Central Asian Survey

Volume 36  Number 3  September 2017
Special issue: The Helsinki Final Act four decades on – critical reflections on the OSCE in Eurasia
Guest editor: Payam Foroughi
Central Asian Survey
Volume 36  Number 3  September 2017

Special issue: The Helsinki Final Act four decades on – critical reflections on the OSCE in Eurasia
Guest editor: Payam Foroughi

Introduction
The Helsinki Final Act four decades on
Payam Foroughi

Articles
The OSCEs of Central Asia
Pál Dunay

Human rights concepts in the OSCE region: changes since the Helsinki Final Act
Aaron Rhodes

Overlap with contestation? Comparing norms and policies of regional organizations in the post-Soviet space
Alessandra Russo and Andrea Gawrich

Benefactor, industry or intruder? Perceptions of international organizations in Central Asia – the case of the OSCE in Tajikistan
Karolina Kluczewska

Helsinki’s counterintuitive effect? OSCE/ODIHR’s election observation missions and solidification of virtual democracy in post-communist Central Asia: the case of Tajikistan, 2000–2013
Payam Foroughi and Uguloy Mukhtorova

Obituary
Alexander Morrison

Book reviews
INTRODUCTION

The Helsinki Final Act four decades on

Payam Foroughi

Politics and Security Programme, OSCE Academy in Bishkek, Kyrgyzstan

[The] real Magna Carta of détente … governing relations between States, … a charter of freedom for nations and individuals. —Finnish President Tarja Halonen on the 1975 Helsinki Final Act (quoted in Fouéré 2015)

The Cold War is over! Or is it? Doubt is warranted given the ongoing tensions over Ukraine, where projecting from United Nations estimates, the death toll in the eastern part of the country is approaching 10,000 (AP 2016). Doubt is also warranted given the devastation in Syria, where old Cold War rivals are fighting, directly or in proxy, on opposite sides of a genocidal war involving the Asad dictatorship, a number of regional powers including Iran and Turkey, and numerous rebel and terror groups. This has resulted in a human death toll since 2011 of around half a million, with millions more injured or displaced (Reuters 2017). Doubts are also heightened by the steady admission of former Eastern Bloc countries into the US-dominated NATO military coalition in conjunction with ‘bellicose Russian actions’ in Georgia and Ukraine (Itzkowitz Shifrinson 2016, 9). It is not surprising, therefore, that some prominent experts, such as Stephen F. Cohen, claim that the world in the twenty-first century has entered a ‘new Cold War’ (quoted in Smith 2015).

‘This is the way the world ends’, wrote T.S. Eliot in 1925, lamenting a dispirited post–World War I Europe. The old Cold War, as well, which had given us MAD or ‘mutually assured destruction’, ended ‘not with a bang, but a whimper’. The end came largely peacefully, including the breaking down of the Berlin Wall in 1989. Thomas (2001) claims that the 1975 Helsinki Final Act (aka ‘Helsinki Accords’), originally signed between 35 states from among the US-led West and the Soviet-dominated Eastern Bloc, was instrumental in the USSR’s demise and thus the end of the Cold War through the inadvertent acknowledgement of human rights norms by the Soviet hierarchy.

This volume of Central Asian Survey takes stock of the legacies of the Helsinki Accords, more than 40 years after their signing. While touching on broad theoretical paradigms of regionalism, social constructivism, and democratization, the contributors analyse the complexity of the post–Cold War order, especially for the ‘participating states’ of the Organization for Security and Cooperation in Europe (OSCE), and focus on not only how these states have benefitted from their membership in that organization, but also how the OSCE has failed them and their publics in a number of critical ways. The contributions to this volume were first presented at a conference hosted by the OSCE Academy in
Bishkek, The Helsinki Final Act at 40: Reflections and Prescriptions vis-à-vis the OSCE in Eurasia, held in Issyk Kul, Kyrgyzstan, 10–12 September 2014, with the papers having since benefitted from a rigorous peer review process for this publication.

The original idea for what started as the Conference for Security and Cooperation in Europe (CSCE), becoming an ‘organization’ in 1994 (thus the OSCE), goes back to 1954, when the Soviet leadership of that time proposed the convening of a ‘multilateral European security conference to ratify the postwar boundaries of Europe’. Western powers initially dismissed this initiative, viewing it as a mechanism for the USSR’s strengthening of its hegemony over the Eastern Bloc (Stent 2015). Over a decade later, at the 1969 Warsaw Pact summit, the Soviets once again brought up the notion of a European security conference, a project which had begun to gain traction. The idea for the CSCE gained further strength with détente or the partial thawing of East–West relations, including the launching of Ostpolitik (Eastern policy), also in 1969, in favour of opening up of relations with the Eastern Bloc, by West Germany’s Chancellor Willy Brandt, and the historic visit of US President Richard Nixon to Moscow in 1972.

The Soviet leadership, headed by Leonid Brezhnev, hoped for an agreement that would ensure the upholding of the principle of nerushimost (untouchable), or ‘inviolability of frontiers’ (Von Grünigen and Renk 2015, 42). But the Helsinki Accords instead provided a series of norms and commitments in three ‘baskets’ of politico-military, economics-environment and human rights, together forming what the OSCE (1996, 28) later referred to as the ‘comprehensive security model’. Similar to Buzan’s (1983, 247) ‘system security’, the OSCE’s model of comprehensive security appears to have been drawn from the Copenhagen School of international relations, which would agree with Buzan that the ‘concept of security binds together the individual, states and the international system so closely that it demands to be treated in a holistic perspective’ (245).

By the mid-1980s, Mikhail Gorbachev’s perestroika (restructuring) and glasnost (openness), which had meant to reform and strengthen the USSR, had instead accelerated its demise. And yet, once the Cold War was over, contrary to the optimistic outlook of many, including Fukuyama (1992) and his ‘end of history’ thesis, not all post-communist states were ready to embrace liberal democracy as their preferred mode of governance. This posed a challenge for the OSCE, particularly vis-à-vis its participating states farther ‘east of Vienna’, where its headquarters sits. Among the Soviet republics, Lithuania and its two other Baltic neighbours were the first to demand their independence from the USSR and soon thereafter establish liberal democratic states in the post–Cold War era. Many others, however, including the post-Soviet Central Asian republics, all of which had found independence ‘by default’ (Grant 1994), constructed, as independent states, not democracies but largely forms of neo-Soviet dictatorships. A chapter in history had ended, but contrary to the hopes of triumphant Western policymakers and Eastern dissidents, for many in the Newly Independent States, the end was dull, brutish, and even deadly in such places like Tajikistan and Chechnya, where civil wars erupted and hundreds of thousands of lives were soon to be lost.

By the time of the implosion of the USSR, the post-Soviet states had to decide whether to join various treaties and organizations, including the OSCE, which required the signing and ratifying of the Helsinki Final Act. All (aside from Russia, which had been automatically given the seat of the USSR at the OSCE) did so days or months after the fall of the Union. As the OSCE grew in membership, so did its institutions and bureaucracy. The organization
opened field missions in a number of post-communist states, the first being in the (then) Yugoslav provinces of Kosovo and Macedonia in 1992, while in Central Asia, the first office was opened in Tajikistan in 1994. In this volume, Alessandra Russo and Andrea Gawrich compare and contrast two different sets of regional organizations at play in Central Asia and the Caucasus. They argue that states evaluate the perceived ‘functional rationality’ and ‘legitimation’ of given organizations in their decision to sign on to regional organizations, such as the OSCE, the Council of Europe, the Shanghai Cooperation Organization and the Commonwealth of Independent States – the latter two focusing not only on sovereignty and collective security, but also on a de facto anti-Western posture of ‘countering the diffusion of liberal norms’.

Over 40 years of associating with the OSCE, however, both as part of the Soviet Union and later as independent states, has not made Central Asian societies – save the outlier case of Kyrgyzstan – more democratic, open or corruption-free. Writing in this volume, Aaron Rhodes argues that in the post–Cold War era ‘human rights has lost [its] dissident movement’s charismatic association with the non-partisan struggle for freedom, and become a slogan of indistinct meaning’ in the process, resulting in a loss of the clarity that ‘gave the Helsinki Final Act its power to inspire those seeking freedom’. The OSCE has also been affected by this ailment, and its ambiguous role and effect in much of its sphere of operation conjures up the sentiment that ‘the OSCE is battling against a loss of relevance’ (Center for Security Studies 2012, 1). Problems of war, dictatorships, suppression of rights and lack of fulfilment of liberal commitments have persisted in the post–Cold War era, and it seems that the OSCE cannot – and at times will not – do much about them.

Some of the problems associated with the weaknesses of the OSCE are systemic. According to Pál Dunay, writing in this volume, the OSCE’s peculiar nature of compromise and consensus developed into a relatively decentralized organization with a series of ‘weak institutions’, and the ‘political practice’ of the OSCE’s participating states ‘does not substantiate the declaratory commitments’ which the organization has repeatedly, but in reality only nominally, undertaken throughout the years. In the words of Kuzmenko (2016), the OSCE has become a mere ‘simulacrum’ or ‘a simulated model’ of an international organization that ‘only minimally works on facilitating cooperation and formation of communication, mutual trust and understanding among’ states (iii).

In her contribution to this volume, Karolina Kluczewska quotes an interviewee who argues that ‘in the world of IOs [international organizations], the bureaucracy has expanded to such an extent that people do not reflect [or matter] anymore’. Kluczewska concludes that without substantial reforms with the aim of real rather than virtual results, the OSCE will continue its ‘pace towards irrelevancy’. Also in this volume, I and Uguloy Mukhtorova warn of the dangers of OSCE’s excessive fixation on election observation missions in post-communist authoritarian states and the organization’s detachment from any significant contextual political analysis.

What can be done, we may ask, to encourage the OSCE and its participating states to uphold the lofty ideals enshrined in the Helsinki Final Act, such as democracy, human rights, non-violence and collective security? The critiques throughout the papers in this volume allude to at least six areas of reform and change that the OSCE could undertake to undo its current crisis of relevance. First is a titular change. The expanding post–Cold War area of operation of the organization goes far beyond Europe. Of today’s 57 participating states, nine – Mongolia and eight countries of the Caucasus and Central
Asia – are not in Europe but Asia. The question thus is: Are these Asian states important for
the OSCE due to their role in providing ‘security in Europe’, or are they and the well-being
of their citizenry worthy and important ends in and of themselves? By replacing ‘Europe’
with ‘Eurasia’, the OSCE could maintain its current acronym while preventing accusations
of Eurocentrism.4

Second, ‘projectosis’ is a pathology affecting the body of the OSCE (Foroughi 2012, 115).
Given the dual factors of an inert ultraconservative organizational culture and the political
difficulties of working in its largely authoritarian eastern sphere of operations, the OSCE
has replaced research, analysis and in-depth objective monitoring and political reporting
with an exaggerated focus on often irrelevant, wasteful and even counterproductive pro-
jects. And the results of such an approach with its potential negative impacts on ordinary
people appear far less salient for the organization than the timely expenditure of project
funds, what the OSCE refers to as its ‘implementation rate’. Of greater concern for the
organization is reaching an implementation rate of as close to 100% as possible, come
31 December of each year, rather than the promotion of the Helsinki Accords’ liberal
norms. To raise its credibility, instead of an incessant and exaggerated focus on often
obscure, expensive and badly monitored projects, the OSCE should promote empirically
based, cutting-edge research and reporting and monitoring of components of its compre-
hensive security model, with the goal of far more open access reports and documents of
interest to policymakers, scholars and ordinary citizens.

Third, the Helsinki Accords’ intergovernmental nature has (like the UN) produced an
elitist and highly paid technocratic cadre who have been socialized to work with like-
minded individuals rather than the ordinary populations of the OSCE participating
states. A European seconded OSCE bureaucrat working in the mission to Turkmenistan,
for example, will receive not only a monthly salary approaching five figures (in euros)
from her/his government but also around €4000 per month as ‘board and lodging allow-
ance’ from the OSCE’s unified budget. Such unreasonable remuneration for expatriate
OSCE employees does more harm than good for the organization, giving it a reputation
as an entity for rich foreigners, and attracts employees whose primarily objective is
often monetary rather than ideational engagement in promoting the liberal norms of
the Helsinki Accords. The OSCE must thus eliminate excessive levels of pay and develop
a recruitment strategy that emphasizes cultural and political knowledge in line with humi-
lity and a spirit of service rather than personal enrichment.

Fourth, ‘It’s not in our mandate!’ is an oft-heard response from OSCE leaders and tech-
nocrats when asked about critical issues including ‘individual cases’ of human rights. The
promotion of human rights norms by the OSCE has become a realm of generalities rather
than specifics of individual cases. In his contribution to this volume, Dunay illustrates how
in the post–Cold War era, the focus of the OSCE’s human rights-related concerns has been
on ‘political’ rather than ‘individual’ freedoms in places like Central Asia. Moreover, given
the US-led war in Afghanistan and in an effort to win allies and ‘strategic partners’ among
Central Asian regimes, the OSCE treads an overly conservative line on human rights, focus-
ing on ‘stability over democratic transformation’. By ignoring individual cases of rights viola-
tions, the OSCE faces criticisms of indifference to, and even collusion in, the sufferings of
the persecuted and wrongly detained.

In response to a question on this issue at a recent presentation by OSCE Secretary
General Lamberto Zannier in Kyrgyzstan, he responded that the question of individual
cases of human rights ‘is entirely intergovernmental’; that is governments can criticize each other’s cases in OSCE meetings, but the ‘mandates’ of the OSCE institutions, themselves, ‘do not refer to individuals’, and the OSCE was ‘not built for’ nor does it have ‘a policy’ or ‘the capacity … to start devoting attention to individual cases’. It is ironic that the leader of one the largest human rights-based organizations in the world would claim a lack of mandate or capacity to address individual cases of human rights. Although the OSCE does contract local non-governmental organizations to take up individual cases of rights violations, such organizations often lack the will, the political security, or the institutional capacity to take up ‘sensitive’ cases of human rights. Taking up of individual cases directly by the OSCE would have multiple benefits. It would teach the organization and its practitioners what the ‘forest’ of generalities is made of, thus enabling better comprehension of overall human rights situations and thus more rational solutions to address broader problems. The taking up of selected human rights cases also serves as a warning and example to violating regimes. An OSCE participating state would be far less likely to persecute, wrongly detain, torture, improperly try, or extrajudicially execute its citizens if it knows that the OSCE is documenting its actions and may ultimately chastise it in front of other participating states at the organization’s Permanent Council in Vienna. It would thus be prudent for the OSCE to have an average running roster of around 10 individual cases per participating state that it can directly monitor and lobby for in line with the commitments of the Helsinki Accords.

Fifth, given the scale of its current Special Monitoring Mission to Ukraine, the OSCE may be playing a vital role in at least partially preventing the escalation of war in the eastern part of that country. One commentator writes that the OSCE ‘was able to step up and play a role [in Ukraine] … precisely because it was the last man standing in 2014, when no other organization was deemed neutral enough to fit the part’ (de Waal 2017). Of course, the case of Ukraine and Russia involves two OSCE participating states inside the organization’s geographic sphere. However, there are other hotspots and wars, many outside of the OSCE’s sphere of operations, which not only harm OSCE members but also involve key players from the OSCE. An example is the disastrous consequences of the 2003 invasion of Iraq by the most populous OSCE participating state, the US, and the collaboration of at least 25 other OSCE states, chief among them the UK. More recent examples are the provision of cluster bombs and other machinery of war to Saudi Arabia, also mainly by the OSCE states of the US and UK, which in turn are used to kill and maim not only Yemeni militias but also civilians, including children. Another example is that of the tragic war in Syria, where, as mentioned above, a number of OSCE participating states (US, Russia and Turkey) have been aiding or directly fighting on opposing sides. All such wars have security consequences not only on the ‘outside’ but also on the ‘inside’ of the OSCE geographic sphere: the flow of hundreds of thousands of refugees into Turkey and the European Union, and the spread of acts of terror inside the OSCE’s sphere by members or sympathizers of the Islamic State of Iraq and Syria (ISIS).

The point to mention here is the OSCE’s apparent lack of concern for the spread of wars and insecurity often involving its own participating states. According to Secretary General Zannier, for example, though prevention of war ‘is in the genetic tissue’ of the OSCE, given its geographic ‘area of operation’ neither Iraq (and presumably Syria) nor Yemen are ‘on the agenda of the [OSCE as an] organization in any way’. The OSCE appears to be naively treating its geographical domain as an airtight entity, and like the proverbial
ostrich, prefers to bury its head in the sand and avoid observing and speaking about security issues outside of its formalistic sphere, even when those ‘outside’ security issues damage the security of the ‘inside’, or when an OSCE participating state violates the canons of the Helsinki Accords on other peoples and places.

Sixth, many of the problems facing humankind are ideational in nature. In line with social constructivism, the most important factor in need of change is mindsets and the inculcating of the liberal norms necessary for the promotion of peaceful and democratic societies. A relatively cost-effective and sustainable way of promoting the commitments of the Helsinki Accords would be education and for the OSCE to open a number of secondary and higher education institutions in Central Asia and other participating states to bring about a new generation of citizens and leaders knowledgeable of and committed to the implementation of Helsinki’s ideals. The OSCE Academy in Bishkek, offering 16-month graduate programmes in politics and economics, is one such successful endeavour (Juraev 2015), and one which could be replicated throughout the region.

Forty-three years after the signing of the Helsinki Final Act, the world has seen drastic changes, including the modality of security threats. Though the (old) Cold War is over, new tensions and dangers, including the spread of terrorism, new East–West tensions, ongoing wars and instability in Afghanistan and the Middle East, and the increasing environmental threats caused by manmade global warming and consumer pollution, threaten not only the OSCE participating states, but the global community as a whole. The critical analyses and questions posed by contributors to this volume can serve as food for thought to counter such threats and to strengthen and fortify the OSCE’s raison d’être and relevance in the twenty-first century.

Notes

1. The North Atlantic Treaty Organization was created on 4 April 1949 with 12 founding Western states. As of June 2017, 13 out of 29 member states are from the former Eastern Bloc or Warsaw Pact.
2. Funding for the conference was provided by the Norwegian Institute of International Affairs.
3. Loss of life during the Chechen wars of the 1990s is estimated at 160,000 (New York Times 2005), while Tajikistan’s civil war may have seen as many as 100,000 deaths (Epkenhans 2016).
4. ‘Europe’ or ‘Eurasia’, however, still exclude the two North American OSCE countries of Canada and the US.
5. Lamberto Zannier’s response to the author’s question, OSCE Academy, Bishkek, 13 June 2017.
6. Zannier’s response, OSCE Academy, Bishkek, 13 June 2017.

Disclosure statement

No potential conflict of interest was reported by the author.

References


The OSCEs of Central Asia

Pál Dunay

George C. Marshall European Center for Security Studies, Garmisch-Partenkirchen, Germany

ABSTRACT

Central Asia is the ‘best customer’ of the OSCE. It is the area of five post-Soviet OSCE participating states that are in significant need of support by the organization that prides itself on cooperative security and that have many shortcomings primarily in the humanitarian dimension, which the organization should foster to change. Central Asia has demonstrated less political and socio-economic transformation since its independence than it could have. While it receives reduced interest due to the declining importance of those two matters that contributed to it (rich natural resources and energy bearers and the vicinity of Afghanistan), the OSCE is the organization where Central Asia is ‘at home’. Central Asian states would like to face less soft persuasion (and even less hard pressure), but they would like to benefit from the assistance of the organization and its participating states. It is for this reason that there is more than one OSCE in Central Asia trying to meet the different needs of the area.

KEYWORDS

Helsinki Final Act; CSCE; OSCE; Central Asia; human rights

As an intergovernmental entity, the Organization for Security and Co-operation in Europe (OSCE) has different faces depending on whether one emphasizes its many liberal values, norms and commitments, or rather the meaning that it holds for its 57 participating states. The OSCE is the successor of the Conference on Security and Co-operation in Europe (CSCE), which was formed in 1973 when a series of conferences were held between the US-led Western states and the Soviet-led Eastern Bloc, culminating in the 1 August 1975 signing of the Helsinki Final Act. The CSCE acquired its first institutions in the beginning of 1991 and by the end of 1994 was renamed an organization. However, the organization has still not acquired legal personality. The OSCE’s institutions have been formulated so as to be relatively weak, and the organization has had a small secretariat and a secretary general who is not in charge politically and to whom the heads of various OSCE institutions are not subordinate. The intention for this was deliberate and formulated in the corridors of Vienna’s historic Hofburg Palace, where CSCE talks led to the Paris Charter of November 1990: the participating states did not want to establish a regional UN. Thus, the country holding the chair sets the agenda of the organization, constrained by its annual rotation. The state holds the chair, and the foreign minister of the participating state is the chairperson-in-office. It is the consequence of weak institutions and the absence of centralization that the participating states set the agenda and determine the priority areas of activity. It is thus the participating states that make the OSCE. However, the underlying differences
among the participating states are substantive. Although the identification of interests happens through a process founded on perceptions and historical experiences, the capacities of the organization and those of the chairing country present constraints on arbitrary identification of an agenda that can be realized. The OSCE has quite limited possibilities to set conditions vis-à-vis its participating states. This is due to a variety of factors, which can be summarized as follows.

First, while they do not always share the same objectives, power remains collectively in the hands of the participating states. Indeed, states do not share the same values and norms, even though they regularly pay lip service to them. This could be seen at the 2010 Astana Summit of the OSCE, where liberal ideals in the form of ‘commitments’ that had earlier been elaborated were once again confirmed. This, in fact, was likely the most important achievement of the meeting.1 However, daily political practice does not substantiate the declaratory commitments made in such fora.

Second, the organization’s procedure for decision making is based on consensus. This makes it possible for any participating state to prevent any given decision from being taken by the organization as a whole.2 Formally, this gives veto right to every participating state. That said, small and non-integrated participating states are hardly in a position to block decisions. However, as more and more smaller states belong to formal or informal groups, there arise opportunities for individual countries or groups of participating states to generate sufficient support to block decisions contrary to their national interest.

Third, every participating state of the OSCE formally enjoys the same status. Though this is a democratic principle, it may well not contribute to effectiveness of the organization. Unlike the UN and its Security Council, for example, there is no privileged inner circle of participating states. Consequently, the OSCE lies at one extreme of the socialization–conditionality spectrum: the organization bases its efforts on socializing its participating states. If we accept, however, that states act on the basis of their perceived self-interest and act in order to retain or increase their power, it is logical to conclude that they will not necessarily react to socialization. At the same time, states may follow norms shaped and shared by other participating states if they perceive these to be in their best interest. Consequently, it is not the socialization paradigm per se that will change their behaviour, but rather the eventual shared conditionality of some other participating states.

In this article I explore the complex relationships among a well-defined group of states in the OSCE: the five former Soviet Central Asian republics. My main argument is that there is a significant difference between the formal commitment to the declared values and norms of the OSCE on the one hand, and the political practice of the states on the other. There is a discrepancy between what the Central Asian participating states deliver and what they expect from the OSCE. They do not accept a demanding approach where respect for principles, values and norms is concerned, but they (particularly the poorest ones) expect material assistance from the OSCE. This contrast is mitigated by state concerns to gain legitimacy, both externally and domestically, through the OSCE.

Liberal principles vs. political practice: a Janus-faced OSCE in Central Asia?

Central Asia has been part of the OSCE since the dissolution of the Soviet Union; the five Central Asian former Soviet republics joined the organization soon after independence. Some scholars had sincere doubts whether the Central Asian successor states should
become what were then CSCE participating states. Andrei Zagorski (1993, 282), a Russian analyst, for example, argued against ‘quick admission of the new republics without first insisting on traditional CSCE criteria’. He was first and foremost referring to the Central Asian states, implying that they should first develop domestically, solving the challenges stemming from newly acquired statehood, inexperience with sovereignty, modernization and democratic transformation.

In retrospect, Zagorski could have raised similar doubts with respect to nearly all of the 15 successor states of the Soviet Union – save the Baltic states, and in some stages of their development, Kyrgyzstan and Georgia – the majority of which have not gained significant experience with democracy a quarter-century into post-communism. If there are differences between the Central Asian states and other former Soviet republics it is primarily one of geography: Central Asia is far from Europe and the democratic influence which that continent can potentially exert on them. Central Asia as a region had no prior independent experience of statehood within its current borders. This was not only true generally, although the Soviet republics had some special ‘domestic’ politics, but in particular in international relations, where the leaders of the republics of the Soviet Union had no experience whatsoever. Moreover, the historical absence of democracy was combined with the experience of the integration of this area in structures that were also lacking democratic tradition – chiefly the Russian Empire and the Soviet Union.

With independence in 1991, the importance of sub-state forms of social and political solidarity increased in Central Asia (Soucek 2000). Though the state was juridically sovereign, the new (or, more often than not, new-old) leaders had no political experience outside the Soviet state. Politics, economy, culture and ideology were all state-based. Even though some of the new leaders did not really have much appetite to head independent states, they soon started to feel the joy of practising unconstrained sovereignty. For the nations of Central Asia, it was the Russian empire and then the Soviet Union that appeared as civilizational forces. Consequently, the perceived association with the Russian/Soviet experience was positive, but it was also without an alternative. This has given the states of Central Asia a distinctive Soviet legacy.

The doubts and reservations of some experts notwithstanding, it was the prevailing view of the participating states that the Central Asian countries could be influenced more effectively if they belonged to the CSCE. The CSCE, in turn, faced the classic dilemma of practically every intergovernmental organization: organizations that do not apply conditionality are confined to using political socialization and accepting that determined and eventually shrewd violators of their norms and values can get away with it.

The OSCE is at the soft end of the spectrum of organizations without recourse to excluding states from membership, notwithstanding the suspension of Yugoslavia from the CSCE in the early 1990s due to the war of aggression fought by Belgrade (Schlager 1994). The CSCE/OSCE has thus had to choose a difficult way to help Central Asia’s development. It has been trying to influence the Central Asian states through persuasion and socialization in order that they uphold the shared declared values, principles and norms which individual participating states committed to upon entry into the organization in the post–Cold War era. And yet, not all states are equally affected by such socialization, as several of the articles in this special issue attest.

