The 12th Meeting of the OSCE Ministerial Council (Sofia, 2004): The limits of political escapism?

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The 12th Meeting of the OSCE Ministerial Council (Sofia, 6-7 December 2004), normally expected to crown the activities of a year-long Chairmanship with some political success, ended with no less ambiguity than that of the previous year in Maastricht through what may be called escapism. Indeed, it adopted an extensive set of formal decisions and a few declaratory statements, a package which was obviously meant to downplay, if not conceal, the extent of the rift between Russia and most of the other participating States. The present analysis offers a critical account of the decisions which did not gain consensus as well as of those whose formal adoption saved the meeting from collapse, while also assessing the consequence for the OSCE of repeated escapist diplomatic exercises.

The Sofia ministerial non-decisions: Istanbul commitments, frozen conflicts and Ukraine

Similar to what happened at the Maastricht meeting (as well as at the 2000 Vienna meeting), the Ministers did not manage to reach agreement on a general political Ministerial Declaration highlighting the achievements of the OSCE throughout 2004 and reflecting the common expectations and concerns of its participating states. In Sofia, the deadlock was caused (as in 2003) by a basic disagreement over the withdrawal of Russian troops from Georgia and Moldova — an issue also directly connected with Moscow’s dual role as a mediator and party in the frozen conflicts of South Ossetia and Transdniestria — and, furthermore, which had been poisoned by the crisis generated by the fraudulent presidential elections in Ukraine in November-December 2004.

Istanbul Commitments

In its draft proposal for a Sofia Ministerial Declaration, the Bulgarian Chairmanship included mild provisions merely welcoming the reaffirmation by the parties to the CFE Treaty of their determination to fulfil the remaining commitments of the Istanbul commitments, with particular reference to ‘the withdrawal of Russian forces from Georgia and Moldova’, and noting that ‘the majority of CFE member States consider full implementation of the Istanbul commitments on Georgia and Moldova as a prerequisite for moving forward with the ratification of the Adapted

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2 For the proposed text of the Sofia Ministerial Declaration, drafted by the Bulgarian Chairmanship, see MC.GAL/1/04 of 19 November 2004, with Rev.1 of 25 November, Rev.2 of 30 November, Rev.3 of 1 December, Rev.4 of 3 December and Rev.5 of 6 December.
Russia, however, ruled out any reference to its Istanbul military commitments on three grounds. First, it pretended that the Russian-Georgian and Russian-Moldovan agreements reached at Istanbul were of a bilateral nature and did not imply any legal obligations for Moscow with regard to third countries. Second, it stated that it will only continue with the implementation of the Russian-Georgian and Russian-Moldovan agreements ‘provided necessary conditions are in place’ and subject to Georgia’s and Moldova’s own compliance with these agreements. Third, Russia, which has already ratified the Adapted CFE Treaty and from its entry into force it expects to have the benefit of controlling the destabilising effects of NATO’s enlargement (beginning with legal constraints on NATO’s Baltic flanks), stigmatised the political linkage between the Istanbul commitments and the ratification process — a prerequisite raised by NATO in 2000 — as ‘illegitimate’, and stressed that delaying ratification on such ‘groundless pretexts’ did not serve European security. Decoded in simple terms, this argumentation (and especially the phrase ‘provided necessary conditions are in place’) meant a negation of the integrity of the CFE Treaty/Istanbul commitments, their unconditional character and their scheduled agenda for implementation. One has to recognise that at the 2002 Porto meeting, the Foreign Ministers weakened Moscow’s obligation to respect the Istanbul commitments by merely taking note of Russia’s intention to achieve withdrawal from Moldova ‘provided necessary conditions are in place’ by 31 December 2003, as well as of the ‘desire’ for Moscow and Tbilisi ‘to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia’. Their complacency turned out to be not only unproductive, but eventually self-defeating.

Frozen conflicts
Displaying an equally uncompromising attitude towards the frozen conflicts in South Ossetia and Transdniestria, Moscow rejected provisions purporting to condemn the behavior of any of the separatist regimes (in particular the actions taken in 2004 by the Tiraspol authorities against the Moldovan railways and Moldovan schools teaching in the Latin script). As regards Georgia, whose liberal democratic authorities are perceived as a Western-manipulated regime, Russia significantly refused to subscribe to a provision praising the role played by the OSCE Border Monitoring Operation (BMO) along several segments of the Georgian-