human trafficking
Maastricht*	3	Security and stability strategy, Strategy Document for the Economic and Environmental Dimension, Statement on South-eastern Europe
Sofia*	3	Statement on Preventing and Combating Terrorism, Declaration on the end of the Second World War, Statement on Nagorno-Karabakh
Ljubljana*	5	Statement on nuclear terrorism, Declaration on Chernobyl, Statement on Georgia, Statement on Nagorno-Karabakh, Border Security Concept
Brussels*	6	Rules of Procedure, Statement on Nagorno-Karabakh, Statement on OMIK, Declaration on criminal courts, Statement on anti-terrorism laws, Statement on migration
Madrid	4	Declaration on environment and security Declaration on the OSCE Partners for Co-operation Statement on supporting the UN global counter-terrorism strategy Ministerial Statement
<i>Total</i>	<i>29</i>	

9 Cf. Declaration on Trafficking in Human Beings, in: Organization for Security and Co-operation in Europe, *Tenth Meeting of the Ministerial Council*, Porto 6 and 7 December 2002, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: pp. 428-431.

10 At the meetings marked with an asterisk, it did not prove possible to reach agreement on a Joint Declaration; instead, the Chairpersons-in-Office in those years presented the draft declaration as their personal statements.

As with the “decisions” discussed above, the “documents” and “declarations” or “statements” adopted by the Ministerial Council include both statements that simply reflect developments in the area of security policy as well as what tend to be rather cautious attempts to influence policy.

The first category includes, for instance, the various declarations on Nagorno-Karabakh. In Bucharest in 2001, and in Porto in 2002, the conflict is mentioned in the joint statements using almost exactly the same wording, with the ministers announcing that they are “deeply concerned” at the failure to reach a resolution, affirming how important this is for regional peace, and calling upon the parties to come to a solution on the basis of the principles and norms of international law. Statements on Nagorno-Karabakh adopted in Sofia in 2004, Ljubljana in 2005, and Brussels in 2006, in view of the changed situation, praised the overall progress made – also in almost identical terms – and urged the conflict parties to continue discussions. The Brussels declaration also calls for increased co-operation in fighting environmentally damaging fires in the affected territories as a confidence-building measure with the support of the international community; the OSCE has offered its assistance.

The second category of adopted documents and declarations or statements includes the 2000 Document on Small Arms and Light Weapons, the Declaration on Trafficking in Human Beings from 2002, and the 2003 Strategy Document for the Economic and Environmental Dimension. They are important building blocks for strengthening the security policy role of the OSCE.

Only twice were the ministers able to agree on a joint declaration. On every other occasion, the attempt failed owing to a lack of consensus. This left the Chairperson-in-Office to present the views shared by the large majority as their own statement. With the exception of a handful of passages over which no consensus could be reached – often the same topics each year, such as the stationing of Russian troops in Georgia and the region of Transdnistria – the “Chairperson’s Perception Statement” or “Chairperson’s Statement” can be considered and assessed as the rump of the joint statement.

Particularly the above-mentioned “local” declarations, but also some of the joint declarations or statements represent a manifestation of the OSCE’s identity and a self-reassurance of its own importance. The failure to reach agreement on such documents damages the Organization at its core and this is perceived to be a crisis. At the 2007 Madrid Ministerial Council, the Chairman-in-Office refrained from even delivering such a Chairperson’s Statement/Perception Statement, but rather restricted himself to only a relatively short “Closing Statement”.

A consideration of the joint declarations and joint statements or quasi-joint statements, whether adopted or only drafted (and formally rejected as a result of routine dissent over two or three expressions), is particularly illuminative of the OSCE’s leadership by the Ministerial Council.