Central Asia has been a ‘difficult customer’ of the OSCE, in part due to the objective factors mentioned above, and in part due to the subjective ones that could be attributed
to the leaders of the still-new states. Problems of liberal-norm violations have stemmed
not only from the growing reluctance of Central Asian leaders to uphold them, but also
from weak state capacity. By aiming to help meet the values, standards and norms
inspired by the Helsinki Final Act, the OSCE has hoped foster the development and poss-
ibly the transformation of those participating states in need of support in meeting the
requirements enshrined in the organization’s acquis.

It remains debatable, however, whether the different objectives of the OSCE are recon-
cilable or whether they can eventually be harmonized, and how. The underlying noble
objectives are clear: to provide ‘comprehensive security’ in the community of participating
states. These are served by different means: guaranteeing international security, including
sovereignty, among the participating states; contributing to their prosperity and a liveable
human environment; and respect for human rights and fundamental freedoms. As the
CSCE/OSCE at various junctures developed and then confirmed its agreements and collective
commitments, it would be difficult to deny its existence and post–Cold War relevance.
Today, the 57 participating states of the OSCE seem to agree – at least formally – on the
relevance of the organization. Their heads of state and representatives concurred in the
2010 Astana Summit that: ‘We reaffirm our full adherence … to all OSCE norms, principles
and commitments’ (OSCE 2010, 1).

It is apparent that states with varied socio-economic conditions, history and traditions
represent different levels of achievement in the fulfilment of the OSCE requirements. However, it is the stated objective of the OSCE to foster the achievement of its norms for each and every one of its participating states, regardless of existing predicaments. If each and every one of its participating states were to be on the level of perfection domest-
ically, and peaceful and cooperative internationally, with good governance and steady
prosperity, the organization would lose its purpose. Seen dynamically it is doubtful
whether the OSCE states are collectively heading in that direction any time soon. There
are two sets of reasons for this situation: lack of capacity, and lack of will.

The OSCE should give different responses to one or another participating state depend-
ing on their progress, or lack thereof, vis-à-vis conformity with the Helsinki principles. If a
participating state is unable to meet the requirements, it should be helped. However, if a
state is reluctant to meet the requirements, diplomatic support should be complemented
by formulating the expectations clearly and exerting some pressure on the participating
state. It would be foolish for any participating state to clearly declare its reluctance to
live up to the OSCE requirements. And, indeed, states don’t do that. Rather, they qualify
their position, referring to principles and norms that provide reasons to retreat from
other norms and principles. It is sufficient to mention the ultimate reference to (unrest-
rained) ‘state sovereignty’ and the ‘prohibition to interfere in the domestic affairs of partic-
ipating states’ whenever certain participating states are challenged and criticized for
violating the human rights of their population or not taking the steps that would contrib-
ute to improving the quality of governance (e.g. reducing corruption).

Such principles of sovereignty and non-interference have often been invoked by
Central Asian leaders. The reasons vary and include both weak state capacity and reluctance
of the rulers to carry out reforms that would either endanger their power base
and/or deprive individual leaders and their cronies of various benefits. As long as the
OSCE played a classical diplomatic role in merely expressing criticism, the situation was
easy to manage. Moreover, since the organization was busy with other matters (first of
all with the war in Yugoslavia in the 1990s) and the Central Asian countries were new
states that deserved some patience with respect to their development, there was a
fairly tolerant attitude towards the region. The gradually established CSCE delegations
of the Central Asian states in Vienna reported their concerns through diplomatic channels,
but the organization did not address their regimes too intrusively.

The CSCE eventually extended its presence in the region by establishing field missions.
In Tajikistan, it established a field presence already in 1994 due to the ongoing civil war.
This was followed by the opening of the OSCE Liaison Office in Uzbekistan in October 1995
with responsibility for the rest of Central Asia. The process was completed by 1999, when
the OSCE finally had a local presence in every Central Asian state. Its reports on Central Asia
were not reassuring. With variation, the absence of free and fair elections, the systematic
violation of human rights, endemic corruption, and cronyism were on the list of grievances
reconfirmed by OSCE technocrats. And the beneficial effects of opening field missions in
the region have not always been clear. The presence of the OSCE field mission in Tajikistan,
discussed by Karolina Kluczewska in this special issue, for instance, has become one of a
complex ‘system of mutual accommodations’ between the organization and the govern-
ment. While Tajikistan has been socialized by the OSCE to at least nominally take up the
organization’s values in a greater ‘neoliberal world order’, the OSCE, in turn, has also been
socialized and is perceived by Tajikistan’s government, civil society and population ‘simultaneously [as] an enemy, a benefactor, and an industry’ in the way of foreign aid dispenser
(Kluczewska, this issue).

Although academic circles that monitor the activity of the OSCE are of the view that
many activities of the organization are multidimensional, it is clear that the problems
that arose most often during the last two decades have concentrated on the ‘human
dimension’ (i.e. human rights), as opposed to the politico-military and environment-economic dimensions that together form the tri-dimensional comprehensive security concept
of the OSCE. This has been so for three reasons. One, the human dimension is an area of
emphasis among a large group of democracies that represent the vast majority of particip-
ating states. It has to be understood that the enlarged West will not give up on this pri-
ority, as its domestic political system (very often rooted in centuries of history) is based
upon it. It would be clearly impossible to imagine a hypocritical approach where the sys-
temic domestic foundation is not represented internationally in such a community. It is
also important to emphasize that the unchallenged leading power of the West, the US,
has a democratic history (certainly for a long phase of it, along with decimation of a
vast part of its native population and the practice of slavery and racial discrimination).
The Western agenda is therefore reflected in the heavy emphasis, even if at times nomin-
ally due to realpolitik, on the human dimension. Still, as Alessandra Russo and Andrea
Gawrich remind us in this special issue, ‘OSCE’s Cold War focus on the human dimension
has been heavily diluted with hard security’, while Kluczewska notes that ‘In the post-9/11 era, regardless of any neoliberal rhetoric, the de facto emphasis of influential Western
powers has been on stability rather than democratization.’ In the light of the rise of the
so-called Islamic State of Iraq and Syria (ISIS) and the partial involvement of Central Asia
both as a source of fighters and as a destination of ISIS returnees, the importance attrib-
uted to Central Asian stability has not declined following the drawdown of the US and
NATO–led International Security Assistance Force (ISAF) in the ongoing war in Afghanistan.
Still, the end of ISAF has meant reduced attention to Central Asia in a large majority of OSCE participating states.

The second reason behind the problematic nature of the ‘human dimension’, and hence a declining emphasis on it by the OSCE in Central Asia, is that the security issues concerning the politico-military dimension have been less dominant in Central Asia than for example in the Caucasus or earlier in the western Balkans. Since the end of the civil war in Tajikistan in 1997, classical inter-state conflicts that could have been addressed by the means available in the politico-military dimension were not used short of relevant contingency. Even though low-intensity conflicts have been present in three of the Central Asian states (Kyrgyzstan, Tajikistan and Uzbekistan), when such conflicts intensified, the OSCE was either too slow to react as events happened rapidly (the 2005 Kyrgyz revolution and the Andijan events of Uzbekistan, as well as the violent inter-ethnic-induced mass movement of people in June 2010), or they occurred despite the OSCE’s intention of constructive involvement (as for example in the 2011 Zhanaozen killing of protestors in Kazakhstan, the 2012 Khorog events in Tajikistan and the 2016 demonstrations in Kazakhstan). In this context, it is notable that Kazakhstan had difficulty making relevant interventions in the conflict between its two southern neighbours while serving as the OSCE chairmanship state in 2010.

Third, the economic and ecological dimensions are often the default focus in Central Asia, since these create the least problems with the region’s mostly authoritarian regimes. This is despite the fact that matters of prosperity and well-being are not on the OSCE agenda, at least with respect to values and principles. This is so partly because the set of principles dates back to the 1975 Helsinki Decalogue, wherein economic issues per se were not on the agenda as principles. Issues like the right to a clean environment as a so-called third-generation human right did emerge later on, but they were not on the Helsinki agenda, either. In addition, as compared to many other intergovernmental entities, such as the myriad UN agencies, the OSCE is a relatively ‘poor organization’ with a comparatively small budget. Consequently, although Central Asian states and non-governmental organizations (NGOs) still view the OSCE as a donor and source of funds and material goods, many have limited expectations as to what kind of resources it can be used to access.

Nonetheless, the OSCE has managed gradually to increase its attention to the human dimension since the end of the Cold War. The organization’s original focus of attention was not on Central Asia, however, such that the five former Soviet republics have been able to get away with a shaky record from the get-go. The region’s record on human rights has been poor, despite considerable regional variation. While Turkmenistan and Uzbekistan have been widely regarded as dictatorial, Kazakhstan introduced a more differentiated authoritarian rule. Kyrgyzstan, the state generally regarded as the most democratic in the region, has oscillated in its democratic record, while Tajikistan has been backtracking lately. And given both geography and realpolitik, Central Asia has been far less interesting to most participating states of the OSCE than either the former Yugoslavia or the other successor states of the former Soviet Union. Among the post-Soviet states, Belarus mattered, as did Ukraine from time to time. Moldova and the states of the South Caucasus also mattered due to the protracted conflicts in their territories, which often resulted in internally displaced persons and violation of the rights of ethnic minorities. One may conclude that these conflicts mattered more as they were closer to
Western Europe and the community of Western democracies. However, a different reading may also offer some explanation: that such conflicts matter more to the West since the Russian Federation is party to them and the West is in fact engaging in a geopolitical rivalry with Russia through such protracted conflict. Last but not least, as long as the ‘Russia first’ policy of the Clinton administration prevailed, the entire issue of the ‘human dimension’ mattered less than was subsequently the case. Today it seems that once again the human dimension is less prominent than it was during the previous decade, due to the US-led ‘war on terror’ and the importance attributed to stability over democratic transformation.

Nevertheless, when the OSCE has addressed the human dimension and democracy in Central Asia, the assessment has been worrisome. For instance, there has not been a single election that was assessed as ‘free and fair’ in this region. The reports of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on Central Asian elections differentiate between various diplomatic formulations, ranging from an assessment of ‘neither free, nor fair’ to ‘technical shortcomings’. The OSCE has refused to send a monitoring presence to nearly all of the elections in Turkmenistan. The ‘blockading’ of elections in Turkmenistan until 2013 gave way to an election-assessment mission to the legislature of Turkmenistan in December of that year. This solution was to the satisfaction of the Turkmen leadership as well. Both parties could claim something: the OSCE, that it had assessed the elections in Turkmenistan, and the Turkmen authorities, that they held an internationally assessed election. However, it was easier to understand the refusal to send election observers than the offer of a ‘halfway solution’. If and when the OSCE, which has established itself as a standard-setting organization in election monitoring, declined to observe elections in a participating state, it deprived those elections of international legitimacy. It is a matter of debate whether depriving elections of their legitimacy is a stronger incentive than monitoring, and thus marginally influencing and collecting information about where the country stands on its democratic record. Even though states without transparency would not perceive any major loss due to the reluctance of ODIHR to monitor their elections, it is somewhat more difficult to understand than the low-level presence in some other cases.

That said, some argue that the OSCE also needs to reassess its own activities to ensure that its election monitoring and presence are not doing more harm than good. Nearly all Central Asian elections (with the exception of post-2010 Kyrgyzstan) have resulted in the OSCE/ODIHR reporting the ‘lack of a genuinely pluralistic choice for voters and … most previous ODIHR recommendations remain[ing] unaddressed’ by the state (OSCE/ODIHR 2009). Some observers contend that OSCE/ODIHR’s election observations in Central Asian states not only fail to contribute to the ‘flourishing of democracy and political pluralism, but … unintentionally [aid] the consolidation of virtual democracy’ instead (Foroughi and Mukhtarova, in this special issue). Foroughi and Mukhtarova call this phenomenon the ‘counterintuitive Helsinki effect’ and maintain that the ODIHR knowingly participates in this process of observing foregone fraudulent elections to provide itself a ‘raison d’être as a post–Cold War institution’. With due respect to this view, one may consider a somewhat more conciliatory reading: that the OSCE and its participating states are simply of the view that active engagement carries the promise of more influence than introducing conditionality and denying the monitoring of elections.
Elections and their monitoring have gained more importance as the Russian Federation increasingly joined other (regular) violators over the last decade. There are two reasons for this. First, the OSCE has come to view the violation of election norms as a spreading malaise. A coalition was formed in the mid-2000s under Russian initiative and leadership by many post-Soviet states, which collectively contested the more active involvement of international actors, first and foremost the OSCE, in their elections. Second, the coalition, which included the states of Central Asia, argued that there was a fundamental bias in the organization’s approach to monitoring. It asserted that the OSCE/ODIHR’s focus had primarily been on the organization’s eastern regions; that reporting by observers was conducted without possibility of appeal by the host country; and that election monitoring could be used to undermine stability. The increasing concern of the Russian-led group of states was over the possible occurrence of so-called colour revolutions in response to alleged undemocratic elections (Galbreath 2009).

Where human rights and their violation are concerned, which is another main element of the human dimension, the picture is complex and requires nuanced assessment. Western human rights advocacy groups (including Amnesty International, Human Rights Watch and Freedom House) regularly assess the situation and present a bleak picture overall. And there appear few reasons to be optimistic – at least in the short-to-medium term.

To qualify the human rights picture, however, the following factors should be taken into account. First, since the end of the East–West conflict and thus the inception of sovereign statehood in Central Asia, the focus of human rights has been on political rights and individual freedoms, areas where authoritarian regimes perform poorly.

Second, the assessment of the human rights record of different Central Asian states faces the challenge that the region is not a priority for the West. When the same Western states are looking for strategic partners in the region, whether with regard to the ongoing ‘global war on terror’ or trade and economics, they are normally very careful if not outright mute on human rights matters that would otherwise be discussed. As Central Asia has lost importance for the West and sort of ‘left’ the geopolitical rivalry, the West’s criticism of the human rights and democracy record of the region has somewhat lost its sharp edge. Moreover, as Central Asia has become part of some geopolitical rivalry where the West has certainly lost influence vis-à-vis Russia and China, states which are of strategic importance for the West are not (harshly) criticized for their human rights and democracy record. This presents a challenge as human rights NGOs often continue to pronounce their views, and it presents a problem for the state institutions to manage the pressure. In some cases the consideration results in a delicate choice between values and norms on the one hand, and concern for stability on the other. In a region that is of no particular global strategic importance in a positive sense, but which can create problems if it is reluctant to cooperate, priority tilts to stability and a ‘consolidated’ relationship. A case in point here is Uzbekistan, a state with a disappointing record on human rights that was an important partner of the US in the Northern Distribution Network in withdrawing armaments and equipment from Afghanistan upon completion of the ISAF mission.

Third, the OSCE assessment of the region is often compromised by lack of knowledge. Assessment of the region is often anecdotal, drawing heavily on a cursory review of the local media and accounts of other international organizations, rather than its own on-
the-ground research and field work. This is evidenced by comments and presentations made by heads of delegations at the OSCE’s Permanent Council at the organization’s headquarters in Vienna, even as some delegations pick out and promote certain violations and individual cases (arrested individual journalists, mistreatment of opposition politicians, and biased media). It is also important to emphasize that regardless of normative declarations by the 57-member OSCE, in reality there is no consensus as to what constitutes violations of rights. The normative divergence between various participating states either never disappeared with the end of the Cold War, or returned soon thereafter. Views about individual freedom are also divergent. Furthermore, following several waves of democratic transformation between the 1960s and the 1990s, including two in Europe, the advancement of democracy has been halted. We may also say that there has been a return to authoritarian rule (Cooley 2015). Thus, as Aaron Rhodes argues in this special issue, despite the end of the Cold War, a ‘normative divergence between post- and anti-modernist forces … and classical liberal values’ has emerged, and ‘fundamentally contradictory views about individual freedom and the role of the state have become embedded in the concept of human rights’.

Whether substantially or nominally, OSCE activities address the values, norms and principles of the 1975 Helsinki Accord. However, it is an essential feature of the OSCE since the early 1990s that it has been physically present, in the form of permanent field missions and offices, in participating states that have had difficulty living up to the requirements of the accord. This is generally regarded as representing a major difference from other organizations, even though both the EU and the Council of Europe have significant field presence. It makes a big difference, however, that the OSCE can address the Central Asian countries as its participating states whereas the field presences of the EU and the Council of Europe cannot. Field presence has concentrated in two parts of the OSCE participating states, the western Balkans and the former Soviet space, with no permanent missions in the western states, some of which also face problems vis-à-vis their OSCE commitments in one or more of the three dimensions.

The total OSCE unified budget for 2015 was just over €143 million, of which 56% was spent on OSCE field operations, less than half of this (€23 million) in the former Soviet area. The largest two budgets were in Tajikistan (€7.3 million) and Kyrgyzstan (€6.9 million) (OSCE 2016). The field missions, while overlapping in their activities in different participating states, nonetheless claim to carry out projects tailored to the divergent needs of the host country. Originally, OSCE presence was conceived as having autonomy with respect to the projects to be realized. Funding from the so-called unified budget presented some constraints, as it was subject to a consensus of member states in the organization. However, extra-budgetary (ExB), funding, which requires no Permanent Council approval, complemented the strictly limited unified budget resources. Some Western states (chiefly the US) and the EU and some of its more affluent members have stood out as the primary ExB donors. Understandably, their political preferences were reflected in the funding stream. This has understandably upset states that were the prime recipients of resources, and their mentor in the post-Soviet space, the Russian Federation.

The situation worsened in particular at the time when one ‘colour revolution’ followed another, between 2003 and 2005. With or without evidence, some post-Soviet states had the impression that the sources channelled through the OSCE contributed to the funding of political transformation. Many states with varying degrees of authoritarianism wanted
to prevent a snowball effect closer to home. As noted above, a group of post-Soviet states, under the guidance of Russia, developed a set of grievances that ranged from ExB financing for certain political purposes, to the under-representation of citizens of post-Soviet states in leading OSCE functions, to the over-emphasis on monitoring elections primarily in countries ‘east of Vienna’, i.e. the former communist world. Russia correctly contends that ExB funding has led to the autonomy of some OSCE institutions (chiefly ODIHR). Russia, in turn, accuses the West, chiefly the US, of having ‘privatized’ the ODIHR into an organization that had originally reached all of its decisions through consensus (Russia in Foreign Affairs 2008). Such accusations influenced the changes that have taken place within the organization in the past decade. Among other things, two post-Soviet states have held the OSCE chairmanship (Kazakhstan in 2010, Ukraine in 2013); Russian, Belorussian and Ukrainian citizens have headed OSCE field missions in different states at different moments (Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan); and ExB financing has been used more often for purposes amenable to the host state.

If field presence is essential for the OSCE, the states that host such field offices also have considerable bargaining power. There is a noteworthy trend here: that participating states tend to dislike OSCE presence on their territory. Three distinct tendencies can be distinguished. First, some participating states have made efforts to convince others to abolish the OSCE field presence by consensus. Estonia and Latvia had their field offices closed in 2001, arguing that they were approaching EU membership. Croatia had its OSCE presence reduced in 2007, before it was abolished in 2011 on similar grounds. Second, some others initiated the termination without the consent of other participating states or vetoed presence in another participating state. This applied to states such as Belarus (twice) and more recently Azerbaijan. Third, several participating states significantly reduced the status and reach of OSCE presence from ‘centres’ or ‘missions’ to ‘programme coordinators’ or ‘programme offices’. This has been pursued by both Kazakhstan and Uzbekistan. Kazakhstan first closed the Almaty office, reducing the presence in Astana to a programme office from 2016. Then the Kazakh foreign minister, Erlan Idrissov, said that this was not the last step. OSCE missions categorized as ‘project coordination’ and ‘programme’ offices can only carry out projects that have been approved by the foreign ministry of the host state. This reduces the OSCE presence’s freedom of action to a minimum and exposes it to the mercy of the host state. This tendency has been on the rise even though OSCE missions have acted more and more carefully not to upset the authorities of the host states. The OSCE’s reporting activity also increasingly reflects a carefully diplomatic approach, since the host state also receives the reports.

It is notable that those participating states that benefit from the trade in natural resources, whether their own (Kazakhstan and Azerbaijan) or those of another state (Belarus), have more clearly felt empowered to challenge OSCE presence on their territory. By contrast, poorer and weaker states (Armenia, Kyrgyzstan and Tajikistan) have not gone so far as to openly challenge the OSCE presence, and each has hosted large OSCE missions. It is notable, however, that in 2016 Kyrgyzstan and Tajikistan both followed the examples of other states and initiated negotiations to change the full-fledged OSCE centres into programme offices. The talks are supposed to end by May 2017 with Bishkek and by the end of the same year with Dushanbe, demonstrating that the situation of their relationship with the OSCE can be described as interdependent at best. The redoubling of regional institutions gives the option to states for which inter-state entities to join or to pay
special attention to. Both compare and contrast overlapping intergovernmental organizations, like the EU and NATO, with Russian-centric regional organizations – notably the Commonwealth of Independent States, the Shanghai Cooperation Organization, the Collective Security Treaty Organization and the Eurasian Economic Union – which seek to reduce Western geostrategic influence in Eurasia. Western hesitation, as was visible in the case of Georgia, has also contributed to this, in addition to Russia’s rapid rise in the first decade and a half of this century.

What risks does the situation present, and what should the OSCE do? Indeed, there is a risk that those post-Soviet states wherein the OSCE continues to be present will coordinate their stance to ‘break the back’ of the organization. As of now, the organization has relied on skilful diplomacy. Field staff seek to work with the host state authorities cooperatively, keeping a low profile and avoiding major collisions. The OSCE presence can only decide in light of accurate knowledge of the environment how to find the right mix of resolve and flexibility. The latter may well produce the impression that its very presence represents an attempt to placate the authorities. It is clear that, on the one hand, some would find this opportunistic, sacrificing the values, principles and norms that the OSCE should foster. Others are equally worried that a straightforward, occasionally tough stance might compromise cooperation and endanger the relationship for the future.

Is there any chance of overcoming this volatile situation and arriving at a positive-sum game? Not in the near future. The deepening division that has emerged in the last 25 years among the OSCE participating states and their allies is likely to entail a certain amount of erosion in OSCE presence in the former Soviet space. Some of those states that still host OSCE field missions may, as we have seen already with Russia, Belarus and Azerbaijan, reach the conclusion that ‘the deal is not right’ and that the costs outweigh the benefits of OSCE field presence overall, particularly if Russia encourages the latter to terminate OSCE presence.

The activity of OSCE field missions varies by country. Although in all cases the field activities are first and foremost concerned with the development of state capacity, there are significant differences of emphasis and allocation of resources, including military reform and cooperation (Kazakhstan), elections (Kyrgyzstan), and support for the media (Uzbekistan). It is also evident that when the OSCE has doubts about its influence in a participating state it focuses on matters that cannot easily be opposed by the host state: projects that are uncontroversial, often with a view to the future (education, exchange between students, young scholars) or oriented towards the quick expenditure of funds to benefit the state and its bureaucrats. In the most difficult cases, the organization has stayed away from reaching out to activist NGOs and individuals in order not to get them and their leading representatives in trouble. In some of the less democratic states, indeed, a large portion of the civil society sector has been government dominated and controlled. So-called state- or government-organized NGOs (GONGOs) have at times dominated the field and left no room for others. Kazakhstan has taken the lead in this regard. Foreign support and financing often made NGOs suspect and subject to state interference. This has happened through mechanisms similar to those passed in the Russian Federation through its 2012 Foreign Agents Law (HRW 2015), which a number of other states (including Kyrgyzstan and Tajikistan) have sought to emulate.
Conclusions

What could the OSCE do differently to achieve more in its relations with Central Asian states? There is no easy answer to this question, as it partly depends upon the developments of the respective state and geostrategic issues of importance to influential states, such as the ongoing ‘global war on terror’ and the situations in Afghanistan and Ukraine. It is clear that the OSCE has a better chance to retain its influence in those states that are not openly rejecting democracy and hence maintain a mixed anocratic façade (such as Kazakhstan), and in those that are more dependent upon aid (such as Kyrgyzstan and Tajikistan). However, there is reason to differentiate between the latter two as well. Kyrgyzstan is a democracy that declares—and many observers concur—that it is the most democratic in the region. Tajikistan intends to cash in on its strategic proximity to Afghanistan, while less and less living up to the values and norms of the OSCE.

Two consequences follow from these observations. First, the OSCE should find an adequate balance between those projects the host state wants and those that matter for the democratic majority of the participating states. Second, the respective Central Asian participating states ought to understand that the OSCE presence is backed by the community of that majority, and their reluctance to cooperate may have the consequence of reduced cooperation in a broader circle of states and institutions that does not only include those of the OSCE. With this, the stakes would be increased so as to understand that the consequence of reduced cooperation (non-cooperation) will be reciprocated.

The OSCE is in a situation where there is no ‘one size fits all’ solution to ensure respect for its values, principles and norms. Hence, ambiguity and a case-by-case assessment of issues will continue to characterize the work of the organization. It is essential that the organization continue to find those niches that guarantee its complementary influence on European and Eurasian security. This requires finding the balance between the interests of the individual 57 participating states, including those of Central Asia, while addressing the interests and advantage of the whole OSCE community so as to promote the core values and norms entailed and formally agreed to in the Helsinki Final Act more than 40 years ago.

Notes

1. The text of the Astana Commemorative Declaration towards a Security Community states: ‘We reaffirm our full adherence … to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith’ (OSCE 2010, 1).
2. The CSCE made an attempt to accept a consensus-minus-one and later a consensus-minus-two rule in the early 1990s. However, as now participating states with different agenda are not isolated and belong to groups (integrations and alliances), the consensus-minus-one rule is not applicable in practice.
3. Though this has been widely known, it was still unusual when the Russian president, Vladimir Putin, on 29 August 2014, pointed out that ‘the Kazakhs never had any statehood’. Putin’s remarked angered the Kazakh leadership and sparked reaction (Najibullah 2014).
4. Memorably, Kazakhstan declared its sovereignty on 16 December 1991, two weeks before the Soviet Union was dissolved and just four days before the so-called Almaty meeting in the capital of the Kazakh Soviet Socialist Republic was held.
5. It is for this reason that Martha Brill Olcott (2005) concludes that Central Asia has missed its second chance as well.
6. While Kyrgyzstan hosted a US airbase in Manas, essential for transit to and from the US-led war in Afghanistan, Washington was certainly not in a position to be in the lead of challenging Bishkek on human rights. With respect to Uzbekistan, Washington had to temper criticism in spite of evidence of Tashkent's atrocious human rights record due to its cooperation with the US; and criticism of Kazakhstan was often muted because of the country's significance as a trading partner and source of international investment. This was the view of the second George W. Bush administration.

