The 2007 Madrid Ministerial Council Meeting: A mixed bag of non-decisions and a discrete set of measures

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The Ministerial Council of the OSCE held its 15th session on 29 and 30 November 2007 in Madrid. It took place at the end of a most inauspicious year which opened with President Vladimir Putin’s blunt denunciation of the attempts made by ‘one [single country] or a group of countries’ to transform the OSCE into ‘a vulgar instrument designed to promote [their] foreign policy interests’, with the backing of the ‘OSCE’s bureaucratic apparatus’ and through the instrumentality of allegedly independent NGOs. Serious political disagreements between Russia and the West also unfolded throughout 2007 in relation to the CFE Treaty, the future status of Kosovo and, above all, the US plans to install antimissile interceptors in Poland and tracking radar in the Czech Republic. In the circumstances, and despite a Spanish Chairmanship acting with maximum transparency and fair (if not a times somewhat exaggerated) cooperative spirit, the Ministers were unable to adopt any decisions on major or pressing OSCE issues. Unable to deliver political ‘red meat’, they only agreed on a low-profile set of measures. The present analysis provides a commentary on the Madrid aborted and formally adopted decisions.

The Madrid non-decisions
Due to Russia’s opposition, the Ministerial Council failed to adopt a general political declaration for the fifth year in a row. For the same reason, consensus was not reached on OSCE reform, regional conflicts and the issue of the Ukrainian Holodomor.

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3 The Spanish Chairmanship initiated a reflection on the possible outcome of the Ministerial Council through a food-for-thought paper (‘The Road to Madrid’: CIO.GAL/58/07 of 20 April 2007) that was twice updated on the basis of feedback from the participating States (CIO.GAL/114/07 of 17 July 2007 and CIO.GAL/149/07 of 1 October 2007). Before the summer recess, he also convened a Prepcom to discuss the reactions to the first updated Paper. A second Prepcom, held on 18 September, discussed the proposals for draft ministerial decisions (Chairmanship’s Perception Paper: CIO.GAL/140/07/Corr. 1of 17 September 2007).
OSCE reform

After several consecutive years of general consensus, the process of OSCE reform is creating a defining fault line. While a solid majority of participating States consider that the 2005 Ljubljana reform agenda has practically been exhausted, a Russian-led bloc, consisting of the seven members of the Collective Security Treaty Organization (CSTO) maintain that much remains to be done. In May 2007, the group issued an impressive list of needed reforms: the transformation of the OSCE into a more standard international organization, an overhaul of election observation activities, the introduction in the Rules of Procedure of provisions placing the OSCE executive structures under the strict control of the decision-making bodies, the reporting by the field missions to the PC on the transfer of their tasks to the host countries, the elaboration of the concept of thematic missions, the streamlining of the decision-making process at the Ministerial level, the maintenance of the PC’s present (provisional) three-committee structure, the further improvement of programme and budget planning (in terms of efficiency, effectiveness and transparency), the regulation of the participation of NGOs in OSCE events, the revamping of the ‘inefficient’ mechanism on the promotion of tolerance and non-discrimination, the approval of the candidacy of Kazakhstan for the 2009 Chairmanship, etc.\(^5\). Of all the issues, the most divisive ones are certainly those aimed at turning the OSCE into a standard international organization and reforming the ODIHR.

Transformation of the OSCE into a standard international organization

Such a transformation requires the adoption of a Convention on legal personality, capacity and privileges and immunities, and (as recommended in 2005 by the Panel of Eminent Persons) a concise Statute or Charter of the OSCE. In October 2007, a true breakthrough occurred when consensus on a draft Convention emerged within a special expert Working Group\(^6\). Apart from reflecting the standards applicable to international organizations, the agreed text took due account of the specific features of the OSCE: for instance, it granted to those OSCE Parliamentary members and the officials of its secretariat taking part in the work of the OSCE — as identified by the OSCE’s CIO — the same privileges and immunities as the category of ‘other persons performing tasks of the OSCE’, that is OSCE experts on mission and CIO’s representatives (art.1 k). Recalling its 2006 interpretative statement pointing out that ‘the entry into force of a convention on privileges and immunities, if and when there is agreement on a draft, will be possible only in conjunction with the entry into force of a statute or charter of the OSCE’, Russia (and also Belarus) asked for the insertion of footnotes referring to an OSCE Charter in the Preamble and in art. 4 (legal capacity of the OSCE). The