*“Joint Declarations”, “Joint Statements”, and “Quasi-Joint Statements”
Topics mentioned more than once and their significance in the document*

Minist. Council	Vien. 2000	Buchar. 2001	Porto 2002	Maastr. 2003	Sofia 2004	Ljubl. 2005	Bruss. 2006	Madrid 2007
Number of Topics/Topic	20	12+V	16+V	19	31	22	29	12
Terrorism	15th	1st, 2nd, 3rd	4th	7th	10th	8th	11th	7th
Open Skies		10th	14th	9th	17th	13th	9th	
“CFE commitments”	3rd		11th	19th	18th	10th	8th	
Trafficking in Human Beings	10th, 1st			6th	12th		14th	8th
Xenophobia, etc.	16th			11th	11th		14th, 21st	
SALW	12th			8th	16th	11th		
Gender Equal.	20th				27th	5th	22nd	
FSC: CSBM, arms control		9th	13th			11th	7th	
Border management					9th, 13th	15th	12th	
Organ. crime		4th				14th	13th	
Media freedom	17th						20th	
CFE generally						12th	6th	12th
Reg. conflict generally	3rd	7th	10th		20th	9th		4th
Nag.-Karab.	4th	V a-c	IV a-c				5th	5th
Georgia	7th	III a-d	V a-j	18th	22nd			
Moldova	8th	II a-c	III a-f	17th	21st			
Central Asia	5th	IV a-c	II a-d					
South-eastern Europe		I a,b,e	I a-k	15th				
Kosovo					23rd		26th	11th
2nd dimension in general	18th	5th	3rd, 7th	10th	11th	16th	15th	
3rd dimension in general			3rd, 8th			4th	3rd	8th
ODIHR					8th		4th	9th
Reform				5th	24th, 25th	3rd		
Legal status	21st		12th					10th
Partners	28th/ 29th	11th	15th	12th/ 13th	31st	22nd	29th	6th
OSCE PA	27th			14th	26th	19th	27th	
NGOs					30th	20th	11th	
Other orgs./UN	23rd	6th			28th, 29th	21st	28th	

What may strike one first is that the eight (or ten) “joint declarations” (or statements) made between 2000 and 2007 vary greatly in terms of size. The longest of them, with 31 topics, was adopted in Sofia (2004), followed by Brussels (2006) and Vienna (2000) with 29 each; the shortest were Madrid (2007) with twelve, Bucharest (2001) with twelve (+V), Porto (2002) with 16 (+V) and Maastricht (2003) with 19. With 22, Ljubljana (2005) came somewhere in the middle.

They ritually start with an almost formulaic short sermon, which is likely to consist of paeans of self-praise, meticulous, evocative reaffirmations, and defiant assertions of “commitments”, “commonality”, “co-operation”, “decisiveness”, and “unity”. Despite this, however, the choice of phrasing in each declaration appears to reveal the dominant mood, as the following excerpts from the various “overtures” reveals:

First, from the 2004 document:

The Ministers expressed their resolve to remain united and promote security for States and individuals through co-operation. This unity would give the strength to meet the challenges identified [...] to adopt collective responses and innovative approaches, and to improve the ability of participating States to uphold common principles.

[...]

The Ministers remain committed to creating a common and indivisible OSCE area free of dividing lines and zones with different levels of security.

[...]

A strong bond that unites the OSCE participating States is consensus on common goals, principles and commitments [...] The Ministers stated that they remain committed to their equal and unbiased application across the entire OSCE area and that they value the OSCE assistance in their implementation, including through the important contribution of its institutions and field activities.¹¹

In 2005, however, we find the following:

All the OSCE commitments, as our common achievement, apply equally and to all the participating States. The Ministers encourage their full implementation and consider them to be matters of immediate and legitimate concern to all the participating States [...] The OSCE must continue to adapt in order to meet evolving security challenges and to strengthen the Organization’s functioning.¹²

11 Organization for Security and Co-Operation in Europe, *Twelfth Meeting of the Ministerial Council*, 6 and 7 December 2004, Sofia 2004, MC.DOC/1/04, 7 December 2004, p. 63.

12 *Thirteenth Meeting of the Ministerial Council*, cited above (Note 7), p. 66.

The declarations generally end with the mantra-like and insubstantial listing of what the OSCE calls its partner countries, and of (generally only around three times each) the Parliamentary Assembly, NGOs, other international organizations, and, in particular, the UN. This has the appearance of being a tedious duty.

The topics can be divided into three categories: issue-oriented, regional, and organizational.