7. It is important to understand that in the ‘redoubling’ of institutions in the first 15 years the CSCE, the West and the socialist countries had parallel regional security organizations and economic integrations.

8. Aside from the Foreign Agents Law, which Kyrgyzstan emulated from a near-identical 2012 law in Russia, as of May 2015, Kyrgyzstan followed Russia's lead and became the fifth member (after Russia, Belarus, Armenia and Kazakhstan) of the Eurasian Economic Union (Russia Insider 2015), a Russia-led economic community, which its members hope will eventually compete with the EU. In May 2016, however, the Kyrgyz parliament failed to approve the Foreign Agents Law, with 46 votes in favour and 65 against (ICNL 2016).

Disclosure statement
No potential conflict of interest was reported by the author.

References
Human rights concepts in the OSCE region: changes since the Helsinki Final Act

Aaron Rhodes

Forum for Religious Freedom – Europe, Hamburg, Germany

ABSTRACT
The Helsinki Accords resonated with dissident movements in the Soviet Bloc that had reconstructed a classical liberal approach to human rights. Human rights campaigns on both sides of the Iron Curtain emphasized civil and political rights. But human rights revisionism, expanding the scope of human rights, was growing in international institutions. In 1993, the international community embraced the concept of the ‘indivisibility’ of human rights. An expansive, ‘post-modern’ vision of human rights de-emphasized the protection of basic individual freedoms, while expanding global regulation. A strong moral and political challenge to classical human rights has emerged in the form of Eurasianism, a statist doctrine that denies the existence of universal human rights and insists that each culture has its own values. The idea of human rights as protections for basic freedoms, diluted and weakened over decades by assaults and compromises, may lack the moral clarity needed to confront the Eurasian challenge.

KEYWORDS
Alexandr Dugin; anti-modernism; Cold War; Eurasianism; Helsinki Final Act; human rights

Introduction
Human rights protections have been a cornerstone of the political commitments shared by the participating States of the Organization for Security and Co-operation in Europe (OSCE – before 1994 the Conference on Security and Co-operation in Europe) since the signing of the Helsinki Final Act in 1975. Principle VII called for ‘respect for human rights and fundamental freedoms, including the freedom of choice, religion, or belief’. The Final Act referred to both civil and political rights, and economic and social rights: the participating States would ‘promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development’. But the dynamic element in the Helsinki Accords – what aroused hopes and actions in civil society – has always been classical human rights, the ‘negative liberties’ that compelled governments to respect fundamental individual rights and freedoms. The Helsinki Accords committed the participating States to ‘confirm the right of the individual to know and act upon his rights and duties’. They thus implied that those fundamental freedoms needed to be honoured if respect for other rights was to be realized; that is, they established a priority for basic freedoms as opposed to welfare rights. During the Cold
War, liberal democracies tended to focus on civil and political rights, while communist states claimed priority for economic and social rights, whose legitimacy within the international system had been assured by their inclusion in the 1948 Universal Declaration of Human Rights. Key human rights concepts promoted mainly by the Soviet Bloc and Third World countries, including the ‘indivisibility of human rights’ and the ‘right to development’, gained ground. But the civil society human rights communities on both sides of the Iron Curtain tended to emphasize civil and political rights. Activists in the Soviet Bloc held diverse and often inchoate views on the philosophy of human rights, but rediscovered the fundamental precepts of classical liberalism in their principled confrontation with totalitarian regimes. Focusing on civil liberties, they framed human rights work as a scientific activity based on objective standards and facts, primarily aimed at holding states accountable for protecting individual freedoms.

With the end of the Cold War, the international community more strongly embraced elements of the Soviet concept of human rights – a much broader human rights agenda than that suggested by the Helsinki Final Act. The 1993 Vienna World Conference on Human Rights resulted in consensus – essentially a political compromise – on balancing the ‘Eastern’ and ‘Western’ versions of human rights, attempting to resolve contradictions between the social and economic rights propounded by socialist states and the individual liberties favoured in the West. While the post–Cold War Helsinki human rights community has generally focused on individual civil and political rights, the global human rights movement has moved towards collective, social and economic rights, embracing an expansive vision of freedom as dependent on positive state actions, not simply state restraint. There has also been a trend towards restricting fundamental freedoms in deference to the goals of tolerance and community values.

Today, the Helsinki human rights principles of individual intellectual and political freedom face a renewed challenge in the form of the ‘Eurasian’ doctrine, articulated mainly by Russian political philosopher Alexandr Dugin and founded largely on teachings of the Russian Orthodox Church. Eurasianism challenges the very idea of universal human rights, promoting instead the notion that particular societies and nations have their own human rights values, a position often taken by many authoritarian states over the past decades, including those in Central Asia. Freedom is seen not as the possibility for individual initiative and a posture of critical independence from the state, but rather in an embrace of national authority, identity and purpose. On the global scene, more and more governments are adopting a similar approach, driving a movement that not only opposes economic neoliberalism but promotes a human rights concept based on providing security via positive state actions, while de-emphasizing individual freedoms by balancing them against other objectives.

**Human rights and ideology during the Cold War**

**Dissident human rights concepts**

During the Cold War, and to an extent inspired by the Helsinki Final Act, a unique and original human rights discourse emerged from Soviet and East European dissent and has shaped the approach of the global civil society human rights community. The human rights doctrines of the Soviet-era dissident human rights movement, as a subset of a
diffuse, highly diverse field of dissenting groups and individuals, cannot easily be
described, and even its still-living members exhibit a certain habitual opacity. The lines
between ‘human rights’ movements and a wider range of initiatives composed of
people seeking reform, autonomy, or the downfall of the Soviet system have never
been clear. Some dissidents had no concern for human rights and held views antithetical
to human rights. The dissident human rights movement, in general, consisted of those
who worked for the realization of the rights and freedoms of others from an inclusive
and non-ideological perspective, referring to national and international law and political
agreements as standards defining state obligations.

Soviet dissidents reinvented human rights for themselves, according to Ludmilla Alex-
eyeva (1985, 267ff.), a historian and founder and current chief of the Moscow Helsinki
Group, who has been among the Soviet human rights movement’s primary ‘participant-
observers’. Dissenting human rights activists had limited or no access to the philosophical
and legal literature that informs the human rights tradition. Especially in the early years of
the movement, they also had little or no contact with civil society human rights formations
in the West. They did not take over existing interpretations of the concept of human rights,
but constructed the meaning of human rights for themselves in the face of antithetical
conditions in which basic liberties were denied, and in relative isolation. Their posture
has been characterized as one of ‘moral idealism’ (Barghoorn 1966, 47). The members
of the Soviet human rights movement tended to promote human rights for its own
sake. An analyst writing during the Cold War noted: ‘Dissent in Soviet society has an exis-
tential stance: the inner need of the individual to speak or act in the name of ideals, even
when no concrete means exist to realize them [as a] moral compulsion’ (Kadarkay 1982,
168ff.).

In this regard, their stance was consistent with the idea of the need for moral con-
straints on civil law, and the nature of freedom, originating in classical Greek philosophy.
The Stoic philosophers had distinguished between natural law and civil law; civil law, the
laws promulgated by states and legislatures, needed to be consistent with the moral
requirements of human nature. The law needed to respect the sanctity of the individual.
In the *Nicomachean Ethics*, Aristotle took freedom to mean primarily the ability to make
choices, the quality that distinguishes humans from animals, which is thus a pillar of
and essential to the fulfilment of human nature. Martin Palous, a philosopher and a
leader in the Czechoslovak human rights movement Charter 77, considered that
freedom in its ‘positive, classical sense’ exists in ‘public acts based on initiative’ (Tucker
2000, 120–121). In the classical liberal view of human rights formed by Immanuel Kant
and John Locke, freedom is an end in itself, a key to the fulfilment of human potential
in the exercise of reason, free will and moral agency. Freedom, in turn, does not exist
unless it is exercised and allowed to be exercised. Kant said that freedom is what
bestows dignity on a person – if human rights are to protect dignity, they must first
and foremost guarantee freedom. In classical human rights doctrine, protecting
freedom is a moral duty.

In a publication that followed his exile in the US, Soviet human rights advocate Valery
Chalidze (1984, 3) wrote that the dissidents’ struggle for freedom was ‘limited to advan-
cing freedom of speech, recognition of the rule of law, and due process’. ‘Freedom
means accepting responsibility for one’s own behavior and future’ and ‘the need to free
oneself from the belief in the possibility of a perfect social system’ (Chalidze 1975, 4).
For intellectuals like Chalidze, freedom meant not only the exercise of reason and choice in the face of an oppressive, controlling state, but also freedom from natural desires that impinge on intellectual and moral integrity.

The dissident human rights movement reconstructed classical human rights principles also with regard to the ‘utility’ of human rights. In defending freedom, human rights activity was thus not a means to other ends, but an end in itself. Human rights work was not conceived as a ‘practical’ or ‘realist’ activity, associated with clear ‘objectives’ and ‘results’. It was also generally clear that the human right to freedom was a universal individual right – clear because Marxist-Leninist doctrine, while incorporating the word ‘freedom’ for manipulative political purposes, qualified its meaning with denunciations of ‘arbitrary’ individual wishes, and the obligation to conform to the interests of the majority.

The Ukrainian Helsinki Human Rights Group, one of the first to follow the Moscow Helsinki Group’s lead, concerned itself largely with preserving the national and cultural traditions of Ukraine, but it also stressed individual rights. ‘A Manifesto of the Ukrainian Human Rights Movement’, from 1977, in a rare explicit reference to classical human rights doctrine, claimed that ‘the state does not bestow a right on a citizen, but only defends a person’s natural right’. The law ‘should provide for the primacy of the individual’ and be ‘the guarantor of the freedom and sovereignty of the individual’ (Ukrainian Helsinki Human Rights Group 1977, 93ff.). In a manner typical of numerous national human rights movements, therefore, Ukrainian activists saw no contradiction between the idea of individual rights and a primary concern for preserving Ukrainian national identity.

Political diversity was a principle of both the Charter 77 movement in communist Czechoslovakia and the Soviet dissenting human rights groups. This inclusiveness was, in effect, a laboratory for the viability of human rights as a unifying principle. To enjoy human rights meant that one’s freedom to think, reason and judge was honoured, but in a sense human rights was ‘empty’ of particular visions of what a society must do to be good. Dissident Soviet human rights activists defended the rights of all, including varieties of Marxists and Czarists who themselves did not believe in civil liberties, and members of ethnic-national movements whose concern was only for members of their own group, not respect for individual rights as such. Human rights defenders also defended Slavophile, anti-rationalist and anti-Western extremists; in doing so, they separated questions of ideological politics from human rights, recognizing that all are entitled to basic freedoms.

When we examine the intellectual character of the dissident human rights movement, its scientific approach emerges as a key element. Andrey Sakharov, Ludmilla Alexeyeva and Yuri Orlov, as well as figures like Václav Havel, among others, approached human rights as intellectuals, and in numerous cases as trained physical or social scientists, and while they were clearly motivated by moral principles, they approached the question of human rights largely detached from political passions. A dissident intellectual was one who strived to live where one could search for truth, as opposed to an environment of ‘ritualistic ideological automatism’ (Tucker 2000, 116). To do so was morally necessary to defend individual human rights. The Chronicle of Human Events, a primary samizdat or self-published underground newsletter initiated in 1968, had a scientific, factual, dispassionate style. Human rights was seen as a moral and intellectual discipline of self-depoliticization. For the
human rights dissident, this was an ‘authentic life’, a free life ‘in truth’, as opposed to one in which thoughts and actions are understood as expressions of an all-determining collective identity (Tucker 2000, 173).

The scientific approach of the dissident human rights movement was given new impetus by the Helsinki Accords. The contradiction between these political commitments and the reality of existence in Eastern Bloc states, where those human rights were not respected in any way, was stark. Human rights analysis thus required objectively measuring the behaviour of a state against the principles and standards to which a government had committed itself by signing the Helsinki Final Act. The effectiveness of human rights activity rested on objectivity; bias stemming from either support of or opposition to the state would distort and discredit results.

The Soviet Initiative Group for Human Rights, the Moscow Helsinki Group, and Charter 77 in Czechoslovakia saw their mandates as assisting the state to abide by the Helsinki Final Act, and they also sought dialogue on their findings and concerns with the communist authorities. Closely associated with the scientific ethos of politically neutral and independent civil society human rights activity was the principle of ‘legalism’, a view of law as an objective framework imposing obligations not only on citizens but also on the state. The formation of these human rights concepts was – again – a matter of negating the Soviet legal perspective that Chalidze (1975, 4) described as the ‘subordination of law to ideology’. As such, they emerged as an indigenous form of procedural liberalism.

This brings us finally to the issue of non-partisanship, the political stance of most dissident human rights defenders, which has been suggested by a number of the preceding points. The insistence on a firm distinction between human rights activity and political activity was a common refrain, and one that has, in varying degrees, been embraced, yet often betrayed, by the post–Cold War international human rights movement. The main currents of Soviet human rights activity did not seek ‘regime change’, or even any specific political outcome, but rather, as indicated above, a respect for individual rights and freedoms, as protected by law. Charter 77, for example, was explicitly not a base for oppositional political activity, and had no programme of political reform or distinctive political agenda; its main philosophical proponent, Jan Patočka, considered the movement an ‘apolitical act’ (Tucker 2000, 120). Leaders like Sakharov demonstrated their political neutrality, for example by demonstrating not only against Soviet violations of human rights but also against American policies like the war in Vietnam. Yuri Orlov, a practicing physicist and founder of the Moscow Helsinki Group, clarified in a conversation with the author in the late 1990s that human rights should not be about ‘what’ but rather about ‘how’.

It is fair to say that most Soviet-era human rights defenders showed little genuine interest in economic and social rights, or rejected the concept altogether; nonetheless, significant figures in the movement have taken such rights seriously, and categorical assertions are unwarranted. Chalidze, whose views are clearly liberal, wrote that civil and political rights are universal, while economic, social and cultural rights ‘depend largely on a particular economic and social system’ (Chalidze and Schifter 1988, 28); that is, such rights should be respected according to public choices based on democratic processes within particular societies. Economic and social rights were part of the realm of positive law, but not the natural law upon which human rights were based.
But the dissident human rights community generally left such conclusions within a strategic silence, not openly criticizing economic and social rights but generally ignoring them. Chalidze attributed this to ideological ‘inertia’ and to a deep sympathy with the goals of socialism, despite the abuses of the communist state. He wrote that although economic and social rights had been included among those set forth in the 1948 Universal Declaration of Human Rights to ‘placate’ the Soviet Union, and reflected ‘Soviet propaganda’ (Chalidze and Schifter 1988, 5), with a few exceptions, they were never a target of significant invective by the Western human rights community. Avoiding doctrinal human rights controversies that abutted fundamental political disputes was consistent with the effort to keep human rights advocacy and politics separate.

**The Cold War human rights debate**

The Cold War, while a period of intense military preparedness and bloody proxy wars, was in large part an ideological and philosophical war between Soviet communism and Western capitalism. To an extent, the Cold War was also a conflict about the meaning of human rights. The forces of state socialism, while losing ground through the processes that culminated in the collapse of communist regimes, nevertheless managed to set in motion significant changes in the international human rights machinery based on collectivist and redistributionist concepts.

Domestic Western activists campaigning for the rights of people behind the Iron Curtain were generally in agreement in their focus on civil and political rights, while social and economic rights were largely discredited by their highly problematic implementation in communist societies. The American human rights organization Helsinki Watch was founded to monitor implementation of the Helsinki Accords and to support the Moscow Helsinki Group, Charter 77 and other similar organizations behind the Iron Curtain. In addition, the Soviet and Western human rights groups, including Amnesty International, shared not only a primary interest in civil and political rights, but also a rigorous non-partisanship.

At the United Nations, a vivid political confrontation of the differences between the two categories of rights had eventually led to the promulgation of two separate human rights treaties in which the ‘mixed bag’ of principles contained in the 1948 Universal Declaration of Human Rights were codified into international law. The decision for separate treaties was considered a victory for the proponents of classical human rights and for legal scholars and jurists who argued that social and human rights could not be adjudicated in the same manner as civil and political rights. It was a victory for those who considered social and economic rights ‘aspirational’ but not functional, like legal, international human rights – they were a different kind of human right – a position typically taken by American diplomats during the Cold War and even today, for example.

The ideological Cold War was a period of serious and open discussion about the meaning of human rights in terms of fundamental philosophical, legal and economic principles. An era of ‘alternative human rights’, or human rights revisionism, emerged, challenging the narrow classical liberal interpretation. Believing that human rights had been used as a political club against them, the Eastern Bloc as well as Third World states in turn took up human rights as a weapon in their conflicted dealings with Western liberal democracies. In April and May 1968, the UN held an International Conference on Human Rights
in Tehran. The Tehran conference had serious consequences for the concept of human rights: an ‘expansion of human rights to cover nearly every concern of the Global South’ (Whelan 2010, 144). While neither its Proclamation nor its Final Act addressed the problem of protecting freedoms, they strongly promoted placing economic, social and cultural rights, and the ‘right to development’, at the centre of the UN human rights agenda. At the conference, the Iranian delegation insisted that ‘the promotion of human rights was directly related to economic and social progress’ (quoted in Whelan 2010, 146). Similar language appeared in the conference’s Final Act, which asserted, in Article 17, ‘a profound inter-connection between the realization of human rights and economic development’.

Perhaps most significantly, the Tehran International Conference on Human Rights revealed how the concept of the ‘indivisibility’ of freedom rights and economic and social rights would emerge as a lever to encourage international transfers for ‘development’, as well as one that would be a tactical tool for contextualizing and reducing criticism of violations of freedoms. The Final Proclamation of the conference stated: ‘Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible’ (Whelan 2010).

In 1977, the UN General Assembly passed Resolution 32/130, ‘Alternative Approaches and Ways and Means within the UN for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms’. The resolution endorsed the Tehran position on the relationship between the different kinds of human rights, repeating that ‘the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible’. Indeed, driving the concept of human rights further into the realm of economic policy, it called for a ‘new international economic order’. According to legal scholar Moses Moskowitz (1979, 122), the resolution passed with ‘patently ideological and political support’. Another critic said the resolution made it possible ‘for any developing country to defend itself against charges of human rights violations by replying that it hadn’t received adequate foreign aid’ (Adams 1984, 119) – the argument being that granting civil and political rights without the financial means to provide social and economic rights would only lead to political conflict and instability.

Democratic states did not vote against Resolution 32/130 but merely abstained. It passed with the support of 123 states, none voting against, a sign of reluctance to defend a concept of human rights centred on fundamental freedoms. In fact, Western powers, seeking to avoid any impression of insouciance about the poverty that has plagued citizens of Third World countries, have rarely openly criticized the concept of economic and social rights or the notion of the indivisibility of human rights. Many signed the International Convention on Social, Economic and Cultural Rights, including the US under President Jimmy Carter (although the US has yet to ratify it).

The most notable criticism of conceptual changes in human rights occurring in the UN system came from the US during the administration of President Ronald Reagan, a period of intense confrontation with the USSR. American officials then forthrightly denied the legitimacy of economic and social rights, and the US government denounced regimes that tried to obfuscate restrictions on liberty with claims about honouring those rights. Reagan’s officials, who also forcefully defended Soviet human rights dissidents, even considered dropping the term ‘human rights’ altogether and replacing it with terms like
‘individual rights’, ‘political rights’ and ‘civil liberties’ (Lord 1984, 132), motivated by frustration with the growing ambiguity and exploitation of the term, which often included criticism of social and economic problems in the US. Debate over the nature of human rights was vivid and alive, as the limited focus on freedom rights based on natural law, that is, the basic approach to human rights represented by the Helsinki Accords, came under more intense pressure.

The post–Cold War, ‘post-modern’ UN human rights agenda

In 2005, speaking at a conference to commemorate the 1985 Alternative Cultural Forum in Budapest, János Kis (2006, 60), a prominent Hungarian political scientist and philosopher, said that while the dissident human rights movement ‘took the side of human rights universalism, they took it unreflectively, without being challenged to defend their position against relativistic objections’. The ‘anti-communist human rights movements’ had ‘failed to leave after them any tools to deal with [post-communism’s] ideological complexities’.

The dissident human rights movement, and indeed the broader human rights outlook associated with the Helsinki Final Act, had focused on what Kis termed the ‘non-controversial core of human rights’. But what might now be seen as the simplicity or innocence of the movement should, in fact, be an important point of reference in the face of the politicization and fragmentation of human rights after 1989. In his speech, Kis made reference to two major challenges faced by the concept of human rights that had emerged following the momentous changes that burst forth that year. One was a ‘post-modern’ challenge to the universality of human rights, a claim that the concept of human rights is simply a ‘local ideology’, and ‘socially constructed’ like all others; this gave rise to a range of ‘collectivist’ concepts, as opposed to the principle of universal individual human rights. The other was the claim that political action has no moral dimension, and is simply about power; human rights is, in this view, a political ideology and as such a strategy to gain power. For several decades following the end of communist regimes, human rights concepts were strongly affected by the first trend; in the present, regimes around the world increasingly turn to an ideology of power – often justified in the name of ‘human rights’.

In 1993, the UN organized the World Conference on Human Rights in Vienna, a profoundly influential meeting in which the international community put its imprimatur on a new vision of human rights, and one that contrasted broadly with both the focus on civil and political rights in the Helsinki Final Act, and the principled avoidance of ideological politics that Cold War–era dissident human rights defenders had upheld. Drawing on tendencies that had shown themselves in the formation and content of the Universal Declaration of Human Rights and that had gathered strength in the Cold War period, the UN forcefully endorsed the concept of the indivisibility of human rights and declared that all human rights are equal, pulling the concept of human rights towards specific political orientations and holding it there as a fixed dogma. The new vision tilted heavily towards economic and social human rights; the records of the UN Committee on Economic, Social and Cultural Rights in the lead-up to the conference show that promoting ‘indivisibility’ was a tactic to promote those rights (Committee on Economic Social and Cultural Rights 1993). In linking and balancing freedoms and services, it could be compatible with authoritarian regimes that aimed for a concept of human rights without individual civil and political freedom at its core.
This may be understood as a ‘post-modern’ approach to human rights because it embraced a profound scepticism of the long-standing binary oppositions that had structured human rights discourse since the Enlightenment: the distinction between the rights of individuals honoured by state restraint (negative liberties), and the material benefits to welfare made possible by positive state actions; the distinction between the obligations of states to protect human rights, and those of private citizens and independent institutions. Post-modernism proceeds from an assumption that objective truth does not exist, holding instead that truth is a social construction; its most radical proponents, like Michel Foucault (1991), have held that truth is produced by power. The post-modern human rights approach is ‘anti-foundational’. It has detached itself from the principle that universal human rights are founded on a common and eternal human nature, turning instead towards the ‘cultural relativist’ position that human rights can and should evolve as societies and their values change.

When opening the Vienna conference, UN Secretary-General Boutros Boutros-Gali gave voice to this point of view when he observed that ‘the world is undergoing a metamorphosis, … certainties are collapsing … the lines are becoming blurred’. He suggested that the conference would establish links between development, economic and social rights, and civil and political rights. Each cultural epoch, he said, has its own way of implementing human rights, which are ‘the ultimate measure of all politics’. He said that human rights are ‘both absolute and historically determined’ – that they ‘should evolve simultaneous with history’ yet would not cease to be ‘universal’ (Boutros-Gali 1993). The Secretary General’s speech can be interpreted as signifying that the concept of human rights depends on politics, as ‘only democracy can guarantee human rights’ (Boutros-Gali 1993). The post–Cold War, post-modern concept of human rights seemed one that could be adapted to what situations demanded.

Since the Vienna conference, the doctrine of the ‘indivisibility, interdependence and inter-relatedness’ of human rights has become a dogma that is commonly invoked to promote economic and social rights, and also exploited by authoritarian states to divert attention from denials of freedom. No human rights violation can be considered as an objective problem in and of itself; human rights problems can be endlessly contextualized and relativized, balanced against a wide range of other concerns. Some, including those who support a more equal distribution of resources, see in the increased emphasis on economic and social rights an undermining of the democratic processes by which societies should form social policies (Neier 2012, 81). But the World Conference established that poverty is a ‘violation of human dignity’ and fighting poverty is a human rights activity to be informed by human rights principles. Economic inequalities, a central challenge of any society, would be adjudicated by courts, as opposed to democratic action in legislatures. By emphasizing social and economic rights and promoting the view that positive state actions are how to realize them, the international community embraced and promoted the political position that government action, rather than restraint, was essential to realizing human rights.

The women’s rights movement emerged at Vienna to challenge entrenched forms of gender discrimination. But it also helped change the UN’s general approach to human rights, fuelling a redefinition of universality and perhaps even a redefinition of the human person – a person would, as a result, be seen largely as defined by subcategories of humanity – by sex, age, class, ethnicity, and so on. New treaties would need to be
promulgated to rectify historical injustices to various groups. Another innovation resulted when women’s rights activists and diplomats branded the perpetrators of domestic violence human rights violators. Largely as a result, the primary responsibility of states to honour human rights was clouded over by the concept of violations by ‘non-state actors’, that is, civilians being held culpable for human rights violations. The distinction between crimes and human rights violations was blurred.

Finally, human rights also became more internally contradictory. The 1993 conference ushered in an era in which a number of putative human rights, chiefly protection from intolerance and xenophobia, came into conflict with freedom of thought, conscience and speech, thus seriously weakening respect for these primary human rights. No one can deny that intolerance and xenophobia are unhealthy and potentially dangerous, and that they are often associated with human rights violations and crimes. In the years since the 1993 conference, however, international human rights intergovernmental machinery, governments and civil society, including the OSCE, have poured resources into ‘combating intolerance and xenophobia’, focusing on prejudicial attitudes among citizens. In recent years, eradicating ‘Islamophobia’, for example, has become a central objective, while efforts to end ‘hate speech’ are today a high priority for international human rights institutions. Their legal foundation lies in Article 20 of the International Covenant on Civil and Political Rights, which states that ‘Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.’ In negotiating this treaty during the Cold War, Western diplomats had vigorously opposed the use of such vague language, which they said could be misused to silence politically dissenting voices, but the measure passed, with the support of the Soviet Union and other repressive states (Mchangama 2011). Today, all European states have hate speech legislation. In addition, since the early 1990s and the Vienna conference, and especially among the most developed democracies, a strong human rights trend has been towards restricting and imposing ‘politically correct’ bans on forms of speech.

Since the 1993 Vienna conference, a main task of the official UN human rights apparatus has been to promote the notion of the indivisibility of human rights and the other elements of the Vienna Declaration, indeed, to act as an ‘enforcer’ of the doctrine; the issues debated during the Cold War are no longer considered open issues. The international human rights community has also increasingly focused on global regulation of economies. For example, in a letter to UN delegations, the UN High Commissioner for Human Rights, Navi Pillay (2013), outlined the principles that should animate a ‘post-2015’ human rights agenda. The principles include ‘substantive equality of both opportunity and result under the rule of law’. Substantive equality of result is a blatantly political goal that depends on an ideological political programme for its achievement, and is clearly at variance with the principle that human rights should be politically neutral. A human rights ‘establishment’ has emerged, joined by both civil society and governmental actors, which, following the strategic compromises of the Vienna conference, has absorbed a number of the central human rights doctrines promoted by the Soviet Union. To a large extent, therefore, it can be argued that human rights has lost the dissident movement’s charismatic association with the non-partisan struggle for freedom, and become a slogan of indistinct meaning, one that could be attached to an ever-widening range of demands, and even the practices of the worst dictatorships on Earth. Human
rights has lost the clarity that gave the Helsinki Final Act its power to inspire those seeking freedom.

**Eurasianism: an anti-modern challenge to liberal human rights doctrines**

With the prevailing idea of human rights having become diffuse and contradictory, and intellectual human rights discourse thwarted by dogmatism promoted by UN institutions, its deepest foundations have been challenged from within the broad OSCE community of participating States. Eurasianism, as a political idea, has commonly stood for a long-standing Russian vision of a blending of ‘Eastern’ and ‘Western’ cultures and political values. Eurasia has come into sharper focus in the context of reborn conflict between Russia and the Euro-Atlantic political community following the 2014 annexation of Crimea and Russian involvement in Eastern Ukraine, events that have suggested the emergence of a ‘second Cold War’. Recently the word has been associated with an ambitious vision in which Russia and other former Soviet states will be ideologically united with European societies by a common determination to govern according to their own national traditions, excluding the fundamental liberal democratic principles that are enshrined in the international human rights system, and eschewing the political values of ‘neoliberal’ Atlanticism. A number of opposition political parties in Europe have embraced the political vision of Eurasia (Political Capital Policy Research and Consulting Institute 2014).

Eurasia thus stands for an exceptionalism as regards international human rights, one claimed for societies considered part of the Russian cultural space, yet one that can be embraced by other societies as well. It invokes familiar ‘cultural relativism’ arguments that are also made by numerous states in other regions in justifying rejection of universal human rights standards. But while the Eurasian political idea and its human rights components, largely carried by leaders of the Russian Federation and allied states, is generally expressed in defensive postures against criticisms of human rights practices, it is also increasingly a positive doctrine about human rights and freedoms. Eurasianism may be considered ‘anti-modern’, invoking the primacy of national traditions and cultural identity and a conservative Orthodox Christianity, as opposed to a vision of a universal obligation to protect individual freedom and civil society based on a common human nature, that is, the vision of human rights informed by Enlightenment rationalism.

**The Eurasian human rights vision**

The Eurasian human rights doctrine has formed itself around a harsh critique of post-modernism, and as an antithesis to globalized human rights values; few if any references to international legal human rights obligations may be found in explanations of the Eurasian approach to human rights, as if they are of no import whatsoever. Yet the Eurasian approach to human rights is consistent with several trends inspired by principles the international community embraced at the 1993 World Conference on Human Rights. A primary source for the Eurasian approach to human rights lies in initiatives of the Russian Orthodox Church. In 2008, the church published *Basic Principles of the Russian Church Teaching on Human Dignity, Freedom, and Rights* (Russian Orthodox Church 2008). The document was developed with the assistance of Dugin, who has emerged as the primary intellectual architect of Eurasianism and a significant influence on President Vladimir Putin and the Russian political and religious...
elite. Dugin stated that the tract was ‘designed to influence the legal model of the Russian state’ (Siskova 2008).

According to the Basic Principles, it is legitimate for the state to limit freedom of expression, since ‘public statements and declarations should not further the propagation of sin or generate strife and disorder in society’, thus mixing political and religious or moral rationales for restricting speech. Blasphemy ‘shall not be justified by the rights of the artist, writer, or journalist’. The document states that ‘it is especially dangerous to insult religious and national feelings, [or] to distort information about the life of particular religious communities, nations, social groups and personalities’. The church thus expanded a position on insulting religion that has been strongly promoted both by opponents of anti-Semitism and by Islamic regimes, fusing it with and thus sacralizing ‘patriotic’ feelings. The Basic Principles praise citizen participation in government as long as it is supportive of the government, but ‘the use of political and civil rights should not lead to divisions and enmity’. The Basic Principles refer to an ‘Orthodox tradition of conciliarity’ which ‘implies the preservation of social unity on the basis of intransient moral values. The Church calls upon people to restrain their egoistic desires for the sake of the common good.’ Following on this theme of unity, in a section on ‘Collective Rights’, the document states that ‘the rights of an individual should not be destructive for the unique way of life and traditions of the family and for various religious, national and social communities’. It further states:

Unity and inter-connection between civil and political, economic and social, individual and collective human rights can promote a harmonious order of societal life both on the national and international level. The social value and effectiveness of the entire human rights system depend on the extent to which it helps to create conditions for personal growth in the God-given dignity and relates to the responsibility of a person for his actions before God and his neighbours.

The Basic Principles thus incorporate a notion of the ‘indivisibility of human rights’ which, as noted above, obscures a fundamental distinction between ‘negative liberties’ and positive state actions and was the lynchpin of the Vienna Declaration, suggesting and indeed encouraging a larger state role in promoting human rights, rights conceived as dependent on conditions that can only be provided when the state assumes an activist role, as opposed to one of constraint. The theme of collective rights is further extended in the Basic Principles to apply to the rights of a ‘civilization’ (à la Samuel Huntington’s ‘clash of civilizations’ theory) to its own values, in effect suggesting Eurasia’s cultural relativism: ‘Civilizations should not impose their lifestyle patterns on other civilizations.’ If one takes the Basic Principles as a key to Russian human rights policy, they thus include a frank rejection of the concept of universal human rights standards in favour of a particular Russian approach, that is, a strong cultural relativism.

Dugin, to whom we will refer in more detail below, has stated, ‘I am deeply convinced that the conception of human rights varies from one culture to another, from one society to another, inasmuch as the very concept of the person varies’ (Coalson 2008). From this perspective, the Russian nation and culture is different from others, and thus Russia naturally has its own concept of human rights. At a news conference on 17 April 2014, President Putin himself reportedly stated that ‘the powerful genetic code of the Russian nation, that makes us Russians, is different from other nations and especially compared to the so-called Western genetic code’. Putin ominously continued by asserting that a
feature of the ‘Russian genetic code’ is the ability ‘to die for the common cause publicly, in front of the eyes of the community’ (Illarionov 2014).

These statements suggest a form of traditional Russian ethnic or cultural nationalism. Filling an ideological void that had existed since the end of state socialism, numerous Russian intellectuals and political leaders have embraced the notion of Russia as an ethnic nation, in which, according to one of the fathers of Russian nationalism, Alexander Herzen (1812–70), ‘the purpose of individual work was to aggrandize Russian culture’ (Greenfeld 1992, 243). Putin’s statements about the irrelevance of nationality and his stated goal of creating a ‘single cultural space’ have broad, worrisome implications for the protection of minority rights in a country with 180 different ethnic groups. Putin’s statement could be interpreted as indicating an effort ‘to undercut nationality as such for Russians by promoting a more expansive definition of Russianness’ (Goble 2014a).

**From political to cultural control**

The emergence of a distinctly Eurasian approach to human rights in the Russian Federation is evident in changing patterns of human rights violations. Especially since 2000, the Russian Federation has become a ‘managed democracy’, meaning that obstacles have been constructed to prevent profound political change, impede conflict and encourage political loyalty. Public opinion on political questions is strongly influenced by a dominant state-controlled media, while only a small number of independent media have escaped closure. Citizens’ groups and journalists who have made independent investigations of government practices with critical results have been met with harsh treatment, including assassinations; and new legislation has severely restricted the ability of nongovernmental organizations to receive and use funds from foreign donors (the Foreign Agents Law, a term with extremely negative connotations of dangerous espionage by hostile powers), changes that have impacted organizations seeking to monitor human rights. While the court system had made significant steps towards professionalism and independence after the end of the USSR, it is moving back towards being an instrument of the state, and is far from able to ensure justice, particularly in politically sensitive cases of conflict between individuals and the authorities.

Human rights violations in the Russian Federation, particularly in the past 10 years, have evolved in the direction of restricting freedoms, with the aim not only to secure political hegemony but also to forge cultural, religious and spiritual harmony and unity. Censorship has developed from a mechanism mainly aimed at suppressing oppositional political voices to one also shielding citizens from a range of ideas, images and texts thought to conflict with the dominant cultural and religious values. The Internet has come under new restrictions, with an increasing number of sites blacklisted by the Federal Service for Supervision in the Sphere of Telecommunications, Information Technologies and Mass Communications (Roskomnadzor). While the number of mass media outlets not under tight government control had been very small for years, those remaining few have come under more pressure, some leading to closure. At the same time, there has been a further consolidation of mass media in the hands of owners loyal to the government. Legislation has been prepared to make it a crime to ‘allow publications of false anti-Russian information’ (Moscow Times, 7 March 2014).
New bans on products are aimed at removing influences seen as incompatible with Russian religious and moral values. Russian politicians have recommended banning advertising for condoms, pregnancy tests and birth control medications; on the import of medical equipment and telephones produced abroad; and on artistic and literary works that ‘romanticize the criminal world’ (Goble 2014b). A bill to protect children from information that ‘denies or distorts patriotism’ has been introduced, patriotism being defined as ‘the love of the fatherland, devotion to it, striving to serve its interests through one’s action’ (Moscow Times, 11 May 2014).

Reference can also be made to the Russian government’s efforts to suppress public displays and support for the rights of lesbian, gay, bisexual and transgender (LGBT) citizens. Homosexuality and the obscuring of gender differences appears to be a central concern of Eurasianism as articulated by Dugin, who has devoted considerable analysis to what he considers an unnatural and corrupt ‘post-modern’ tendency in Western societies to break down clear divisions between the sexes, resulting in the phenomenon of the ‘transhuman’ person (Dugin 2012, 191). Russian legislation has outlawed ‘homosexual propaganda’, infringing on a number of fundamental civil and political rights. Armenia, Belarus, Kazakhstan and Kyrgyzstan are among the other states adopting or considering similar legislation (Human Rights First 2014). In December 2014, the Russian government named being transgender, bi-gender, asexual and cross-dressing personality disorders that disqualify a person from holding a driver’s license (Human Rights First 2015).

**Freedom according to an ideology of state power**

As noted in the foregoing, during the Cold War, dissident human rights defenders in the Soviet Bloc found freedom in principled actions on behalf of victims of a totalitarian system, a vision of freedom as moral courage and will guided by independent rationality. Since the 1975 Helsinki Accords and into the post–Cold War era, the international human rights system has expanded the boundaries of human rights in the direction of positive state obligations aimed at creating material security as a condition for freedom. Today’s Russia-led Eurasianism poses an antithesis to classical liberalism with a vision of freedom as cultural harmony and as unity between the state and the individual.

During the 26th session of the UN Human Rights Council, in June 2014, Belarusian Ambassador Mikhail Khvostov, when confronted with a report alleging serious violations of basic freedoms and rule of law, said that his government had been successful at ‘organizing the political life of society’, that the legal system is ‘secondary to politics’, and that ‘without politics there is no purpose and without purpose there is no state’. The state, Khvostov submitted, ‘is the guarantor of our system of values and way of life’ (Rhodes 2014). His assertions went unchallenged by diplomats from liberal democracies.

Eurasianism’s main challenge to the ‘uncontroversial core of human rights’ lies in its ideology of state power. States embody cultures and traditions; states are thus not artificial arrangements through which individuals protect their security and guarantee their liberties according to a social contract, as conceived in the liberal political tradition, but rather organic entities outside of which individual life has no purpose or meaning. The political system ‘gives us our shape’ (Dugin 2012, 169). In an echo of the philosophy of Martin Heidegger, identity is considered to be ‘installed in us by the state’ (Malvicini 2014). According to Dugin (2012, 154), liberalism, based on social contract theory, pluralism and the idea of
civil society, is an ‘absolute evil’, the ‘repudiation of God, tradition, community, ethnicity, empire and kingdoms’. Liberalism is considered to create enmity between the state and the person. It detaches the person from the state as his or her natural spiritual home, resulting in ‘transhumanisation’ and an ‘uncertain identity’. A state must not be ‘neutral’ on moral questions; this would be to neglect the sustaining values of historical communities. Dugin asserts that the Russian conception of human rights does not include ‘the right to sin’, and that the state has an obligation to protect itself from sinful influences (Coalson 2008).

Human rights, in this perspective, is an alienating idea that attempts to nullify values and hierarchies that are essential to the fulfilment of the individual in the context of society. Human rights, with its necessary subjection of state practices to objective scrutiny concerning compliance with abstract, international standards, is based on and depends on a dualism between the person and society, indeed, between the person and her/himself. Desecrating the bond between a person and the state, according to Eurasianism, results in a form of spiritual and intellectual bondage, while the state, rather than being a threat to freedom, is the source of freedom.

Eurasianism’s ideology of power thus claims to confer a form of freedom on citizens. An analysis of censorship in communist-ruled Hungary perhaps shows the logic of Eurasianism’s freedom: In The Velvet Prison, Hungarian dissident Miklos Haraszti (1988, 8) wrote: ‘Censorship professes to be freedom because it acts, like morality, as a common spirit of both rulers and the rules.’ Eurasianism has thus redefined freedom and human rights consistent with its form of anti-modernism. Russian authorities, and others, including Belarus and nearly all of the Central Asian republics, have thus de jure or de facto rejected universal human rights standards as something alien, imposed upon the new Eastern Bloc by the West, but are also promoting a positive notion of freedom, and a concept of human rights consistent with restrictions on individual liberties.

As the international community has moved away from a concept of human rights with freedom at its centre, conditioned the realization of freedom on complex state policies, and encouraged legislation limiting freedom of speech, Eurasianism’s idea of freedom, while deeply at variance with the liberal tradition on which international human rights were built, finds echoes in the very ‘post-modern’ international human rights regime it scorns. As noted above, since the 1993 Vienna Declaration, combating ‘hate speech’ has increasingly become a concern of governmental and civil international human rights organizations. These campaigns, particularly in Western Europe, have been waged in the name of such goals as ‘multiculturalism’, ‘diversity’ and ‘promoting tolerance.’ They have been attacked as ‘politically correct’ attempts to ‘celebrate diversity by enforcing conformity’ (Steyn 2014). Ironically, therefore, Eurasianism and the trends in international human rights ultimately converge in restricting freedoms to achieve cultural harmony, and while obscured by differing political and cultural ideals, and by ideological labels that suggest vast differences, they result in similar encroachments on individual liberties.

**Conclusion: the need for dialogue on the meaning of human rights**

Over 25 years since the fall of the communist regimes, many civil and political rights have not been secured in the vast majority of the former Soviet republics, despite decades of civil society campaigning within these societies and the various efforts of other states
and international organizations, including the OSCE. Citizens often lack access to independent courts, free and independent media, free and fair elections, and freedom of association, while religious freedom is often threatened. Human rights protections have also deteriorated dramatically in Turkey, and are often insufficient in EU member states. The obduracy of repressive practices at variance with the freedoms envisioned by the 1975 Helsinki Accords has been tied to the persistence of political cultures and mentalities, corruption, and ineffective efforts by the international community. The international preoccupation with terrorism and the instability of Middle Eastern countries has drawn focus and resources from the Helsinki signatory states.

At the same time, the fragile consensus in the 1990s on implementing fundamental human rights standards in OSCE participating States has given way to a more overt challenge to the very concept of human rights embedded in the Helsinki Final Act. Eurasianism poses a profound challenge to the classical liberal ideal of universal, individual human rights based on a common human nature; that is, to the principle that a central obligation of a state is to protect the freedoms of its citizens, ideas that have animated the international community since the end of World War II.

But the capacity to defend the right to basic individual freedoms has arguably been weakened by the extension and fragmentation of the concept of human rights, that is, by developments in human rights discourse since the Helsinki Final Act. A complex process driven by state actors opposed to Western liberal democracies, as well as a diffuse array of civil society forces seeking to merge a wide range of ‘social justice’ concerns into human rights issues, has transformed human rights into a highly ambiguous concept that can even be used to justify repression. There is a danger that the focus on basic liberties has been diluted by an expansive approach to the meaning of human rights, and by more and more services and necessities being deemed ‘human rights’ in United Nations declarations and by international courts.

Without a consensus on the meaning of human rights and a sense of human rights priorities as placing emphasis on respect for fundamental individual liberties, it is unlikely that substantial further progress can be made on implementing the human rights standards to which participating States of the OSCE have formally committed themselves. The crucial importance of international human rights standards to peaceful civil society communities that are committed to the rule of law and are determined to enjoy their internationally guaranteed human rights is even more clear now than it was in 1975. Our cursory review of human rights developments since Helsinki and the philosophical and political challenges posed by Eurasianism suggests that after more than 40 years, the Helsinki human rights concept is more relevant than ever.

Disclosure Statement
No potential conflict of interest was reported by the authors.

Funding
The Freedom Rights Project, with the financial support of the John Templeton Foundation, provided the support and context for work on this paper. The Woodrow Wilson Center for International Scholars in Washington, DC, also provided a research fellowship in 2013 for study of the dissident human rights movement in the Kennan Collection.
References


Overlap with contestation? Comparing norms and policies of regional organizations in the post-Soviet space

Alessandra Russo\textsuperscript{a} and Andrea Gawrich\textsuperscript{b}

\textsuperscript{a}Institute of Law, Politics and Development, Scuola Superiore Sant’Anna, Pisa, Italy; \textsuperscript{b}Institute of Political Science, Justus Liebig University Gießen, Germany

\textbf{ABSTRACT}

Two sets of regional organizations contribute to the overlapping regionalism in the former Soviet space. On one side we find the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (COE), whose original ‘Cold War agenda’ was to enhance the political dialogue across the East–West divide in Europe. On the other side is a kaleidoscopic group of organizations which have been established in the framework of (re-)emerging ambitions of regional leadership, if not hegemony, whose creation has been often interpreted in ‘reactive’ terms, to counterbalance Western influences and projects in the Eurasian geopolitical theatre. The article aims at conceptualizing these regional overlaps, focusing on drivers and effects in terms of regional governance in the post-Soviet region. The authors investigate the similarities and contradictions among four organizations (OSCE, COE, Commonwealth of Independent States and Shanghai Cooperation Organization) from the two different organizational sets, regarding leading norms and policies that address both human and security dimensions.

\textbf{KEYWORDS} Overlapping regionalism; OSCE; Council of Europe; Commonwealth of Independent States; Shanghai Cooperation Organization

\section*{Introduction}

The post-Soviet space is characterized by a variety of regional organizations (ROs), resulting from an ongoing macro-regional re-articulation of that area after the breakup of the Soviet Union, in turn leading to multiple overlapping memberships. Two sets of regional organizations contribute to the overlapping regionalism in the former Soviet space: traditional ‘West-based’ ROs, having pursued an eastward enlargement, now coexist with a series of young ROs that have emerged since the dissolution of the Soviet Union (Table 1). On one side we find the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (COE), whose original Cold War agenda was to enhance the political dialogue across the East–West divide in Europe. On the other side there is a kaleidoscopic grouping of organizations which have been established in the framework of (re-)emerging ambitions of regional leadership, if not hegemony, whose creation has been often interpreted in ‘reactive’ terms, to counterbalance Western influences and projects in the Eurasian geopolitical expanse.\textsuperscript{1} Of this second set of ROs, we focus on the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO) for our comparative analysis.
This article intends to empirically explain how overlapping regionalism affects the complex regional order of the former Soviet space. It therefore analyses and compares core normative patterns and policy strategies of the abovementioned four ROs (OSCE, COE, CIS and SCO). Drawing on the emerging literature on the international dimension of authoritarianism, inter-authoritarian cooperation and collective counter-democracy strategies (Ambrosio 2009; Börzel 2015; Risse and Babayan 2015; Stoddard 2015; Tansey 2016), we premise on the assumption that the developments of and within these regional organizations are moulded by the weak democratic governance that characterizes a substantial number of their overlapping members.

### Overlapping regionalisms

In the post-Soviet context, overlapping member states have developed ‘pick and choose’ and ‘issue fragmentation’ behaviours, contributing to the emergence of a region which is ‘multiply crossed over’ by a wide range of cooperative structures, conflicts, coalitions and alignments. The proliferation of regional institutions in the former Soviet space has thus resulted in what can be defined as a particular instance of ‘nesting’ (to be distinguished from overlapping: Aggarwal 1998; Young 1996).

According to a broad definition, ‘nesting’ occurs when issue-specific institutions are themselves part of wider regional (or multilateral) frameworks that involve multiple states or issues. In other words, institutions are imbricated one within another in concentric circles (Brosig 2011, 151). Even though the CIS, the Common Security Treaty Organization (CSTO), the Eurasian Economic Community, the GUAM Organization for Democracy and Economic Development and the various other experiments of Eurasian and Central Asian regionalisms were conceived as formally independent institutions (not nested in terms of mandate), the configurations of their memberships were all represented in different CIS subsets (nested in terms of membership). Moreover, CIS decision-makers and representatives often depict the CIS as the focal institution of a ‘hierarchically ordered’ structure, and the primary hub for effective inter-institutional coordination.

<table>
<thead>
<tr>
<th>Traditional</th>
<th>New</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eurasian Union (2015)</td>
<td></td>
</tr>
</tbody>
</table>
Whereas ‘nesting’ is a meaningful concept for explaining intra-post-Soviet regionalisms, ‘overlapping’ (the focus of our analysis) is useful for explaining instances of regionalism that integrate extra-regional actors within the fragments of the post-Soviet space. In other words, overlapping regionalism entails the coexistence of multiple ordering principles, ‘systems of rules’, ‘ways of conceiving power’ and ‘sets of practices’, to which ‘actors’ dispositions and expectations may respond simultaneously’ (Adler and Greve 2009, 62). Looking at the OSCE and COE member states, for example, there is moderate overlap, as only a minority of them belong to the CIS or the SCO. CIS members are fully nested within the OSCE, but represent only 12 of the 57 OSCE participating states. With regard to the SCO, five of the six country members are in the OSCE. Only 5 of the 12 CIS member states belong to the COE, making up roughly a tenth of the overall COE membership. At the same time, the only SCO member state that also belongs to the COE is Russia.

Against this background, overlapping regionalism is by no means a specific feature related to the former Soviet space only. According to a recent comprehensive survey of overlapping memberships in 62 ROs across four macro-regions in Africa, Asia, the Americas and Europe (Panke and Stapel 2016), nearly every state in the world sits in more than one RO at a time. With reference to our cases, it is noteworthy that Russia holds the record, being a member of 11 different ROs, followed by Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, with 9 RO memberships each. In fact, the same survey indicates that Central Asia is the sub-region with the highest density of ROs. Furthermore, while membership in the OSCE and the COE overlaps with several other ROs, the same cannot be said of the CIS or the SCO. However, it also seems that overlaps among the four organizations under study have shaped the mandate and the agenda of the CIS and the SCO and their members’ behaviour within the OSCE and the COE.

Case selection

The four ROs selected for this comparative analysis are not the only institutions operating in the former Soviet area. However, they allow a pair comparison that juxtaposes them along three dimensions: (a) the distribution of power within each regional organization and the presence of hegemonic actors; (b) the institutional design of each RO, and its decision-making structures (voting rules); and (c) the regime quality of member countries. Regarding the first aspect, the Russian presence in all four organizations is quite telling (even though the SCO sees a sort of cohabitation with China³). In fact, CIS member states are more or less conditioned by Russian policies towards its ‘near abroad’, which

<table>
<thead>
<tr>
<th>Targets</th>
<th>Objectives COE</th>
<th>Objectives OSCE/CIS/SCO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Azerbaijan, Armenia</td>
<td>Aim of keeping up autocratic stability in the ‘near abroad’</td>
<td>Aim of regaining autocratic stability in the ‘near abroad’</td>
</tr>
<tr>
<td>Georgia, Moldova, Ukraine</td>
<td>Aim of keeping up autocratic stability in the ‘near abroad’</td>
<td>Aim of regaining autocratic stability in the ‘near abroad’</td>
</tr>
<tr>
<td>Azerbaijan, Armenia, Belarus, Kazakhstan, Turkmenistan, Tajikistan, Uzbekistan, Georgia, Moldova, Ukraine, Kyrgyzstan</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
in turn affect the way post-Soviet countries perform in relation to their membership in the OSCE and the COE (Table 2).