The same topics have tended to recur again and again. Most prominently, these include terrorism, Open Skies, trafficking in human beings, Russia's "CFE commitments", the economic dimension, and regional conflicts. Virtually nothing was mentioned in Brussels in 2006 that had not already been mentioned in Vienna in 2000. Much of the text from the various declarations could simply be swapped around with no loss. The only new topic to emerge since 2004 is border management.

Naturally, there are also variations. However these can be accounted for events in the environment surrounding the OSCE. In other words, the declarations of the Ministerial Council merely reflect the situation and do not aspire to shaping it. Some topics whose omission in "joint declarations" is surprising were addressed in dedicated subsidiary declarations. This may have been a result of a combination of fear of dissent with regard to the joint declaration alongside an urgent need to comment on the issue in question.

The most notable omissions are the lack of specifications for the progress made in areas such as freedom of the media, minority rights, and confidence building, and details of the state of comprehensive security.

REACT training (2000), the significance of international law (2004), the environment (2006), energy security (2006), governance (2006), practical assistance for participating States (2002), the achievements of the police unit (2004), the security of OSCE staff (2000), the elections in Ukraine (2004), and Chechnya (2000) were mentioned once each.

Contrasting to the explicit display of unity – presented by declarations (both those fully adopted and those that were only drafted and then presented as the Chairperson's statements), as well as the statements, declarations, and decisions on specific issues accepted by all sides – dissenting opinions reveal latent and stubbornly held individual reservations, objections, and specific interests. They are made by the foreign minister (or his deputy) as interpretative statements.¹³

During the eight Ministerial Council meetings under consideration here, 59 such dissenting opinions were given: ten by the Russian Federation, six each by the USA, the NATO states, the EU states, and Moldova, five by Azerbaijan; three each by Belarus, Georgia, and Turkey, two by Canada and the Holy See, and one each by Armenia, Kazakhstan, the Netherlands, Nor-

13 On the meaning of interpretative statements for the OSCE, see: Richard Müller, *Interpretative Statements at the Permanent Council: A Quantitative and Qualitative Analysis*, *OSCE Yearbook 2002*, cited above (Note 4), pp. 347-359.

way, Sweden, Switzerland, and Ukraine. There has been a steady increase in dissenting opinions over the years, from two at Vienna to well over a dozen at Ljubljana and Brussels.

Conclusion

The Ministerial Council has adopted several important documents in the third dimension. The messages of many decisions and declarations, particularly in relation to the constantly recurring problem areas of trafficking in human beings and terrorism, have been watered down by too much repetition, until they have become empty formulas. What are called “decisions” in fact contain few provisions that relate to the OSCE’s own actions, but are often merely appeals for action, and, to a great extent, are full of references to principles and norms, commitments agreed earlier, previously made statements, and resolutions of the United Nations.

The Ministerial Council has indirectly addressed the expectations of the populations of Moldova, Georgia, and Azerbaijan, who have long been suffering the effects of conflict, but has not met them.

To outsiders, it may appear remarkable that not one word has been brought to bear on the violent conflicts and blatant human rights violations that have occurred during the period in question in regions other than those on which the focus usually lies, e.g. in the Basque Country, Corsica, Cyprus, or Turkey, in Chechnya or Guantanamo; condemning the use of the death penalty also remains taboo for the Ministerial Council.

The thesis proposed at the start can now be confirmed: The number of decisions whose content is redundant has increased more rapidly than the number of decisions as a whole, which means that the number of decisions with innovative content has declined.

With regard to the significance of “joint declarations”, the Chairperson-in-Office observed at the Eighth Ministerial Meeting in Vienna in 2000 that they are “traditionally” an occasion for assessing where the Organization is, what progress has been made, and where it should be heading. The preceding observations have shown that the participating States are increasingly shy of using this opportunity, in all likelihood because reviewing the OSCE’s current state reveals a shambles, progress reports are all overstated, and the wind has gone out of the sails of all attempts to set course for the future.

While the Ministerial Council does sometimes make progress, it spends more time going round in circles. And each new circuit is begun with a little less energy and enthusiasm than the last.