From the perspective of institutional design, the four regional organizations all share some similarities. They can be classified as ‘comprehensive and multipurpose regional organisations’ whose activities unfold across a range of sectors (Söderbaum 2015, 106). Further, they are loosely binding intergovernmental organizations, which lack enforcement mechanisms and conditionality tools, as well as appropriate incentives (Rittberger and Zangl 2006). For the CIS and the SCO this is the result of a normative and political choice (preference for soft instruments of compliance). Both the OSCE and the COE, in turn, hold the facilitation of an inclusive dialogue through participatory and conciliatory processes as their core mission, thereby tending to avoid any stigmatization of deviant members. This latter aspect is particularly evident for the OSCE, whose fundamental feature is the provision for a broad variety of politically binding commitments in the absence of a legally binding framework: non-compliance cannot be sanctioned easily, if at all, and decision-making requires unanimous voting (Gawrich 2014). Third, overlapping members across these four regional organizations feature non-democratic regimes / non-liberal political orders. Nevertheless, it is difficult to find a well-defined regional pattern in terms of regime similarity across either the CIS or the SCO member states. They can hardly be considered consolidated democracies, but instead have followed varied trajectories of political development (Furman 2008; Gawrich, Melnykovska, and Schweickert 2011). However, as Table 3 shows, there is a significantly higher Freedom House democracy score among countries that have overlapping memberships in the CIS, the OSCE and the COE than among those that overlap only with the OSCE.

The current analysis purposefully does not include the overlapping between the European Neighbourhood Policy (namely, the Eastern Partnership) and the recently established Eurasian Economic Union. This is because in spite of existing narratives of competition between the two integration processes, there is no formal (i.e. institutionalized) overlap; therefore, the contestation is not institutionally processed or negotiated.

Against this background, this article proceeds as follows. In the next section, it suggests an analytical framework aiming to understand the effects and implications of the overlapping regionalisms, particularly in the former Soviet space. The following section comparatively looks at the core norms and values throughout the four regional organizations, to

<table>
<thead>
<tr>
<th>CIS overlaps with OSCE</th>
<th>Armenia</th>
<th>Azerbaijan</th>
<th>Georgia</th>
<th>Russia</th>
<th>Moldova</th>
<th>Ukraine</th>
<th>Belarus</th>
<th>Kazakhstan</th>
<th>Kyrgyzstan</th>
<th>Tajikistan</th>
<th>Uzbekistan</th>
<th>Turkmenistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSCE</td>
<td>4.92</td>
<td>5.18</td>
<td>5.14</td>
<td>5.21</td>
<td>5.39</td>
<td>5.43</td>
<td>5.39</td>
<td>6.17</td>
<td>6.32</td>
<td>6.11</td>
<td>6.18</td>
<td>6.18</td>
</tr>
<tr>
<td>COE</td>
<td>5.46</td>
<td>5.86</td>
<td>5.93</td>
<td>6.00</td>
<td>6.25</td>
<td>6.46</td>
<td>6.57</td>
<td>6.46</td>
<td>6.32</td>
<td>6.32</td>
<td>6.43</td>
<td>6.54</td>
</tr>
<tr>
<td>SCO</td>
<td>5.67</td>
<td>5.64</td>
<td>5.68</td>
<td>5.93</td>
<td>6.04</td>
<td>6.11</td>
<td>6.00</td>
<td>6.14</td>
<td>6.14</td>
<td>6.14</td>
<td>6.93</td>
<td>6.93</td>
</tr>
<tr>
<td>2003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

reveal similarities and contradictions. By looking at the different ‘normative orientations’ of the four organizations under study, we aim to highlight the mandate and institutional identity from which the policy choices, to some extent, proceed. Regional organizations can be indeed considered not only as sites for political and diplomatic encounters, but also as embodiments of certain sets of norms, values and ideas. With regard to this aspect, it is noteworthy that transitioning countries’ membership to overlapping ROs may reflect their reshaping of multiple collective identities and unstable ontological security.

The article then applies a parallel comparative analysis of the two policy areas where the overlap occurs, namely the ‘human dimension’ and the ‘security dimension’. Finally, tentative conclusions are drawn with regard to the drivers of overlapping regionalisms, in order to understand which factors have led to the formation of a multiple, overlapping, regional space.

Drivers and effects of overlapping regionalisms

Overlapping regionalisms in the former Soviet space by and large display some of the features that can be observed in other regions: for example, they occur among loosely legalized ROs and reproduce the reservations vis-à-vis binding commitments to supranational authorities and regulations. Furthermore, Russia’s pivotal role in playing with institutional overlaps is in line with general findings on the phenomenon of forum shopping: those states with capabilities and ambitions of regional hegemony or leadership usually tend to move the multilateral game towards the forum where they believe they have more political control and leverage over the other member states. Against this background, two interesting features need to be highlighted.

First, post-Soviet states other than Russia have also sought to elaborate their own international actorness through their membership in ROs; these strategies cannot be reduced to logics of balancing, bandwagoning, hiding or hedging, to muddle through great powers’ geopolitical competition (Paul, Wirtz, and Fortmann 2004). Cooley (2012) has identified some ‘local rules’ on which Central Asian leaders draw to guard their political power at the domestic level by anchoring it to outward-looking behaviours; in particular, such local rules include the correspondence of regime security and state security (considering regime survival the ultimate objective of foreign policy-making) and the use of international/transnational patronage networks to shore up their hold on power. Therefore, overlapping regionalism is conceived of as an instrument of international recognition and to boost the domestic legitimacy of both stronger and weaker members, a finding that is also likely to apply to non-democratic countries beyond the former Soviet space.

Second, the script of overlapping regionalisms in the post-Soviet space is not condensed in designing the CIS and the SCO so as to deflect the ‘norms that inform and underlie the liberal international political order’ (Cooley 2015, 49) allegedly conveyed by the OSCE and the COE. Informal coalitions of former Soviet states have contested specific norms and/or policy choices adopted by the OSCE and the COE from within. On the one hand they have embraced a behaviour that is increasingly perceived as globally appropriate (i.e. engagement in ROs); on the other hand, they have performed the ‘insiders’ contestation’, requalifying their international agency and at the same time assuring legitimacy resources to incumbent regimes through regime-boosting, summitry regionalism.
We thus argue that regional governance in the former Soviet space stems from the criss-crossed summation of the coping strategies developed by overlapping members dealing at the same time with domestic and transnational normative pressures: that is, on the one hand, (re)assuring authoritarian rulers about the diffusion of democratic norms through regional organizations; and on the other hand, sitting at multiple negotiation tables, thus acting according to well-accepted standards of international sociability. Drawing on the literature on overlapping institutions, the multiform political agenda pursued by post-Soviet countries when they act as overlapping members can be outlined as:

- **Forum shopping** – overlapping members play across different multilateral fora, selecting the negotiation venues where they can most efficiently advance their preferences.6
- **Strategic inconsistency** – multiple institutions can be created to downplay the role of an existing one (Raustiala and Victor 2004, 298).7
- **Strategic ambiguity** – member states pursue different policies and try to push the organizations in different directions, thus acting as chessboard players (Alter and Meunier 2009, 17).

On the one hand, forum shopping, strategic inconsistency and strategic ambiguity have different impacts on the level of inter-institutional consistency (congruence/contradiction); on the other hand, these three strategies can be deployed following either functional incentives or legitimacy-related drives. Accordingly, our comparative analysis not only aims to assess the implications of overlapping regionalism in the former Soviet area, but also seeks to trace overlapping members’ motivations.

In doing so, particular attention has been paid to the fact that regional organizations including politically diverse memberships are likely to be transformed into a fertile ground for normative friction and contestation on principles of regional governance. Behaviours of adoption and adaption of the standards and policies agreed upon at the regional level run in parallel with attitudes of resistance and rejection, manifesting themselves within the same multilateral arena. Therefore, the analysis of overlapping regionalism in the former Soviet space has paved the way for the conceptualization of ‘overlap with contestation’. ‘Contestation’ has emerged as a new focal point in different – yet cognate – strands of literature to unpack the concepts of global governance as well as international democracy promotion and liberal peace-building (Wolff and Zimmermann 2015, 2). In this perspective, contestation is interpreted as: (1) an instrument of emancipation and voice opportunity for passive objects of international governmentality; and (2) a constitutive interaction between the ‘international’ and the ‘local’ (hence the processes of ‘localization’ and ‘subsidiarity’ – Acharya 2011). The study of ‘overlaps with contestation’, and more precisely our cases, entails some specifics. First, the activation of a multiplicity of local agencies is restrained by the contestation being centralized by authoritarian regimes – the latter being the agents of contestation occurring within the OSCE and the COE. Second, resistant actors (i.e. Russia and other post-Soviet countries) are located within the institutional sites where contested norms and policies are promoted and designed; that is, the objects of contestation do not come from an ‘alien’ position.
Comparing the norms of the COE, OSCE, CIS and SCO

The bridging-Europe approach of the OSCE and the COE

Comparative analysis of the four organizations leads one to conceptualize them following their divergent approaches to regional cooperation. Though they are rooted in different historical processes, the OSCE (founded in 1975, and up until 1995 the Conference for Security and Cooperation in Europe or CSCE) and the COE share a ‘bridging-Europe approach’. Two documents which aimed at initiating a new post–Cold War era of cooperation between Eastern and Western countries in Europe primarily define the normative orientation of the OSCE: the Charter of Paris for a New Europe and the Copenhagen Document. Both refer to the consensual construction of democracy-oriented international norms. While the Charter of Paris contains basic provisions concerning democratic standards (CSCE 1990a), the Copenhagen Document lays the foundations for CSCE/OSCE’s activities regarding the human dimension (i.e. electoral observation and other democracy-monitoring tools), asserting that the establishment of democratic regimes represents a step towards the peaceful settlement of conflicts in Europe (CSCE 1990b).

Like the OSCE, the COE refers to democracy as a fundamental norm (COE 1949), whose aim is to ‘achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage’. For that reason, the accession of post-Soviet countries to the COE has been particularly problematic, because the majority of those countries did not share a common democratic heritage (in contrast to Central Eastern European COE members). The COE statute does not refer to a concrete definition of democratic practices, like free and fair elections, freedom of assembly or accountability of political power. However, the first additional Protocol of the European Convention on Human Rights (1950) contains more specific prescriptions, and unlike other COE treaties, contains an embedded mechanism of legal supervision and falls under the responsibility of the European Court of Human Rights (Haller 2005).

Despite the enormous importance of democracy promotion in COE activities, norms regarding democracy were not further elaborated at the treaty level after 1989 (Wittinger 2005). The Vienna Declaration (1993), issued by the Summit of Heads of States and Governments, was developed to provide elementary guidelines for the upcoming enlargements of the COE. Despite the reference to standards for elections, freedom of expression, protection of national minorities and observance of the principles of international law, it provides a minimal definition of democracy (COE/SUMMIT 1993). This minimal definition is completely compatible with the inclusive approach aimed at by European integration via COE membership. Moreover, even though this definition of democracy has been the guiding principle for COE accession procedures, it is not legally binding, as the Summit of Heads of States and Governments is only an informal institution of the COE.

The protective-integration approach of the CIS and SCO

Eurasian regionalism, primarily embodied by the CIS and the SCO, has often been interpreted through its conservative and status quo–oriented alignments. In fact, post-Soviet regionalism not only has a ‘non-transformative impact’, it also serves the purposes of
‘protective integration’ (Allison 2008, 2010), countering the challenges to the existing political order and the incumbent regime of their member states.

The Protocol to the Agreement Establishing the CIS organized the relationships of its signatories on the principles of mutual sovereign equality. This implies non-interference in each other’s internal affairs, and the settlement of international disputes by peaceful means, while supposedly complying with human rights and rights to self-determination, in accordance with the principles enshrined in both the UN and the OSCE documents. Also, in the 1991 Alma-Ata Declaration the contracting parties’ leaders declared their intent to ‘build democratic states ruled by law’ (Kembayev 2009, 30) and to reiterate the ‘guiding principles’ for their reciprocal interactions. Later, the CIS Charter (1993) reaffirmed the intention to preserve commonwealth people’s rights to determine their fate without external interference, providing assistance only on the basis of mutual consent.

The SCO member states interact in accordance with very similar principles, with particular reference to sovereignty and non-interference in internal affairs. Lu Zhongwei, president of the China Institute of Contemporary International Relations, named the SCO inspiring principles (the Shanghai Spirit) the ‘5 C’s’: confidence, communication, cooperation, coexistence and common interest. The peculiarity of the normative framework emerges in the promotion of a concept of democracy transposed to the international level (Piras and Russo 2014). This is to be interpreted as the promotion of a fair, multi-civilizational and multi-polar global order, where international standards and rules must be enacted and implemented with consideration of and respect for internal legislation and domestic political contexts. As a matter of fact, ‘the SCO member states support the movement of the states of the region towards democratic development with due regard for their national realities as well as cultural historical features’ (SCO 2011a).

The CIS and the SCO thus share a normative preference for political stability and regime security. Their member states are concerned first and foremost with the protection of their sovereignty and domestic structures of power.

Overlapping and policy strategies: the human dimension

OSCE and COE: the human dimension as a core mission

As mentioned above, the 1990 CSCE/OSCE Copenhagen Document paved the way for the introduction of a broad variety of activities related to the human dimension. These activities were primarily assigned to the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), which in the 1990s became the front runner in developing electoral observation methodology. The ODIHR often leads a constellation of international election observation missions (Gawrich 2014; Löwenhardt 2005; OSCE-ODIHR 1995), which also includes as partners the OSCE Parliamentary Assembly, the COE Parliamentary Assembly, the European Union and the NATO Parliamentary Assembly.

The leadership of the OSCE/ODIHR in election observation in post-Soviet space seeks to base its legitimacy on a balanced composition of the delegations, made up of representatives from different countries. Nevertheless, the ODIHR has been heavily criticized by several post-Soviet countries, which have attempted to discredit OSCE election observation missions on the argument that they interfere with the domestic affairs of the observed countries and that they only address OSCE countries ‘East of Vienna’.
are always differences between critical ODIHR election observation assessments and the results of local CIS election observations (Ghebali 2006). ODIHR has also been criticized for its rather mild and overly diplomatic language of reporting and its focus on the technicalities of election day rather than broad critical political analysis, which, some observers claim, has inadvertently acted as a form of legitimization of post-Soviet authoritarian regimes (see Foroughi and Mukhtorova in this special issue).

Even though the OSCE’s critical evaluations affect the majority of CIS member states, Russia has taken the lead in the contestation of the OSCE election observation missions and engaged in coalition-building with other CIS states in the OSCE. The Moscow Declaration and the Astana Appeal (Russian Ministry of Foreign Affairs 2004) harshly criticized the violation of the principles of non-intervention in internal affairs and respect for the sovereignty of nations. They denounced the ‘double standards’ of ODIHR’s observation missions and requested a more balanced, transparent and objective approach by ODIHR during its missions (Russo 2015).

The Russian critique led to the extension of election observation to countries ‘West of Vienna’. While this may have increased the legitimacy of ODIHR missions in post-socialist countries, it has also reduced the resources for observation missions in non-democratic states ‘East of Vienna’. Accordingly, Russian attempts to weaken ODIHR (strategic inconsistency) through budget overstretch have apparently been successful. Nonetheless, several Western participating states have decided to provide extrabudgetary funds to support ODIHR, thereby bypassing consensus requirements at the intergovernmental level to formally increase ODIHR’s budget (Gawrich 2014). This move, ironically, has not led to a Russian protest on the matter.

Besides the OSCE, election observation missions are also conducted by the COE and carried out by its Parliamentary Assembly. These missions are of crucial importance, as free elections are a precondition for COE accession. The COE established a monitoring procedure in 1993 to evaluate the democratic standards of accession candidates, but it was only in 2007, when Belarus and Kosovo were excluded from the enlargement process, that the assembly announced it would refuse to grant accession if election observation missions could not be carried out in those countries. Furthermore, the Parliamentary Assembly threatened to refuse parliamentary credentials to countries declining election observation (COE-AS 2007). However, these instruments, which could be evaluated as ‘mini-conditionality’, have not yet been fully put into practice.

In addition to election observation missions, the COE conducts a wide range of democracy-related activities. For example, it supports the consolidation of local democracy (through the Congress of Local and Regional Authorities) and is involved in judicial coaching (COE-AS 2007). The latter activity aims to provide advice on constitutional principles, electoral laws and the training of judges. It is important to note that this activity is performed by COE’s Venice Commission, which addresses not only COE member states but also a number of post-Soviet countries which do not belong to the COE, such as Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (COE-AS 2007). Moreover, despite not being COE members, Belarus and some of the Central Asian states participate in other COE initiatives, namely the European Commission for Democracy through Law, and the Conference of the Constitutional Control Organs of the Countries of New Democracy.
The COE is also committed to the protection and the promotion of human rights. The main COE institution in this sector is the European Court of Human Rights, which acts as an independent body, monitoring parties’ compliance with the European Human Rights Convention. As in the OSCE, those countries that are members of both the COE and the CIS have experienced normative divergence between the two institutions. In fact, when the CIS Convention on Human Rights and Fundamental Freedoms was drafted, objections were raised within the COE regarding its compatibility with the European Convention on Human Rights. Even though the CIS Convention covers a wide range of civil, political, economic and social rights, the terms through which the contracting states can disregard their treaty obligations are quite ambiguous (Svensson-McCarthy 1998). As a result, the COE members that were also CIS members were urged not to sign or ratify it.14

CIS and SCO: the human dimension as a façade?

The ‘human dimension’ has been institutionalized in the CIS structure through two subsidiary organs: the Commission on Human Rights and the Inter-Parliamentary Assembly (IPA). The former is a consultative body whose role is to review member states’ compliance with human rights obligations within the commonwealth (Article 33 of the charter). However, its power is limited to issuing non-binding recommendations; moreover, its members are appointed representatives of the contracting parties. Its weakness is related not only to the legal power of its decisions, but also to the political autonomy of the body. The CIS-IPA claims to be committed to finding consensus-based approaches to social policies, respect for human rights and freedoms, and humanitarian cooperation. In practice, the CIS-IPA deals only with the harmonization of legislative frameworks and only through the instrument of ‘model acts’, intended as a tool for the dissemination of best practices in the CIS (Libman 2011). The main limitation of the CIS-IPA’s activities similarly stems from the nature of the model acts, which lack legal power. In other words, their implementation depends on the voluntary incorporation of the model laws into the respective domestic systems of the member states.

In addition to the creation of model acts, the CIS-IPA has been involved in democracy development and electoral protection through election observation missions, not only within the CIS but also in Yugoslavia (2000) and Serbia (2007). While the first team of observers was deployed in Kazakhstan in 1994, the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms in Member Nations of the CIS was not signed until 2002 by the presidents of seven countries (in Chisinau); it entered into force in 2003, having been ratified by five member states (Armenia, Kyrgyzstan, Moldova, Russia and Tajikistan). In addition, the Institute of Monitoring Democracy Development, Parliamentarianism and Suffrage Protection for the Citizens of the IPA-CIS Member Nations was established in 2006.

Like the CIS, the SCO developed its own system of electoral observations. SCO observers are dispatched in accordance with the Regulations on the Observer Mission to presidential and/or parliamentary elections and referendums, approved by the Foreign Ministers Council of the SCO member states in 2006. These missions, however, have never called into question the legitimacy or fairness of any election, and their respective reports have often underlined the fact that the missions respect the principle of political neutrality (Russo 2015). Whereas the SCO has followed the CIS in introducing alternative standards for election observation, it has not undertaken a similar path in the field of human rights
protection. The latter is barely mentioned, for example, in the 2008 Dushanbe Declaration, which points to general multilateral commitments undertaken on a global level.15

**Comparison**

Among the policies related to the human dimension, election observation missions are the most important instance of overlapping activities. In fact, electoral observers are deployed by all four ROs. The OSCE, COE and CIS created this instrument in the early 1990s, whereas the SCO adopted this institutional model only in the last decade.

Even if critiques of Western democratizing practices emerged within both the CIS and the SCO and a number of their members started to complain, *inter alia*, about the implementation of the OSCE’s mandate ‘East of Vienna’, it has been Russia which has played the leading role in juggling the overlapping of activities. This juggling has been manoeuvred in order to achieve two strategic results: multiplication of the monitoring actors (forum shopping); and reduction of the OSCE resources devoted to election observation missions (strategic inconsistency).

Russia’s leading role is particularly visible in creating strategic inconsistency. On the one hand, Russia has played the budget-constraints card *vis-à-vis* ODIHR (i.e. not approving the organization’s annual budget as a protest against ODIHR’s activities); on the other hand, Russia has provided other CIS member states an anti-OSCE narrative to delegitimize the OSCE’s negative assessments of elections in the post-Soviet countries. For example, in 2005, during a meeting of the OSCE’s Ministers of Foreign Affairs (Ministerial Council) in Ljubljana, Sergey Lavrov, Russia’s foreign minister, publicly questioned ODIHR’s autonomy (Asadova and Zygar 2005). Later, Lavrov elaborated a set of Basic Principles for the Organization of ODIHR Observation of National Elections, a call and document which was endorsed by Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The document specified that the ODIHR should answer to the OSCE Permanent Council, which in turn would decide whether or not to publish ODIHR’s findings on the election results (Petrovskaya 2007).

The strategies of both forum shopping and strategic inconsistency can be interpreted according to functional as well as legitimacy-related motivations. Indeed, the non-democratic leadership in the majority of post-Soviet countries considers OSCE activities a threat to their regime security and a source of destabilization, endangering the survival of certain power structures (functional motivation). Moreover, CIS and SCO member states aim to augment the legitimacy of these regional organizations by discrediting the OSCE and the COE, especially when the latter uphold policies regarding the human dimension. And it is regarding activities surrounding democracy promotion and human rights protection where the contradictions between the two sets of regional organizations are most evident and the OSCE’s and COE’s reputation for ‘naming and shaming’ has extensive impact on an international level.

Furthermore, the contradictions that have emerged through the overlapping of ROs have led to forum shopping and strategic inconsistency to contain/counter the diffusion of the norms and practices promoted by the OSCE, while a less proactive contestation has developed *vis-à-vis* the COE. In fact, all of the CIS member states are also members of the OSCE. In contrast, only a minority of CIS member states are also COE
members, and, except for Russia, none of the SCO member states is part of the COE (Figure 1).

Finally, whereas the CIS and the SCO intentionally pursue strategies to manage overlapping regionalism through forum shopping and strategic inconsistency, it is more difficult to trace the OSCE’s and the COE’s strategies that attempt to cope with the same phenomenon. However, it might be hypothesized that membership intersections and the juxtaposition of different institutions trigger a process of gentrification of ‘young’ regional organizations through their indirect exposure to norms and practices developed over the years by older, formalized and routinized regional organizations. Moving the concept beyond its original field, gentrification can be defined as the artificial replacement of (civilizational, normative, institutional) diversity with homogeneity, through a transformative engagement in unpleasant/dangerous neighbourhoods (see also Schulman (2012). According to this eclectic perspective, the OSCE and the COE

Figure 1. Overlaps between the Organization for Security and Co-operation in Europe and the Commonwealth of Independent States and between the Council of Europe the Commonwealth of Independent States.
play the role of ‘gentrifiers’ and try to tamp down the differences between them and the heterogeneous realities in their neighbourhoods.

Overlapping and policy strategies: the security dimension

**OSCE and COE between confidence-building and counter-terrorism**

Cooperation on security has been one of the three core fields of the OSCE since its founding during the Cold War. Already in the Helsinki Final Act of 1975, the original 35 participating states pursued a comprehensive approach to security, while acknowledging the importance of the rule of law, basic rights and international cooperation. Arms control is the core focus of the politico-military dimension of the OSCE. This gained increasing importance in the security dialogue with Russia particularly after 2007, when the latter left the Treaty on Conventional Armed Forces in Europe.

The OSCE’s activities in the realm of arms control are performed through two main tools. The Forum for Security Co-operation discusses security issues and organizes the documentation of transfers of conventional arms, while the Vienna Document (OSCE 1999) paved the way for security cooperation through transparency and confidence-building measures. Besides annual reporting mechanisms (e.g. on arms-system manoeuvres), the crisis-response mechanism stipulates that OSCE inspection teams will be sent to the ‘specified areas’ to verify military activities. Both the format of the forum and the reliance on confidence-building measures are totally coherent with the bridging-Europe approach developed by the OSCE, which has often facilitated the opening of channels of communication even in very tense contexts (such as the current Crimean crisis).

Furthermore, as part of its comprehensive approach to security, the OSCE promotes the peaceful settlement and reconciliation of conflict (Gawrich 2014), and assigns a relevant role to the process of democratization, as confirmed in the Summit Declaration Charter for European Security (1999 Istanbul Declaration) and in the Strategy to Address Threats to Security and Stability in the Twenty-First Century (Maastricht, 2003 – see OSCE-ODIHR 2005). One part of its comprehensive approach to security is the rather new democratic policing initiative, especially in Central Asia, that aims to establish rule-of-law-based and well-skilled police forces in the region to cope with new security risks after the increase of terrorist threats (Gawrich 2014). In fact, the CSCE/OSCE has been committed to the development of a common anti-terrorism strategy since its establishment. However, when this issue acquired a more problematic meaning (especially from the early 2000s onward), the further development of the OSCE anti-terrorism policy became rather controversial. On the one hand, the US and the European Union intended to frame OSCE counter-terrorism activities within the human dimension. In contrast, Russia and Central Asia aimed to strengthen this policy in OSCE’s politico-military dimension (Stepanova 2003).

Even though the OSCE has striven to overcome the East–West Cold War divide, as well as the post–Cold War divide between Euro-Atlantic and Eurasian security, its bridging-Europe approach has been questioned by the Russian initiative to develop a new pan-European security treaty. In 2008, the then president of the Russian Federation, Dmitry Medvedev, suggested creating a common undivided space based on the principle of indivisible security. To promote this, Moscow pursued two objectives: first, preventing
dialogue between the OSCE, NATO, the European Union, the CIS and the CSTO, primarily to pose an obstacle to NATO enlargement; second, attempting to foster a new balance between the politico-military component and the ‘first basket’ of the OSCE in the European security architecture as a means of further downplaying OSCE policies in the human dimension. In this endeavour, Russia and its mostly eastern OSCE allies have had partial victories in recent years in more balanced budgetary outlets for projects associated with the three dimensions, in closure of OSCE field offices (in Russia, Belarus and Georgia) and in downscaling the comprehensive mandates of missions in Uzbekistan and Azerbaijan into ‘project coordination offices’ instead.

In contrast to the OSCE, the COE has never been regarded as an organization that addressed security. Nevertheless, it also has a traditional interest in anti-terrorism policies, launched with the adoption of the European Convention on the Suppression of Terrorism (1977) and continuing after the terrorist events of 11 September 2001 (9/11), by encouraging COE member states to increase legal measures and coordinate their positions regarding the UN Convention on Terrorism (Zaagman 2002). Then in 2005 the COE adopted the Convention on the Prevention of Terrorism (COE 2005) and set up the intergovernmental Committee of Experts on Terrorism as a coordinating instrument. The committee prepares country profiles on counter-terrorism capacity and coordinates all COE intergovernmental committees as far as anti-terrorism activities are concerned (COE-CODEXTER 2013). Whereas the OSCE’s security policies have offered its members grounds on which to push the organization in different directions (strategic ambiguity), this has been not the case for the COE. And even though the COE has addressed the anti-terrorism topic for decades, its policies have never been controversial. In fact, security cooperation can be considered of peripheral relevance within the COE framework. In addition, COE anti-terrorism activities are characterized by soft instruments aimed at information exchange and the voluntary coordination of COE member states.

**CIS and SCO: moving towards non-traditional security**

Since the adoption of its constituting document, the CIS has displayed interest in security cooperation. Section 3 (Collective Security and Military-Political Cooperation) of the CIS Charter prioritizes the prevention, localization and settlement of conflicts arising within the security perimeter of the organization. Further on, the charter envisages a joint consultation mechanism that would coordinate members’ international stance during a threat to the security, sovereignty or territorial integrity of a member state, or to international peace and security (Article 12). Section 4 of the charter and the Concept of Prevention and Resolution of Conflicts in the Territory of Member States of the CIS (adopted in 1996) envisage conflict prevention and resolution instruments. The latter provides the framework for preventive diplomacy and confidence-building measures, the precautionary deployment of police and/or civilian and military personnel in the region of possible confrontation, and post-conflict peace-building.

In addition to a traditional understanding of security, since the early 1990s the CIS has also focused on transnational challenges such as organized crime and terrorism (CIS 1999). A variety of CIS cooperation instruments in the sphere of ‘non-traditional’ security have been established. It is interesting to note that joint trainings have often operated
through ‘decentralization’, empowering national Ministries of Internal Affairs in the process of exercise preparation. The CIS-IPA is also engaged in model law-making in the security realm (for example it has created a model criminal code for CIS member states, as well as model laws to fight the funding of terrorism, or regarding narcotic drugs, psychotropic substances and their precursors).

Officially, both counter-crime and counter-terrorism CIS programmes were developed in accordance with other international standards: not only those of the UN but also those of the OSCE and COE. To that end, representatives of these institutions, as well as the International Labour Organization, Interpol, and UN agencies such as the UN Development Programme, the UN Office of Drugs and Crime and the Central Asian Regional Information and Coordination Centre have been invited to several CIS coordination meetings. Other multilateral frameworks were also established, which partially overlapped with the previous ones developed within the CIS. These include the Borzhomi Four (the Conference of Internal Affairs Ministers of Azerbaijan, Armenia, Georgia and Russia), the Bishkek Group (the Conference of Leaders of Law Enforcement Agencies and Intelligence Services of Kazakhstan, China, Kyrgyzstan, Russia and Tajikistan), the Conference of Internal Affairs Ministers of the Black Sea Economic Cooperation, and TAKM – Organization of the Eurasian Law Enforcement Agencies with Military Status, an intergovernmental military law enforcement organization in which Azerbaijan, Kyrgyzstan, Turkey and Mongolia collaborate.

In addition to this plethora of sub-regional and trans-regional cooperation frameworks, the SCO emerges as a crucial actor, particularly in the field of non-traditional security. In fact, the SCO’s core mission is embodied in their Three Evils Doctrine (SCO 2001), which describes their priority to jointly counteract terrorism, separatism and extremism in all their manifestations, to fight against illicit narcotics and arms trafficking and other types of criminal activity of a transnational character, and also illegal migration (SCO Charter, Article 1). The Shanghai Convention on Combating Terrorism, Separatism and Extremism (Article 3), the 2005 Concept of Cooperation between SCO Member States in Combating Terrorism, Separatism, and Extremism, and the 2009 Convention on Counter-Terrorism (Articles 7–10) pave the way for the incorporation of the Three Evils Doctrine into national frameworks through the harmonization of domestic legislative structures. The 2005 Concept, in particular, introduces the principle of mutual recognition: the requirement that member states reciprocally acknowledge an act of terrorism, separatism or extremism ‘regardless of whether the legislation of SCO member states includes a corresponding act in the same category of crimes or whether the act is described using the very same terms’ (Article 3), in other words regardless of whether the SCO member state’s legislation includes the act in the same category of crime. Focusing on tackling the ‘three evils’ gradually helped member states’ leaders change their domestic political behaviour in the name of a common approach to security governance (Aris 2011). That said, the protection of incumbent regimes in the region, through the principle of non-interference in domestic affairs, does not leave room for the enforcement of SCO policies within the internal political systems of its parties (Aris 2011). The measures that SCO members can use to counter the ‘three evils’ include the exchange of information, the ‘execution of requests concerning operational search actions’ within one state’s territory, the extradition of people involved in actions of a terrorist/separatist/extremist nature, and ‘various forms of training, retraining or upgrading of their experts’ (Shanghai Convention, Article 6). However, the execution of these measures can be ‘postponed or denied’ if a member state decides
that they would negatively impact their sovereignty, security, public order or any other substantial interest, or that the measures contradict their internal legislation or international obligations (SCO 2011a).

In the same manner that the CIS has an Anti-Terrorism Centre, the SCO has had a Regional Anti-Terrorist Structure since 2004. One of its relevant functions is participation in the drafting of international legal documents on terrorism, separatism and extremism. Like the CIS, the SCO has established connections with other international organizations. Besides occasional interchanges with the OSCE and a paced dialogue with the UN, the SCO has built a channel of communication with the CSTO, and signed memoranda of understanding with the Association of Southeast Asian Nations and the Economic Cooperation Organization (non-Western multilateralism). The SCO is apparently pursuing a multi-vector policy; the SCO Regional Anti-Terrorist Structure organized Kazygurt – Antiterror in June 2013, a joint counter-terrorist training initiative where representatives from the CIS Anti-Terrorism Centre, CSTO, the UN and OSCE, as well as from the US, France, Italy, Islamic Republic of Iran, Afghanistan and India participated as observers.

However, according to the International Federation for Human Rights, both the CIS’s and the SCO’s counter-terrorism policies are threats to human rights. For example, the CIS Agreement on Cooperation in the Fight against Terrorism: (1) foresees extradition procedures which are at odds with international human rights standards; (2) assures the confidentiality of information and documents received from another member state, possibly leading to the politically motivated criminal prosecution of the individuals whose extradition is being requested; (3) guarantees diplomatic immunity for members of the law enforcement agencies and security services, who are permitted to detain and even assassinate political opponents away from their home countries if these individuals are officially declared terrorists; and (4) refers as ‘terrorists’ to ‘individuals who represent a threat to the security of the State’, implicitly including members of the opposition or representatives of civil society. By the same token, SCO agreements concerning cooperation between the police and the security services of the member states provides a normative basis for the extradition of political and religious refugees to the countries in which they are citizens, particularly to Uzbekistan and China and increasingly Kazakhstan and Kyrgyzstan – nearly all being regimes that in reality cannot be trusted to guarantee the safety and human rights of returnees and detainees. Furthermore, representatives and officials of the Regional Anti-Terrorist Structure enjoy diplomatic privileges and immunity under the 1961 Vienna Convention on Diplomatic Relations (International Federation for Human Rights 2009).

Comparison

There are obvious differences in our four ROs’ various approaches to security policy. First and foremost, security is of high importance for three of the four, but not the COE – which nevertheless has developed a specific approach in the field of counter-terrorism. In addition, since its establishment, the OSCE has developed a distinct, ‘comprehensive’ approach to security, albeit seldom fully implemented, which links security to human rights and social welfare and is mainly focused on confidence-building and dialogue (‘cooperative security’), while the CIS and the SCO pursue a traditional ‘collective security’ approach. As such, contradictory approaches to security norms and policies are evident.
At the same time, whereas the overlap of different regional policies in the human dimension have resulted in more or less visible strategies (forum shopping, strategic inconsistency), this has not been the case for security cooperation. Russia has attempted, without success, to replace the OSCE’s security architecture with a European Security Treaty and infuse the OSCE with strategic ambiguity. In addition, the CIS and the SCO have created new security cooperation formats parallel to the OSCE’s, which are particularly tailored to new regional security risks. Therefore, the security policy field has been characterized by sub-regional parallelism, as opposed to the human-dimension policies which specifically distinguish the OSCE.

**Conclusion**

This article has attempted to conceptualize autocratic overlap with regard to the post-Soviet space, highlighting different coping strategies in relation to overlaps of norms and policies of ROs, some following a functional rationality while others are related to demands for legitimation. In spite of such coping strategies, the contradictions generated by overlapping regionalism do not fade away. The ones in the human dimension are particularly marked between the OSCE and the COE on the one hand and the CIS on the other. Even though the SCO’s core mission does not focus on the human dimension, this organization plays an important role in supporting alternative interpretations of democracy and countering the diffusion of liberal norms. The CIS’s and SCO’s deployment of electoral observers has been interpreted as the result of forum shopping and strategic inconsistency. The latter, in particular, could be understood as the Russian attempt to weaken the OSCE’s and COE’s importance in that field, playing its leadership role to offer a counter-script in the field of democracy and human rights. Forum shopping and strategic inconsistency can thus be interpreted as tools with which to juggle overlapping regionalisms, encouraging the legitimation or delegitimation of a regional organization, its institutions and its member states.

The weak democratic and liberal records of the countries involved in regional overlapping are particularly significant, as the overlap concerns the human dimension. For a non-democratic country, the creation of a façade for forum shopping might be less costly than for their democratic counterparts vis-à-vis their domestic constituencies. At an international level, this strategy also seems to be effective, as it carries the message of contestation without the relevant politico-military implications. This is less the case for the security dimension. Even though all four organizations are committed to addressing non-traditional security risks, Russia and the Central Asian states have yet to fully succeed in building a shared consensus within the OSCE framework to increase anti-terrorism activities after 9/11. Therefore, one could argue that the CIS and SCO’s special focus on anti-terrorism as their core activity is part of these post-Soviet countries’ failing strategy of forum shopping to compensate for the distribution of the OSCE’s resources throughout both the human and the security dimensions. In this perspective, sub-regional parallelism emerges as a form of ‘failed forum shopping’. Moreover, Russian attempts to reshape the OSCE’s bridging-Europe approach through a new pan-European security treaty have been interpreted as a way to create strategic ambiguity within the OSCE. Sub-regional parallelism and strategic ambiguity have been driven by functional motivations, and are less explicitly characterized by a...
disruptive position regarding norm contradictions. It is interesting to note that an important part of the contestation revolves around anti-terrorism policies, which are located at the intersection of the human and security dimensions. In fact, whereas the OSCE and COE also interpret terrorism as a threat to societal security, the CIS and SCO see it as primarily a threat to state sovereignty.

In an overall perspective, what emerges is an interpretation that overlapping regionalisms are often what the predominant actors make of them. Russia’s leadership and hegemonic aspirations, as well as its role as a region-builder, have a crucial impact on the formulation of forum shopping, strategic inconsistency and strategic ambiguity strategies among the four regional organizations that have been considered here. Overlapping regionalisms contribute to the Russian attempt to compensate for its weakness inside the OSCE and the COE, as well as to shape the Eurasian region, through its leadership in the CIS and its co-leadership (with China) in the SCO.

Notes

1. Among the latest contributions in line with this interpretation is that of Lane and Samokhvalov (2015).

2. In an interview released in December 2007, Sergei Lebedev, CIS executive secretary, denied that CIS, GUAM and SCO were actually parallel regional organizations, given that the majority of SCO’s members and all of GUAM’s members were also involved in the CIS, and several levels of interaction existed both between CIS and SCO and between CIS and GUAM. Accordingly, the intersection between the different institutions only confirmed the increasingly important role of regional organizations in the globalized world. Similar interviews released in 2008 and 2009 (and reported on the website of the CIS Executive Committee, http://www.e-cis.info) restated this position (although GUAM was gradually removed from this kind of narrative). The proliferation of other organizations did not indicate the depletion or exhaustion of CIS’s role, and the duplication problems could have been smoothly contained. According to Lebedev, the different regional cooperation tools could have complemented each other, just as a craftsman works with a hammer when dealing with nails and a screwdriver when dealing with screws (Lebedev 2011).

3. This aspect is likely to lead to further institutional overlaps, for example between the Russia-led Eurasian Economic Union and China’s One Belt, One Road initiative.

4. These two features led us not to focus specifically on the CSTO, in spite of the relevance of its mandate and influence. How the institutionalization of the CSTO has developed after 2002 (making it a collective defence alliance) is certainly telling from a geopolitical perspective, especially if compared and contrasted with the intensification of NATO activities in the post-Soviet space (for example through the Partnership for Peace), and the recent talks about possible CSTO–NATO cooperation in the fields of countering drug trafficking and enhancing Central Asian border security vis-à-vis Afghanistan. Contrariwise, our case selection includes the COE: while it is not a security cooperation organization, it has elaborated a specific approach regarding counter-terrorism. Further, its role as norm entrepreneur in the post-Soviet region is worth noting. In that perspective, a study of overlapping security dispositifs and practices can make a future venue of research.

5. The ‘human dimension’ is a label introduced by the OSCE to refer to the policy fields of human rights and democracy.

6. The concept of forum shopping was introduced by scholars of international law to study the behaviour of actors in jurisdictionally compound settings. In international relations, similar notions have been developed (‘regime shifting’, ‘institutional choice’); see Busch (2007); Helfer (2004); and Jupille and Snidal (2005).
7. Conversely, overlap can result from an unintended path of regional/international institution-building that evolved over time. Some regional organisations end up overlapping with others because of an institutions’ resilience and/or inertia.


9. As the charter states, one of the SCO’s objectives is ‘to consolidate multidisciplinary cooperation in the maintenance and strengthening of peace, security and stability in the region and promotion of a new democratic, fair and rational political and economic international order’.

10. Similar principles are restated throughout several documents; see for example SCO (2006, 2007a, 2007b, 2010).

11. This vision has recently assumed a special significance in connection with the events of the Arab Spring; see SCO (2011b).

12. Declaration by the Member States of the CIS regarding the state of affairs within the OSCE, Moscow, 3 July 2004. The declaration was signed by Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Uzbekistan and Ukraine and was reported in the Statement by Mr Alexey N. Borodavkin, Representative Permanent Mission of the Russian Federation to the OSCE, Vienna, 8 July 2004. See also: Statement by Mr Alexey N. Borodavkin, Representative Permanent Mission of the Russian Federation at the Meeting of the OSCE Permanent Council, Vienna, 13 January 2005; and Keynote Statement by Mr Alexander Torshin, Member of the Council of the IPA CIS and Deputy Chairman of the Federation Council of the Federal Assembly of the Russian Federation (PACE 2007; Socor 2007, 2007a, 2007b).

13. It is noteworthy that divergences over how the OSCE should enact its human-dimension policies exist not only in the field of election observation missions but also with regard to, for example, the protection of minority rights and the freedom of the media.

14. In 1998 the Venice Commission concluded that the CIS Convention offered less protection than the European Court of Human Rights, and these arguments where reiterated in 2001, when the Parliamentary Assembly of the Council of Europe adopted Resolutions 1249 and 1519 (Russo 2015).

15. See SCO (2008). A similar formula has been inserted into the Preamble of the 2009 Convention on Counter-Terrorism of the Shanghai Cooperation Organization: ‘Understanding the need for ever-expanding efforts in counter-terrorism, and reaffirming that all such efforts must abide by the rule of law, democratic values, fundamental human rights and freedoms, as well as the precepts of international law …’.

**Acknowledgements**

The article was in part drafted with the support of the Kolleg-Forschergruppe (KFG) The Transformative Power of Europe, hosted at the Freie Universität Berlin and funded by the German Research Foundation (DFG). Earlier versions of this article were presented at the workshop Dealing with Overlapping Regionalism: Complementary or Competitive Strategies?, organized by the KFG (Berlin, May 2014), and at the conference The Helsinki Final Act at 40: Reflections and Prescriptions vis-à-vis the OSCE in Eurasia (Issyk Kul, Kyrgyzstan, 10–12 September 2014). The authors thank the participants of these two events for their contributions to the improvement of this article.

**Disclosure statement**

No potential conflict of interest was reported by the authors.

**References**


COE-CODEXTER. 2013. “CODEXTER's Specific Terms of Reference”.


CSCE. 1990b. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.


Lane, D., and V. Samokhvalov, eds. 2015. The Eurasian Project and Europe: Regional Discontinuities and Geopolitics. Berlin: Springer.


SCO. 2001. “Shanghai Convention on Combating Terrorism, Separatism and Extremism”.

SCO. 2006. “Declaration on the Fifth Anniversary of the Shanghai Cooperation Organisation”.


SCO. 2011a. “Astana Declaration of the 10th Anniversary of the Shanghai Cooperation Organisation”.

CENTRAL ASIAN SURVEY 351
SCO. 2011b. “Statement of SCO Secretary-General in connection with Middle East events.”
Benefactor, industry or intruder? Perceptions of international organizations in Central Asia – the case of the OSCE in Tajikistan

Karolina Kluczewska

University of St Andrews, UK

ABSTRACT

Soon after the breakdown of the Soviet Union in 1991, a civil war started in Tajikistan (1992–97). This was also the period when a number of international organizations arrived in the country to distribute humanitarian assistance and assist in conflict resolution and stabilization. After the UN, the Organization for Security and Co-operation in Europe (OSCE) was the second key organization which appeared in the conflict-stricken country. Like other key international organizations in Tajikistan, the OSCE, which has been in the country since 1994, has seen a shift in its original functions of monitoring and emergency assistance. Some see its avowed objectives in the new century as formalistic, virtual and ineffective. By capturing perceptions of foreign assistance to Tajikistan among employees of the OSCE and other international organizations, NGO workers, government officials and ordinary citizens, this article explores how Tajikistan ‘socialized’ the OSCE, making the organization simultaneously a benefactor, an industry and even an intruder.

KEYWORDS

Central Asia; international organization; NGO; OSCE; post-communism; post-conflict rehabilitation; post-Soviet; public opinion; socialization; Soviet Union; Tajikistan; UN

Introduction

The arrival of international organizations (IOs) in Tajikistan followed the commencement of the country’s brutal five-year civil war in 1992, a year after the collapse of the Soviet Union. The UN was the first. UN agencies such as UNICEF, the World Health Organization, the World Food Programme and the UN Development Programme had initially begun distributing flour and clothes in parts of the country affected by fighting. In turn, the office of the UN High Commissioner for Refugees and the International Organization for Migration assisted refugees and internally displaced persons in returning home. Other Western IOs and NGOs supported peace talks between the warring factions through high-level negotiations in neighbouring countries and conflict-prevention work in mahallas, primarily in the south of the country, where the fighting was the most intense (Tadjbakhsh 1996). Among other things, during the Tajik civil war, IOs assisted an estimated 55,000 orphaned children, 25,000 widowed women, and more than a million refugees and internally displaced persons (Erturk 2009).

© 2017 Southseries Inc

CONTACT Karolina Kluczewska kk48@st-andrews.ac.uk

This article was originally published with errors. This version has been corrected. Please see Corrigendum (https://dx.doi.org/10.1080/02634937.2017.1351233)

© 2017 Southseries Inc
After the UN agencies, the Organization for Security and Co-operation in Europe (OSCE) was the second Western-dominated agency to arrive in Tajikistan. In 1992, Tajikistan signed the Helsinki Final Act, which had originally been signed by the USSR and 34 other states in 1975. Immediately after this, it permitted the opening of an OSCE field presence in the country in February 1992, only three months before the breakout of the civil war, and by early 1994 the OSCE had set up its mission in the country. Initially, the OSCE mission was entrusted with a task to help for stabilization of the situation in the country and to create favorable conditions for the promotion of democratic processes. Indeed, conflict stabilization was the initial role of the OSCE in Tajikistan. In 1994, the Tajik government agreed to participate in peace talks with the armed United Tajik Opposition, mediated by the UN (Saunders 1999). The negotiations, in addition to the two fighting blocks, included observers from neighbouring countries, Russia and Iran, as well as the OSCE and the Organisation of Islamic Cooperation (Fischer 2013). The peace agreement which was signed in June 1997 in Moscow and officially ended the civil war was a product of these three-year-long mediated negotiations. The peace agreement obliged the government to return refugees and internally displaced persons; it foresaw disarmament and reintegration of the United Tajik Opposition fighters; it included a ‘reciprocal pardon’ act, which included amnesty for war crimes; and it guaranteed 30% of the seats in the parliament to the United Tajik Opposition.

Since its independence from the Soviet Union and into its post-conflict years, Tajikistan has ratified a number of international agreements on human rights. In this way the country hoped to be accepted by the international community as an equal member. Among other benefits, membership in IOs increased foreign assistance to the country. During the 1990s, net official development assistance to Tajikistan increased from 5% of GDP in 1994 to 15% of GDP in 2000 (World Bank 2014a). After the first phase of international assistance dominated by humanitarian aid, the early 2000s marked a new direction of assistance for Tajikistan, that of post-conflict stabilization and democratization (Nichol 2012). The new mandate of the OSCE in Tajikistan from 2002 thus focused on ‘early warning, conflict prevention, crisis management and post-conflict rehabilitation’.5

Tajikistan’s post-civil-war stabilization efforts by IOs coincided with the US-led ‘global war on terror’, a reaction to the 11 September 2001 attacks in the US, and the war on the Taliban and Al-Qaida in Afghanistan in 2001. This bought a shift in donors’ commitments to the country and the Central Asian region as a whole, with additional attention being paid to Tajikistan, which has the longest post-Soviet border (approximately 1400 km) with Afghanistan. Unsurprisingly, 2001 marked a peak in international assistance to Tajikistan, with official development assistance corresponding to 16% of Tajikistan’s 2001 GDP (World Bank 2014a). In the post-9/11 context, security assistance, including counter-narcotics, counter-extremism and counter-terrorism, became the major field of donor interest in Tajikistan (De Danieli 2011). In 2008, in reaction to the government’s claim that insufficient attention was being paid by the OSCE to economic and security matters, as opposed to human rights, a new mandate for the OSCE in Tajikistan was approved, wherein the OSCE vowed to assist the government ‘in the areas of, inter alia, police-related activities, border management and security and anti-trafficking’. In this way, since 2008, by shifting priorities towards such areas as policing, border management, demining, anti-drug and human trafficking and their associated large budgetary outlays, the OSCE presence
in Tajikistan has become, according to Lewis (2011, 45), ‘a much larger enterprise than in other Central Asian republics’. At the same time, the focus on security assistance which IOs, including the OSCE in Tajikistan, have been providing to Central Asian governments was problematized by Heathershaw and Megoran (2011, 609) and by Heathershaw and Montgomery (2014, 1). Their work suggests that by providing this kind of assistance, IOs contribute to state-led discourses on danger whose aim is not to counter real security threats but to legitimize oppressive regimes.

In 2013, the volume of international aid to Tajikistan totalled US$ 268 million and corresponded to 5–8% of the country’s GDP (Government of Tajikistan 2014). Although over the years the interest of IOs in Tajikistan has been declining, following the reduction in donor interest, judging by the numbers, it appears that the OSCE is fine and well – financially, that is. The OSCE’s budget and personnel have grown substantially, with the organization maintaining a large office in Dushanbe and five sub-offices, in Qurghonteppa, Shahritus, Kulob, Garm and Khujand. Between 2008 and 2013, the budget for the OSCE office in Tajikistan doubled, reaching €6.7 million in 2013 (OSCE 2014), while at €7.3 million in 2015 and €7.8 million in 2016, the budget for the OSCE mission in Tajikistan was the highest of all of OSCE’s Central Asian and Caucasian offices.

Following that introduction, which aimed at portraying the trajectories of foreign aid and the main features of the OSCE in Tajikistan, this article will briefly review the emerging literature engaging critically with foreign aid in the region and develop an analytical framework for conceptualizing the peculiarities of the OSCE presence in Tajikistan. This will be followed by the empirical segment of the article, showing how the OSCE is seen by various actors in Tajikistan.

**Foreign aid and its discontents**

International relations define an IO as an institution with international membership, presence and scope. Two main types of IOs are distinguished: NGOs operating internationally and intergovernmental organizations (such as the OSCE, which includes 57 participating states). In turn, foreign or international aid or assistance managed by IOs is a voluntary transfer of money, infrastructure and knowledge from one state to another (Lancaster 2007). These definitions, however, say little about what an IO is from the perspective of an aid-receiving country and its peoples, or rather, what IOs become or are perceived as having become during a complex process of interaction and intersubjective socialization with the state and population of the country they operate in.

The case of foreign aid in Central Asia fits into the broader literature which attempts to conceptualize development assistance globally. In a satirical story about ‘Aidland’, a parallel universe created by IOs in aid-receiving countries, Anthorpe (2011, 199) argues that ‘Aidland has its own mental topographies, languages of discourse, lore and custom, and approaches to organizational knowledge and learning.’ And according to Ferguson (1990), whose work on the World Bank projects in Lesotho provided one of the first anatomies of development aid, this happens because IOs are ‘anti-politics machines’. The real causes of impoverishment, argues Ferguson, are often political, stemming from corruption, nepotism and inefficiency. However, in designing development projects, IOs depoliticize the causes of poverty and focus on effects, by delivering social services. Overall, in development projects, therefore, the institution of the state is bypassed.
This is also the case with foreign aid projects designed with the particular aim of improving governance. Writing about American donors aiding democratization processes in other countries, Carothers (2011) claims that too much attention is given by donors to aid itself (improving implementation and evaluation of projects), rather than understanding the context of aid-receiving countries and elaborating proper strategies. These accounts, however, deal with only one side of foreign aid: aid-givers. Aid is a relationship between two parties, aid-givers and aid-receivers, and is thus a two-way process. Even if IOs are disconnected from the reality of countries where they operate, as argued by Lancaster (2007) in his history of Western foreign assistance, aid has always changed the relations between the parties involved.9

**Tajikistan and international aid**

Although a number of authors have written critically about the implications of the presence of IOs in Central Asia, the common narrative treats IOs as the subject, while the aid-receiving state remains a passive counterpart of development assistance. Attention is given to right or wrong strategic interventions by IOs, and how they obtain good results, or fail to do so. As an example, Sievers (2003) argues that IOs in Central Asia are ineffective because by bringing Western ideas and approaches to the region, they treat Central Asian countries as *tabula rasa*. They discredit the endowment of over 70 years of Soviet rule and experiences, in addition to the particularities of the post-Soviet or ‘neo-Soviet’ (Heathershaw 2009a) social and political fabric of Central Asian states. Referring particularly to Tajikistan, Tadjbakhsh (1995, 1996) offered the first insight into the misguided strategies of IOs. She explains that in the final period of the Tajik civil war, unequal distribution of humanitarian aid between different regions of the country worked against the fostering of societal reconciliation and aggravated tensions between an already regionally torn Tajikistan. On a similar note, Heathershaw (2005, 2008, 2009b) compares the clashing concepts of peace-building in Tajikistan, arguing that peace-building, as a UN-promoted concept, through support for neoliberal civil society, is foreign to Tajikistan and ignores two other relevant historic concepts: Soviet *mirotvorchestvo* (peace-keeping/peace-building), which strengthens state institutions, and Tajik *tinji* (peace/stability), which involves conflict mitigation and compromise at its early stage and at the level of local communities.

In turn, the work of Freizer (2005) looks at the newly imported model of neoliberal civil society, which contradicts or competes with traditional forms of civil society in Central Asia, such as *choikhona* (teahouse), *mahalla* (neighbourhood) and *hashar* (community labour). From another angle, Sumie Nakaya (2007, 2009) argues that international assistance to post-civil-war Tajikistan focused primarily on economic liberalization and privatization, rather than on implementation of inclusive peace agreements. This led to strengthening of the victors of the civil war, namely the new southern political elite, the Kulobis, who were already in control of land and infrastructure; this inadvertent accommodation of the civil war’s victors exacerbated the sense of exclusion of other political forces in Tajikistan. Czerniecka and Heathershaw (2011) offer yet another angle on international engagement in the region with the example of EU assistance to Central Asia, which prioritizes border control and limits irregular migration flows. They demonstrate through this example that the areas and strategies of international assistance reflect the priorities of
the aid-sending countries (ideas of the free market, strong civil society and border security) rather than the needs and priorities of Central Asian countries.

Aid creates a dependency mentality, which provokes changes in the state structure, economy and even culture of the receiving countries. And the state changes the IO to the same extent. In an article on two different security models promoted in Central Asia by the OSCE and the Shanghai Cooperation Organization, Lewis (2012) poses an important question: ‘Who is socializing whom?’ He argues that the initial Western ideas that post-Soviet states in Central Asia would be ‘socialized’ into acceptance of a broader liberal normative framework have not been fulfilled; instead, this unilateral socialization has been replaced by a much more complex pattern of mutual interaction. (1220)

The 1990 Charter of Paris and the subsequent Copenhagen Document of the same year, which laid the foundation for the OSCE commitments in the region, such as human rights and fundamental freedoms (e.g. rights of freedom of expression, demonstration and property ownership), met with little domestic support in Central Asian states (Lewis 2011, 2012). The socialization approach has proven to be largely ineffective, and even inappropriate, in Central Asia.

To guarantee its presence in Central Asia despite the reluctance of the government to adopt reforms, the OSCE softened its discourse on human rights and focused on areas such as security assistance. As argued by Lewis (2011), paradoxically, in this way the organization has ‘often compromised OSCE ideals by supporting forces that have been accused of human rights abuses and high-level corruption’. For example, as Reyna Artur kyzy (2015) demonstrates, the OSCE in Kyrgyzstan has been accused of helping the Kyrgyz regime suppress anti-regime demonstrations in 2005 and 2010 via pricy police assistance and training projects which the OSCE implemented throughout the years. The example of the OSCE in Tajikistan serves as another counterintuitive case of not an IO transforming an aid-receiving state, but the other way around.

What is the OSCE in Tajikistan?

If Lewis’s (2011) argument holds, then two questions need answering: Why and how has Tajikistan ‘socialized’ the OSCE? The empirical part of this article will show that the OSCE could be ‘socialized’ without any particular effort of the Tajik government, because of the inherent limitations and flaws of the development aid (including security assistance) apparatus of the OSCE. It will also be demonstrated that Tajikistan has ‘socialized’ the OSCE, making the organization simultaneously a benefactor, an industry and an intruder.

**OSCE as benefactor**

Who should benefit and who does benefit from IOs’ presence in a given country? Two main directions can be identified in the mandates of most IOs: assistance to the government in solving operational challenges and improving governance; and provision of services to the population. This means that both the state and the population are to benefit directly from the presence of IOs. Practically, though, the term ‘benefitting’ has different connotations on the ground and in reality than in theory, including the mandates of IOs.
If a textbook definition of an IO focuses on its international membership, the first and most common local definition stresses that an IO is a donor organization. Unlike Western member states, Tajikistan does not contribute financially in any substantial manner to the IOs it is a member of. Instead, the country benefits from other states which pay higher membership fees. Tajikistan remains heavily dependent on foreign assistance. Significant industrial infrastructure is absent; and income equivalent to half of the country’s GDP comes in the form of remittances from Tajik migrant workers living predominantly in Russia, making Tajikistan number one in the world in that category (World Bank 2014b).

As a former OSCE employee explains:

Unlike Turkmenistan, which is a country rich in natural gas and can sustain its own economy, landlocked and mountainous Tajikistan cannot build a wall around itself and isolate itself from the international community. [And even though] Tajikistan has [substantial amounts of] water, it cannot use it without permission of Uzbekistan.¹⁰

Unlike most IOs, which have narrow objectives, the OSCE in Tajikistan has a broad mandate to assist the government. The website of the OSCE claims that:

The OSCE Office is tasked with assisting Tajikistan in its efforts to tackle security problems and threats, prevent conflicts and work on crisis management in such areas as policing, border management, and anti-trafficking. Other tasks include the improvement of business contacts; the development of energy, transport, investment, and scientific and technical exchange; the protection of the environment; good governance; and the development of a legal framework and democratic political institutions and processes, including the respect for human rights.¹¹

Because of the organization’s broad mandate of aiding Tajikistan as an OSCE participating state, its projects engage primarily with the government on the policy-making level, but also with the population through providing certain services. At the beginning of the calendar year, each unit or thematic office of the OSCE mission confirms its activities with the respective ministries, based on supposed assessment of the current needs of the country.

As for the state, various benefits are obtained from IOs’ presence. In the case of the OSCE, first of all, the government benefits from resources and expertise which Tajikistan does not possess by itself. That said, the state also takes material advantage of OSCE’s resources. A former OSCE employee says, for example, that ‘every small change in the criminal code is lobbied, drafted and paid for with OSCE [and UN] money.’¹² At the same time, the benefits of the government can go beyond assistance in improving governance. Hosting IOs boosts the prestige and legitimacy of the country primarily in the eyes of outsiders, who might consider the government one that desires to cooperate with the international community and is open to reform. A former employee of the OSCE argues: ‘Membership in IOs brings international prestige, and the only way Tajikistan can be involved in the international community is through implementation of the recommendations of IOs.’¹³ An OSCE employee in Tajikistan, in turn, claims:

This is why Tajikistan is so interested in keeping IOs. It is an authoritarian state, constantly on the path towards [an elusive] democratization. Despite 23 years having passed since the collapse of the Soviet Union [and 15 years since the end of the civil war], the government always stresses the occurrence of the civil war and implies that we still need help, that we still need to build everything from scratch. The civil war is also a justification for human rights abuses. But at the same time the state shows openness towards inviting IOs. The international community does not know the Tajik context. They only see that Tajikistan is
constantly ready and desires reforms. The state thus uses the presence of IOs for its own benefit [and longevity].

And this symbiotic relationship continues, given that in the great majority of cases, IOs do not withdraw from the country despite the resistance of the state to adopting necessary reforms. Tajikistan can thus always be improving without ever actually having improved, even having, in reality, regressed. Endless democratization, however, requires the endless financial and technical assistance of IOs. From this perspective, maintaining the status quo is in the interest of the regime and its bureaucrats, as well as the IOs and their technocrats, because it guarantees survival and material benefits for both sets of beneficiaries.

On this same theme, the presence of multiple IOs can also provide an excuse for the government not to adopt structural reforms. An OSCE employee provides an example:

> When the European Union asked the Tajik authorities to limit corruption, the state answered that [it is, indeed, doing so, as] the OSCE is already working on it [via an anti-corruption project]. It is of minor importance for the government that the same project of the OSCE has been a failure.

Furthermore, as one employee of an IO says, because such a small part of IO funds is spent on actual vulnerable people, the IOs’ presence has become an alternative financial source to help run the public sector of Tajikistan: ‘Much of the funds of the IOs are spent on renting overpriced venues, cars, overhead, rents for landlords, and taxes.’ Among other things, for example, the OSCE field missions in Europe and Eurasia are normally a cooperative effort with the region’s government, with states, despite financial hardships, at the minimum providing in-kind contributions, such as provision of premises. In Tajikistan, however, the field mission pays a monthly rent of US$ 25,000 to the state for use of the premises.

The government further benefits from IOs because by creating an alternative well-paid job market, they in essence appease potential social discontent in the young, educated and unemployed strata of the society. For the middle to upper-middle class in Tajikistan, people who have had the opportunity to study English and have a ‘development’-related marketable skill, IOs are the only place to find well-paid jobs. A former employee of the OSCE explains how personal financial security interacts with security promoted by the organization:

> The OSCE attracts rather nihilistic workers, both expatriate and locals, with the aim of job security and personal income generation. There is virtually no liberal idealism associated with such individuals. The OSCE’s functions, in turn, are superficial and sufficient to satisfy its annual reports to Vienna and other donors.

For young, educated Tajik people who have not decided to emigrate, employment in IOs is a dream to follow, and a common subject of discussion among their peers. An NGO worker admits: ‘Often … people are jealous of employees of IOs and their salaries.’

Some argue, however, that IOs do achieve small-scale changes on the ground. A former employee of the OSCE is convinced that despite the limitations of the OSCE, its work is beneficial for a broader population:

> Despite bureaucratic procedures, monotone documents and expensive experts, in the end thanks to endless trainings, for example, journalists have become more professional, they
have learned how to use social media and electronic equipment; other people have had a chance to study abroad; there is access to water in some areas of Tajikistan; migrants receive free legal advice and learn how to fill out the necessary documents. [This is so] even if the people do not know who the [specific] donor is.  

The population benefits from such services. The government also benefits from the presence of IOs. International aid has in some instances delegated provision of what were supposed to be public services from the state to the IOs. Until 1991, Tajiks lived in a socialist and social Soviet state. The current Tajik state is neither socialist nor social. As several interviewees mentioned, because of the substantial international aid right after the civil war there was no transition of competences in the area of welfare between the Soviet regime and the new government that emerged in 1994. According to an employee of an IO, ‘During the civil war, the state collapsed and the government withdrew from the social sector [and] IOs filled this niche, even if they today provide assistance only on a small scale.’ Another interviewee agrees: ‘We all know that services for vulnerable women and children should be provided by the state. But we also know that these services are being provided, instead, by IOs and the local NGOs financed by them.’ This suggests that it is important to distinguish between the short-term and long-term effects that OSCE’s activities have on the state. While in the short term the population benefits from assistance provided by the organization, in the long term such provision of services contributes to developing a mentality of dependency on aid in state structures.

Does the broader public recognize the IOs as benefactors? In comparing the norms and commitments of IOs with what ordinary people in Tajikistan know about them, it turns out that people are not aware of the role of long-standing IOs in their country. Since the civil war, people in Tajikistan have been used to identifying IOs with the white four-wheel-drive vehicles with blue licence plates originally associated with UN staff driving around the country. A Dushanbe dweller admits:

Sometimes I have the impression that IO workers consider themselves rather important, but in reality people do not know them. People can mention the name of the UN because they hear it on TV. But they have no clue what [the UN and other] IOs actually do [in Tajikistan].

In rural areas only people who have received help from IOs may know them. An NGO worker implementing an OSCE-funded project says: ‘We organize events to tell people about the donor, we distribute pens and T-shirts. But at the end, only the ones who have received legal help from us know the OSCE.’

There is one more beneficiary, the OSCE itself. In the first place, IOs are both benefactors and beneficiaries of their own presence. An employee of an IO states that it is in their interests to secure their own survival by securing the continuity of projects:

To be honest, staff is the one who benefits most from projects. They benefit from good salaries, I also do. So does each IO globally – the regional office, the headquarters, [and] the entire bureaucracy apparatus …. International assistance [thus] circulates within an IO as salaries, [exaggerated] per diem 25 [and other financial and material benefits].

The role of the OSCE as a benefactor for Tajikistan encompasses different, sometimes contradictory, aspects. The benefits which Tajikistan gains from the OSCE are not only financial or technical. The OSCE provides Tajikistan with knowledge and expertise which
the government does not have or cannot afford. The organization also provides a questionable range of public services to vulnerable groups in the population. On the other hand, membership in the OSCE provides legitimacy for the government, despite its resistance to reforms. Moreover, it cements the status quo, in which the elites do not demand changes because they are employed in IOs; and the government does not feel obliged to provide services to the citizens, because they are already being provided by IOs. Finally, through the longevity of development assistance, the OSCE as an organization and expanding bureaucracy, both in Central Asia and in its headquarters, benefits from its own presence in Tajikistan.

**OSCE as industry**

While during the civil war international aid to Tajikistan was unconditional, in that it focused neither on immediate results nor on transparent administration, two decades on, the process has turned into the efficient bureaucratized industrial-like production of well-financed and formally documented reports to donors. Given the millions of euros spent with often no visible results in the way of development or democratization, some donors have learnt their lesson and become more demanding. The all-embracing bureaucracy of IOs serves the spending of donor funds, namely public funds of Western states. At the same time, such bureaucracies occupy most of the working time in IOs. As one interviewee says: ‘In the world of IOs, the bureaucracy has expanded to such an extent that people do not reflect [or matter] anymore’—i.e. the financial component of ‘project implementation’ has overtaken any benefits that the same projects are meant to convey to the locals.

The bureaucracy is one of the reasons why the cleavage between the norms and commitments of the OSCE, as stated in the mandate, and the reality on the ground remains large. A former employee of the OSCE claims that ‘the rhetoric [of security and cooperation, human rights and democratization] is often not understood, or even known, by the OSCE workers themselves – both expatriate and locals, let alone being implemented and transmitted into the country’. Such perceptions are not limited to employees of the OSCE. Many employees of IOs perceive international aid in Tajikistan as a multitasking industry which produces ‘development’, in reality meaning discourses on development and working-places. ‘Development’ is a key word in the rhetoric generated by IOs; it includes such sub-terms as ‘developing infrastructure’, ‘developing human capital’ and ‘developing capacities of the government’. According to one interviewee,

IO-led ‘development’ is nothing but a discourse which was created in the West in the way the West has highlighted its hegemony. IOs come to Tajikistan bringing a ready recipe. They tell the people: ‘Do this and that, and your life will become better.’ They want Tajiks to be like them. The only difference between Tajiks and employees of IOs is that we [employees of IOs] receive good salaries, while Tajik people continue working for peanuts.

The industry of language expands. Besides ‘development’, more recently ‘impact’ has become another key word in the lingo of IOs. Unlike the outputs and outcomes of IO activities, impact is more difficult to measure. It refers to a marked and broad effect on the country. Asking about impact is tricky because it tests the approaches and strategies of IOs. As a former employee of the OSCE explains:
Until a year ago [early 2014] the OSCE did not pay much attention either to impact or outcomes. Only outputs used to matter. For example, only a year ago did we begin collecting information not only on how many leaflets were distributed to people, but on how many people come to our centres after [supposedly] reading these leaflets.\footnote{30}

The ‘industry’ is run through projects. Most IOs in Tajikistan are project offices, i.e. they implement projects which their donors seek or have agreed to fund. The OSCE does the same, but is different from other IOs not only because it has a bigger mandate, but also because of its short fiscal time frame. Each year, there is an internal budget for Tajikistan and other OSCE field missions from the general unified budget of the organization. Though extra-budgetary funds also play a big role, unlike other IOs, given the near-guarantee of funding each year, OSCE field missions can function at their base level without continuously seeking wealthy donors to fund projects. As for operational modalities, the OSCE is similar to other IOs because its country budget is then divided into specific projects. According to one former employee of the OSCE, ‘Similar to other IOs and NGOs, the OSCE complements the state by provision of projects which actually are funded nicely, though the vast majority will achieve little as they are symbolic and in realm of rhetoric, rather than results-oriented.’\footnote{31} Furthermore, as another former employee of the OSCE points out, often the fact of spending the money allocated in the budget becomes more important than the presumed benefits of the activity or project itself:

> Sometimes I have the impression that we work for the sake of bureaucracy. There is always the same scheme: fifteen participants in a seminar, two international experts, accommodations for all, distribution of per diem, buying tickets. You could [often] find better [and far more economical] experts in Tajikistan, but the OSCE [and its managers] seek to use up the organization’s yearly budget [and it is easier to do so if you use expensive expatriate experts rather than the local variety].\footnote{32}

Another way for the OSCE field missions, including the office in Tajikistan, to easily spend their allocated budgets is to send government officials and bureaucrats, NGO workers and OSCE staff on costly ‘exposure trips’ and to a myriad roundtables and conferences, mostly held in European capitals, throughout each year.

On this same theme, experts are part of the industry.\footnote{33} International experts are hired to provide recommendations to the government, conduct assessments before project writing, or prepare law and situational analyses. Although there is no doubt that they are recruited through a competitive internal selection process, in practice, in many cases, such international experts do not have solid knowledge of the country; quite often do they not even speak the local languages, Russian and Tajik. As a former employee of the OSCE explains, these factors combined with time constraints make the overall work of such consultants rather ineffective: ‘Expats come in with little knowledge of Tajikistan and with a tight timeframe. They do not have time to learn about the culture, [history] and policies [of the country]. They thus provide recommendations which may not be workable.’\footnote{34}

The industry lives on its own. A common objection to IO projects is that their rationale lacks a good assessment of the local reality and needs. What can be labelled the ‘neoliberal approach’ of IOs – with its focus on liberal economics, often detached from political realities – is normally foreign to local communities. As an example, in recent years there has
been a boom in income-generating projects for vulnerable groups of the population in Tajikistan. One interviewee argues why such projects miss the point:

It seems that now everyone wants Tajiks to become entrepreneurs. They keep giving women sewing machines and telling them how to sell clothes, bags and socks. This is not how Tajikistan will become rich. It is when you eliminate corruption that economic conditions will improve. But it is easier to distribute sewing machines than to engage with [and address the far larger issue of] corrupt officials.

This is how the OSCE becomes an anti-politics machine, as described by Ferguson (1990). The OSCE, like other IOs present in Tajikistan, produce their own narrative of development. Their narrative is simple and linear. First, the economic situation in Tajikistan is bad. Second, the solution to this problem is to foster income-generating activities among the population. According to this narrative, the OSCE and other IOs are the benefactors who can solve economic problems by (generously) supporting entrepreneurship among the most vulnerable groups in the population. But the real roots of the economic problems the country faces are corruption, the off-shore accounts of government officials, and monopolization of the market by political (and at the same time economic) elites (Cooley and Heathershaw 2017).

The industry has, in turn, produced a neoliberal form of civil society. Thanks to the continuous support of IOs, neoliberal civil society has flourished in the post-conflict period in much of Central Asia. In Tajikistan, by the time the 1997 peace agreement was signed, the number of newly registered NGOs exceeded 3400 (Fischer 2013), though the number of active NGOs is probably not more than 5–10% of this. At the same time, if in the post-conflict period there was an understanding between IOs, NGOs, the population and the state, in the mid-2000s this trust disappeared, mainly because of low efficiency and corruption among profit-driven NGOs and state institutions. But there was also another reason. The head of a Dushanbe-based NGO says that ‘since 2007–08, the understanding between civil society organizations and IOs has become rather murky. This is because IOs began to choose their favourite NGOs and exclude others.’ Unwritten rules agreed upon between IOs and selected NGOs are a common practice and an open secret in Tajikistan. To comply with regulations indicated by headquarters, for example, most IOs are required to announce transparent tenders while choosing NGOs as implementing partners of projects. However, often when the tender is being announced, it is already known which NGO has won the grant. Some NGOs, in turn, are known to grease the wheels by providing as much as 10% of donor funds back to the (normally local) bureaucrats of the same donor agencies so as to guarantee more funds in the future. One interviewee told of knowing of such ‘kickback’ schemes practised by staff of a UN agency and a prominent Western embassy in Dushanbe.

Over two decades of presence in Tajikistan has created and cemented a unique system of mutual accommodations between IOs and the state, as well. According to an OSCE employee:

The Tajik state can refuse to cooperate with the OSCE, and in many ways it does so. It is easy to refuse to cooperate. Government officials often agree to specific projects but then do not answer [phone calls] and letters, they do not come to meetings [and roundtables] with their OSCE counterparts. Theoretically the OSCE should withdraw in these situations, but that would mean that we need to close the office [or the project, and if we do so] many
will lose their jobs. So the OSCE says: Let us try to implement a similar project, but from a different angle.  

Thus, if the government does not really want to cooperate on specific thematic projects, which they may have initially approved but which they now feel hurt the interests of the regime, mechanisms of fake involvement begin to take hold. Pricy seminars and workshops replace real policy-oriented activities. One interviewee elaborates: ‘We need to involve authorities in our projects, seminars, workshops, and in order to do so, we have to provide incentives for them, otherwise officials would not show up. So we buy their participation with coffee breaks, good per diem, receptions, and even luxurious dinners with music.’ The aim is to keep the industry of projects running, which results in near-fake projects which are written for the sake of spending the allocated budget, with little regard for the avowed objectives of the project.

If over 20 years of presence of the OSCE in Tajikistan has not fostered key positive structural changes in the country, this is not only because of the reluctance of the state to conduct reforms, but also because of internal structural ineffectiveness of the organization, and inappropriate assumptions and approaches. The OSCE falls into the trap of other IOs, in that despite its wide mandate and resources, the organization is a consolidated industry producing development language, bureaucracy, ‘development’ projects and neoliberal civil society, while they resist political change and maintain the status quo, including deteriorating democratization and ubiquitous corruption.

**OSCE as intruder**

The relationship between the Tajik government and IOs is complex and at first seems incomprehensible. On the one hand, as one employee of the OSCE mission observes, ‘In the current economic situation, the government is looking for money and [virtually] accepts any entity which can provide it with financial benefits.’ On the other hand, some argue that international assistance is normally not unconditional (Fawn 2013), and membership in an IO means that there is an international community which follows the actions of the state and checks whether the values of the organization are being represented. An employee of an IO posits: ‘An IO is an institution which wants to share its values.’ These values are often different from the values of the government. A former employee of the OSCE argues:

An IO is a watchdog in your country, the eyes of the international community, which follow you like Big Brother. If Tajikistan destroys its reputation in front of the international community, IOs [can] withdraw their money.

The real picture is more complicated, however, and to a large extent depends on the IO’s field of activity. According to a former state employee of the Ministry of Foreign Affairs of Tajikistan:

There are different types of IOs, e.g. IOs which build infrastructure and do not interfere in politics; they can operate far more freely. And then there are IOs which deal with politics, elections and democratization; they are always viewed with suspicion.

The case of the OSCE in Tajikistan, which deals with three different but theoretically interconnected dimensions of security, is an example of nuances in the state–IO relationship for
a single organization in Central Asia. Though the state supports the assistance of the OSCE in the politico-military dimension, which includes such fields as border management, demining, police reform and anti-terrorism, the engagement of the OSCE in the economic-environmental dimension, which touches upon the political elite’s monopoly over the economy, and in the human dimension, which includes maintaining standards in the field of human rights and democratization, is not welcome, at least not in their true intended forms. According to a former employee of the OSCE:

The Tajik government would like an organization which deals only with the first, security dimension, and from its point of view this is logical. The second dimension means interfering in the economic interests of the regime, but the third dimension is even worse, because the OSCE interferes in areas such as lack of political pluralism and human rights standards.46

Open mistrust on the government’s side can be distinctly observed since early 2014, corresponding to the Ukraine crisis, when ideological conflict between the pro-Western Euromaidan movement and the pro-Russian, secessionist-oriented eastern parts of the country escalated into a military confrontation. A former employee of the OSCE comments on how the situation in Ukraine has influenced Tajikistan, drawing on the similarities between the regimes in the two countries:

The most recent concerns of the [Tajik] government likely come from the Ukraine crisis and the departure of [Ukraine’s President Victor] Yanukovych, a neo-Soviet likeness of the Tajik leader. If Yanukovych can be ousted, he [Tajikistan’s president, Emomali Rahmon] can be, too. Thus the state must be vigilant for any foreign funding and activities in Tajikistan [which in its mind can destabilize the country into a Ukraine-like crisis and regime change].47

Moreover, as another interviewee notes, the rhetoric of mistrust of IOs can be quite effective because it recalls still vivid memories of the Tajik civil war, which divided the population and led to thousands of (perhaps 50,000) deaths:

If you pay attention to the last speeches of the president, you will notice that there are two returning motives: the civil war on the one hand and the need to control [foreign influences in the country or] IOs on the other.48

The anti-Western rhetoric among Tajik officials further escalated in May 2014 after the unrest in an autonomous part of Tajikistan, mountainous Badakhshan Autonomous Province (GBAO, Badakhshan). Clashes between the residents of Khorog, the capital of Badakhshan, and the central government’s security forces reminded one of the events in Ukraine. For the government, the IOs and Western embassies became a scapegoat and a real or imaginary enemy to blame for the unrest. As reported by Radio Free Europe / Radio Liberty, at a conference organized in Dushanbe by the OSCE after the May events in Khorog, the head of Tajikistan’s State Committee of National Security, Sayyumun Yatimov, said:

Recently, there has been a big geopolitical and ideological game surrounding Tajikistan. Under the guise of non-governmental organizations, they [alleged Western ‘spies’] use methods which are not good for the people living in Tajikistan. First of all, there are [Western] intelligence services in Tajikistan, whose official status I do not want to mention here, which spend large sums of money, and at the same time cooperate with organized crime. They prepare them to fight against our security, in this way undermining the safety of our nation (Radio Free Europe/Radio Liberty 2014).
Yatimov was also quoted as having said that ‘some NGOs working under the aegis of international organizations threaten our security’ (Asia Plus 2014).

A few days later, another Tajik politician and member of parliament, Amirqul Azimov, accused IOs in Tajikistan of interfering with the domestic affairs of the country and fuelling separatism in Badakhshan:

It should be our duty to explain to the people that they should not blindly believe in ideas such as democracy. There are states which sometimes are not interested in maintaining stability in Tajikistan. For example, the representatives of the European Union [prior to the clashes in Badakhshan] had a meeting with a former field commander [and anti-government fighter], Mahmadoqir Mahmadoqirov, in Khorog. How can we interpret this? Don’t you think that such meetings take place in order to destabilize Badakhshan? We realize that there are people who want our country to disintegrate. This is how IOs are playing their games (Gulhoja and Hamdam 2014).

A former state official explains the logic behind such thinking, claiming that because the mandates of IOs do not require their recommendations to be legally binding, the IOs act cunningly:

They put pressure on us [to adopt reforms] through so-called ‘project implementing partners’: civil society and local NGOs which are servants of foreign masters. IOs finance them, so they can tell them to criticize the government on [alleged] human rights abuses [and] torture.49

At the end, the interviewee admits that many times there are also purely psychological aspects behind the mistrust: ‘Some employees of ministries hate the IOs because they talk with them in such a manner to demonstrate their own superiority [and the inferiority of the natives], while showing little respect for the Tajik government.’50

Another conflict between the organization and the Tajik government arose in September 2016, during the annual OSCE human rights conference in Warsaw. On the first day of the conference, about 20 Tajik citizens interrupted the session on Tajikistan, protesting the imprisonment of Tajik politicians and defenders from the Islamic Renaissance Party of Tajikistan (IRPT) and other opposition groups, which had taken place in the previous months. On 23 September, the representatives of the Tajik government participating in the meeting issued a statement, claiming: ‘Our Delegation took all accusations and intimidations during the meeting as well as outside with tolerance. But yesterday they crossed the red line’51 – and renounced further participation of the Tajik government in the OSCE human rights meetings. The media reported that following the incident, 50 relatives of activists from Warsaw were detained in Tajikistan (Radio Free Europe/Radio Liberty 2016). At first sight, it seems that the OSCE decided to become an intruder in this case, by standing against human rights violations. However, an interviewed employee of the OSCE office in Tajikistan believes otherwise:

OSCE [conference organizers in Warsaw] did not consult the OSCE office in Tajikistan. The opposition [protesters] registered for the conference on behalf of a different organization, and even the conference organizers could not know [what was going to happen], because anyone who wishes to can register for the conference. Nothing was coordinated; the Tajikistan office was in an awkward situation.52

The OSCE office in Tajikistan remained silent following the incident, which is another indication that the organization did not intend to become an intruder.
From the perspective of employees of IOs, the Tajik government is turning IOs into intruders to distract the attention of its own population from its inability to deal with social and economic woes, including massive emigration flows, all-encompassing corruption, a broken justice system and low living standards, including the country’s remaining as the poorest country in the entire post-Soviet/post-communist bloc. One interviewee sarcastically argues:

Why should Western governments spy through IOs if they could [simply] give US$ 200 to any Tajik official to provide the desired information?! Corruption in Tajikistan reaches such levels that any secret can be revealed in exchange for money. With the rhetoric of foreign agents and spies the government is justifying its own existence [i.e. covering up its own shortcomings].

The OSCE is thus an ‘intruder’ for two reasons. First, by promoting an alternative, democratic governance mechanism and advocating human rights and fair elections, the OSCE becomes an enemy and a threat to the regime’s survival. Second, the OSCE has become an artificially and easily created enemy, which along with other IOs and some Western embassies serves as a scapegoat for the instability in Tajikistan, instability which in reality is a result of decades of bad governance, lack of political pluralism, corruption and economic mismanagement.

Conclusions

This article has attempted to show that the 20-year history of international aid to Tajikistan is a story of multi-fold adaptations, in this case taking the example of the OSCE and post-Soviet Central Asia, as seen in the case of Tajikistan. Contrary to the assumptions which accompanied the IOs’ original arrival in Tajikistan in the early 1990s, foreign aid is a two-way process. Over the two decades since IOs appeared in Tajikistan, it seems that Tajikistan as a state may have socialized them towards maintaining the status quo more than they have socialized Tajikistan towards acceptance of the neoliberal world order. In the case of the OSCE as an IO, evidence suggests that Tajikistan has largely socialized it to become simultaneously a benefactor, an industry and an intruder, and in the end either largely ineffective or unwilling to seriously promote the lofty aims of the 1975 Helsinki Final Act, which remain the core ideals of the organization. Unlike in other countries in the region for years the organization managed to maintain its full-fledged mission mandate in Tajikistan, which allows it to be a political actor in this country. The question is, however, what was the price of maintaining the full mandate? The OSCE office in Tajikistan remained silent when in September 2015 the Tajik government declared the IRPT a terrorist organization and banned the party; when in June 2016 high-ranking officials of the IRPT were sentenced to jail terms of up to several years; and in May 2016, after the constitutional amendments which removed term limits for the current president, who is currently serving his fourth term. In this situation, does holding a large mandate equal being a relevant political player, a game-changer in the Tajik political scene? The answer is no.

The picture which emerges from this article is also an empirical contribution to academic and practical debates on the impact of IOs in post-Soviet or transition societies, or rather, explains why their role is so limited. Adaptations are a repeating motive in
the narratives about foreign assistance. The case study of the OSCE mission in Tajikistan demonstrates who is really an agent and who is a subject, or as Lewis’ study (2012) is aptly titled: ‘Who’s Socializing Whom?’ After the civil war, the OSCE remained in Tajikistan to assist the country towards a broadly conceived democratization. Yet, ironically, the state and not the OSCE turned out to be an agent in this interaction. The weak post-conflict Tajik state has made the OSCE, especially in the post-9/11 era, into its image. This in turn reveals something about the structure of international politics and involves the significance or lack thereof that small non-petrol-rich Central Asian states, such as Tajikistan, have in the eyes of key European and North American powers. In the post-9/11 era, regardless of any neoliberal rhetoric, the de facto emphasis of influential Western powers has been on stability and maintenance of the status quo rather than democratization.

Does Tajikistan realistically need such an OSCE? A former employee of the OSCE mission in Tajikistan has doubts about this high-portfolio IO in its present arrangement in the country. In response to the question of whether the OSCE is needed in Tajikistan, the interviewee said:

From a liberal, humanitarian, feminist, objective perspective the answer is no. The ‘no’ has a qualifier, however. Tajikistan does not need the OSCE as it is today, as a hypocritical entity which fails to implement its own avowed liberal norms and commitments. From this perspective it is better that the OSCE leave or substantially reduce its financial presence in the country so that genuine civil society and voices can begin to function without the drug of finances and the disease of projects.55

Four decades on, the founding act of the OSCE, the Helsinki Final Act, remains a noble document. However, its implementation requires the public and genuine civil society of the OSCE participating states, whether in North America, the EU or Central Asia, to be engaged and demand results from their respective governments and the organization as a whole. The OSCE needs to reform itself, including its practical functions in its field operations in Central Asia, otherwise it will continue its pace towards irrelevancy.

Notes

1. The Tajik civil war (1992–97) involved two blocks of the Islamist-dominated United Tajik Opposition versus the post- or neo-Soviet pro-governmental forces, comprising four regional groups: the opposition was dominated by ethno-regional Gharmis and Pamiris, who stood up against government forces dominated by Leninabadis and Kulobis.
4. Net official development assistance includes both grants from official agencies and disbursements of loans made on concessional terms.
5. OSCE Permanent Council, Decision No. 500, 31 October 2002.
7. OSCE Permanent Council, Decision No. 1158, 30 December 2014.
8. OSCE Permanent Council, Decision No. 1196, 31 December 2015.
9. Lancaster gives a 70-year history of aid, arguing that after WWII, international aid was used by the US not only to bolster the economies of Turkey and Greece but also to pull them over to the Western side in the face of increasing pressures from the Soviet bloc.
10. Interview with a former employee of the OSCE, 31 July 2014. As a side note, the interviewee refers to the dispute between Tajikistan and Uzbekistan concerning a planned hydroelectric power plant in Roghun on the Vaksh River in Tajikistan. The project has drawn complaints
from the Uzbek side, which fears that the power station will have a negative impact on its water resources and cotton crops. And though the World Bank, as an IO, has recently approved Tajikistan’s plan to build the Roghun hydroelectric power plant and its associated potentially record-breaking 335-metre-high dam, Uzbekistan’s opposition and lack of international investment in the needed capital (as much as US$ 5 billion) have put a temporary hold on construction (Forss 2014).

12. Interview with a former employee of the OSCE in Tajikistan, 31 July 2014.
14. Ibid.
15. Interview with a former employee of the OSCE in Tajikistan, 18 July 2014.
16. Interview with a person working for an environmental international NGO, 19 July 2014.
17. It is also noteworthy that the government confiscated the mission’s new premises from a private owner soon after the same owner was arrested, and later tried and imprisoned in 2009 (interview with a former employee of the OSCE in Tajikistan, 26 December 2014).
18. Interview with a former employee of the OSCE in Tajikistan, 26 December 2014.
19. Interview with a person working for a NGO focusing on vulnerable groups in society, 18 August 2014.
21. Interview with a person working for an IO focusing on vulnerable groups in society, 1 August 2014.
22. Interview with a person working for an IO focusing on vulnerable groups in society, 31 July 2014.
23. Interview with an accountant living in Dushanbe, 29 July 2014.
24. Interview with a worker in a centre which receives grants from the OSCE, 27 July 2014.
25. Expatriate OSCE employees working in Central Asia, for example, receive an estimated €150–200/day, or €4500–6000/month, in per diem or living allowance from the OSCE. This exorbitant amount is in most cases on top of what their individual government pays the seconded employee as salary base. For OSCE workers coming from the Scandinavian countries, for example, the monthly salary and living allowance is thought to be in the range of €15,000–18,000/month, or €180,000–240,000/year (interview with a former employee of the OSCE in Tajikistan, 26 December 2014).
26. Interview with a person working for an IO focusing on vulnerable groups in society, 1 August 2014.
27. Ibid.
28. Interview with a former employee of the OSCE in Tajikistan, 26 December 2014.
29. Interview with a person working for an IO focusing on vulnerable groups in society, 1 August 2014.
30. Interview with a former employee of the OSCE in Tajikistan and other IOs, 31 July 2014.
31. Interview with a former employee of the OSCE in Tajikistan, 26 December 2014.
32. Interview with a former employee of the OSCE in Tajikistan, 31 July 2014.
33. For literature which problematizes knowledge production by IOs and makes a strong case against idealizing the role of international experts, see Boswell (2009); Broome and Seabrooke (2012); Autesserre (2014).
34. Interview with a former employee of the OSCE in Tajikistan and other IOs, 31 July 2014.
35. A reviewer provided a negative comment on the critical stance of this article towards income-generating activities, claiming that this focus on entrepreneurship ‘is because the country is facing a major economic crisis and the return of labour migrants from Russia. This does require an economic response that IOs are willing to support. [It] makes sense and does not in any way represent a misjudgement or a wrong assessment.’ I recognize this point of view (and the noble intentions of donors); however, at the same time, I believe that it is useful to question this approach and study more carefully whether the boom in income-generating communities and microfinance really leads to sustainable socio-economic development. Until now
there has been no work on Tajikistan which would support this claim. See e.g. the criticism of local neoliberalism in Bangladesh by Sanyal (1991) and in East Asia by Bateman (2010).

36. Interview with a person working for an IO focusing on vulnerable groups in society, 1 August 2014.

37. The lack of sufficient oversight of the civil society by donors is nothing new and dates back to the civil war, when NGOs learned how to make a profit from international aid. A pensioner from the north of Tajikistan says about distribution of humanitarian aid, mostly flour, cooking oil and sugar during that period: ‘They [IOs] would keep 40% of the donated humanitarian goods for themselves and their relatives, distribute another 40%, and sell the last 20% for cash’ (interview, Istaravshan, 27 July 2014).

38. Interview with a person working for an NGO focusing on vulnerable groups in society, 18 August 2014.

39. Interview with a former employee of the OSCE in Tajikistan, 26 December 2014.
40. Interview with a former employee of the OSCE in Tajikistan, 18 July 2014.
41. Interview with a former employee of the OSCE in Tajikistan and other IOs, 31 July 2014.
42. Ibid.

43. Interview with an employee of an educational foreign government agency, 1 August 2014.
44. Interview with a former employee of the OSCE in Tajikistan, 31 July 2014.
45. Interview with a former employee of a ministry, 9 July 2014.
46. Interview with a former employee of the OSCE in Tajikistan, 18 July 2014.
47. Ibid.
48. Interview with a lawyer from an IO helping vulnerable groups in society, 18 July 2014.
49. Interview with a former employee of a ministry, 9 July 2014.
50. Ibid.

51. Statement by the Delegation of the Republic of Tajikistan at the OSCE Human Dimension Implementation Meeting.

52. Interview with an employee of the OSCE in Tajikistan, 12 December 2016.
53. Interview with a person working for an IO helping vulnerable groups in society, 1 August 2014.


55. Interview with a former employee of the OSCE in Tajikistan, 26 December 2014.

Acknowledgements

I would like to express my gratitude to the three anonymous reviewers, who provided very helpful comments on the first and second versions of this article, as well as to Mr Payam Foroughi for his support in writing this article.

Disclosure statement

No potential conflict of interest was reported by the authors.

References


Helsinki’s counterintuitive effect? OSCE/ODIHR’s election observation missions and solidification of virtual democracy in post-communist Central Asia: the case of Tajikistan, 2000–2013*

Payam Foroughia and Uguloy Mukhtorovab

aOSCE Academy in Bishkek, Kyrgyzstan; bIndependent scholar, Tajikistan

ABSTRACT
Since the late 1990s, the post-communist states of Central Asia, as ‘participating States’ of the Organization for Security and Cooperation in Europe, have been regularly persuaded by the organization to invite its Office for Democratic Institutions and Human Rights to monitor their national parliamentary and presidential elections. The OSCE/ODIHR’s objectives have been to assist the Central Asian participating states in holding free and fair elections and aid in a presumed ongoing post-communist democratization process. We argue that contrary to OSCE’s assumptions, repeated OSCE/ODIHR election observations of Central Asian states with histories of fraudulent elections (as demonstrated by the case study of Tajikistan during 2000–2013) have not contributed to the flourishing of democracy and political pluralism, but rather inadvertently aided in the solidification of authoritarianism and ‘virtual democracy’ – a phenomenon we refer to as ‘Helsinki’s counterintuitive effect’. Using stakeholder interviews, we test four hypotheses in support of this general proposition.

KEYWORDS
Democracy; election observations; Helsinki Final Act; OSCE/ODIHR; post-communism; Tajikistan

After the collapse of the Soviet Union in 1991, the five newly independent Central Asian states joined a variety of international organizations (IOs), treaties and conventions. Among the many IOs they joined is the Organization for Security and Cooperation in Europe (OSCE), of which the Soviet Union was a founding member. The 1975 Helsinki Final Act, which was the key document of the Conference for Security and Cooperation in Europe (CSCE) and which ultimately led to the formation of the OSCE, had put in effect in its Article 7 ‘a formal linkage between security and human rights’. This was characterized as signalling ‘a significant breakthrough in the era of détente’ (Lewis 2012, 1221). The Helsinki Final Act, itself, makes no reference to the concept of ‘democracy’ or ‘elections’. Instead, Article 8 of the document asserts that based on the ‘principle of equal rights and self-determination…, all peoples always have the right, in full freedom, to determine, when and as they wish, their … political status, without external interference’
(CSCE 1975). Indeed, after the signing of the Helsinki Final Act and in the last 15 years of the Cold War, the CSCE’s main role came to be not the promotion of democracy, but ‘managing the status quo’ of a divided USSR- and US-led international system (Zellner 2005, 10).

Just around the end of the Cold War, however, the CSCE heads of states and governments signed the 1990 Paris Charter, wherein they stated: ‘We undertake to build, consolidate and strengthen democracy as the only system of government of our nations’ (CSCE 1990). In the post–Cold War era, therefore, given ‘its evolving normative acquis’, the CSCE (and since 1995, OSCE), came to see itself as an ‘agent of peaceful change in the transition from authoritarian to democratic rule’ (Zellner 2005, 10). As part of that vision, the OSCE participating States (pS) have reiterated, at least formally, their commitment to ‘clear standards’, including the holding of free and fair elections. In line with this norm, post-communist Central Asian governments, like other OSCE pS, have agreed to the expectation and moral commitment to ‘invite observers to [their] elections from other participating States, the [OSCE’s Warsaw-based Office for Democratic Institutions and Human Rights (hereafter OSCE/ODIHR)], the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe [their] election proceedings’. Moreover, the pS have vowed to ‘follow up promptly’ on OSCE/ODIHR’s ‘election assessment and recommendations’ (OSCE 1999), as otherwise, according to OSCE/ODIHR, ‘lack of implementation of … ODIHR recommendations by a participating State might render the establishment of an ODIHR activity meaningless’ (2010, 27).

OSCE/ODIR’s election observations in Central Asia commenced with Kyrgyzstan’s 1998 constitutional referendum (Dorenwendt 1999), and since then the organization has become the key institution for election observation in the region, with election observation assistance being the most ‘visible’ programme of the OSCE (Bader 2011, 9). During a quarter-century of independence, however, besides the post-2010 elections in Kyrgyzstan, Central Asian states have not held free and fair elections in line with international standards. This is despite numerous episodes of presence and support of OSCE/ODIHR’s election observation missions (EOMs) in the region. According to Andreas Schedler, ‘electoral authoritarian regimes play the game of multiparty elections by holding regular elections’ (2006, 3) with results that are, for all practical purposes, more than predictable. Part of the reason for this may be that post-communist Central Asia has no prior experience with nationhood and democracy and since independence much of the region has consolidated itself into hard, authoritarian forms of government. According to the New York–based NGO Freedom House, which tracks the progress of 29 post-communist states on a variety of democracy indicators, the overall democracy scores in 2014 for Central Asian states – aside from the outlier case of Kyrgyzstan – continued their steady downward trend (Freedom House 2014).

Scholars such as Alexander Warkotsch (2007) argue that liberal norm socialization can be explained through rationalist material cost–benefit analysis and that such liberal socialization is potentially triggered by ‘external incentives’. Liberal norm socialization can also be explained via the constructivist approach of ‘social learning’ in the way of perceived ‘legitimacy and domestic resonance’ (829). David Lewis (2012, 1223) argues, however, that ‘the overall record of the OSCE in the region as a promoter of “comprehensive security”, inculcating ideas of democratic political order and human rights’, has been ‘a failure’. When it comes to the liberal democratic norms associated with the OSCE, one reason for failure may be the insufficiency of ‘tangible material incentives’, while the region’s
excessively ‘traditional values and institutions’ and its ruling elites’ view of the OSCE as a threat to their power makes liberal norms largely intangible for the majority of inhabitants and rulers, thus making norm socialization nearly impossible (Warkotsch 2007, 844). For Central Asia on the whole, Warkotsch argues, both the rationalist and constructivist approaches signal a ‘bleak’ picture of difficulty in uptake of international liberal norms, given the region’s ‘autochthon culture and institutions’ (829).

Wilson (2005), in turn, claims that many of the post-communist states have maintained and solidified a ‘virtual’ democracy since the breakup of the Soviet Union and that the many election observations in the post-communist era have not altered this predicament. Some also argue that OSCE/ODIHR is wasting its time and (mostly) Western taxpayer funds and resources by observing what are in reality fake elections, especially given that its recommendations throughout the years have not been taken into consideration by many of the states in the region whose elections it monitors (Bader 2011; Foroughi 2012a). Central Asian states, it is argued, are also using the very presence of OSCE/ODIHR and its monitors as a form of propaganda to convince their mostly Western critics that they are interested in and making steady progress in democracy and political pluralism through their apparent close cooperation with and openness to the presence of OSCE/ODIHR EOMs (Foroughi 2012a).

This case study of Tajikistan’s national elections and OSCE/ODIHR’s election monitoring in 2000–2013 attempts to determine whether OSCE/ODIHR’s EOMs in post-communist Central Asia have contributed positively or negatively to democratization in the region. This question is answered through the examination of four relevant hypotheses, concerning: (1) Helsinki’s counterintuitive effect; (2) the realpolitik of the ‘war on terror’; (3) the self-interested nature or raison d’être of OSCE/ODIHR; and (4) instrumental use of OSCE/ODIHR by Central Asian regimes. But before addressing the said hypotheses, a short background on Tajikistan’s politics is in place.

**Politics of post-communist Tajikistan**

Of the five post-Soviet Central Asian states, only Tajikistan went through a civil war (1992–1997). Given the apparent will for reconciliation on both sides of the conflict, the June 1997 peace accord signed in Moscow between the armed Islamist-led opposition and the ‘neo-Soviet’ (Atkin 1997, 278) government of Tajikistan has been referred to as a unique achievement in the history of peace-making in the region (BBC 2012). It gradually became clear, however, that the promises entailed by the peace accord would be forgotten by the ruling regime headed by President Emomali Rahmon, with the ensuing post-conflict era thus referred to as a ‘virtual peace’ (Heathershaw 2009b, 1315). Indeed, despite initial hopes, the peace accord has not brought the country closer to a ‘politically pluralistic society’ and ‘democratic form of governance’ (Foroughi 2012a, 108).

Tajikistan represents itself as a multi-party system, while in practice it is far from this. As of mid-2015, eight political parties – including the Islamic Revival Party (IRP), which has since been banned – legally operated in the country. Those could be divided into two groups: the real parties, including the ruling People’s Democratic Party (PDP) and its challengers, the IRP, the Social Democratic Party (SDP) and to a lesser extent the Communist Party; and four ‘pseudo’ or ‘phantom’ parties (Wilson 2005, 33), suspected of having been created or wilfully encouraged by the government to maintain an atmosphere of political
pluralism. The overwhelming dominance of the ruling PDP, in addition to the existence of other real and phantom parties, makes Tajikistan’s politics one of ‘competitive authoritarianism’ (Levitsky and Way 2006a, 202).

The PDP is led by the incumbent president, Rahmon. Nearly all public servants are members of this party. The Communist Party, the oldest party in the country, lost its dominant position after the civil war. Prior to the March 2015 election, the Communist Party had two seats in Parliament, but had already become an invisible party, its voice not fully heard or raised in the legislation process, its ageing membership fast dwindling (Foroughi 2012b). The SDP, in turn, though having the support of a good number of lawyers and intellectuals, has nevertheless lacked a popular base. It had indeed been the IRP which was considered the main counterweight to the ruling party. Like the Communist Party, the IRP had two seats in the Parliament until the March 2015 elections.

Despite the government’s animus towards the Islamists, it was still a surprise that the results of the March 2015 parliamentary elections showed that the IRP (but also the Communists and the Social Democrats) had failed to reach 5% of total votes and thus were ineligible to hold any seats in the new Parliament. (It is reasonable to assume that in a free vote, the IRP would have gained as much as 20–25% of all votes.) The political situation deteriorated in September 2015, when the government accused IRP officials of having colluded with those responsible for deadly clashes around Dushanbe, Tajikistan’s capital; a key figure, Deputy Defence Minister Abduhalim Nazarzoda, was a former IRP member. Soon after, the authorities banned the IRP, labelled it a terrorist organization, and began to detain tens of its leaders, sentencing them to long prison terms on what human rights organizations have referred to as ‘fabricated’ charges and a ‘travesty of justice’ (HRW 2016). Overall in Tajikistan, potential opposition parties with sufficient capital and resources to go against the resourceful ruling PDP are not allowed to flourish. A vivid example is the unregistered New Tajikistan Party and its leader, Zaid Saidov, a successful businessman and former industry minister under Rahmon. In May 2013, a few weeks after announcing the imminent formation of the New Tajikistan Party, Saidov was arrested by the anti-corruption agency, charged with a variety of offences including embezzlement, bribery, polygamy and rape, and eventually tried, convicted and sentenced to 26 years in prison (Parshin 2013).

Despite government intimidation, in summer 2013 the SDP, IRP and several civil society personalities established a coalition, the Union of Reformist Forces of Tajikistan, and proposed a joint candidate, Oynihol Bobonazarova, a respected human rights lawyer, for the presidential election of November 2013, to run against the incumbent Rahmon. Bobonazarova’s candidacy, however, did not succeed, largely due to internal disagreements and lack of unity among the opposition, but also because of government pressures. In the end, Bobonazarova barely failed to collect the 205,000 pre-election nomination signatures required by Tajikistan’s Central Commission for Elections and Referenda (CCER) and was consequently declared ineligible to run as a candidate. The 2013 presidential election thus turned out to be yet another virtual event, with four largely phantom candidates running against the incumbent, Rahmon, whom the government claimed won 84% of the votes.

In its final report on the November 2013 presidential election, OSCE/ODIHR declared that the vote lacked ‘genuine choice and meaningful pluralism’. It also noted: ‘Extensive positive state-media coverage of the official activities of the incumbent President provided him with a significant advantage.’ And though OSCE/ODIHR (2014) praised the
government-controlled CCER as having taken ‘measures to enhance the transparency and efficiency of the administration of elections’, it also told of ‘significant shortcomings … on election day, including widespread proxy voting, group voting, and indications of ballot box stuffing’ (1). The March 2015 parliamentary elections were as problematic, if not more, especially given that the key opposition party, the IRP, which in the past had ‘won’ (or was ‘assigned’) a mere 2 seats in the 63-seat lower house, was now declared ineligible to hold any seats at all after its supposed failure to obtain 5% of the popular vote.

Given the above scenario, it is not difficult to posit that despite years of repeated election monitoring by the OSCE and others, Tajikistan’s electoral system has continued in an undemocratic and autocratic direction, with practically no room for opposition voices. The 2013 and 2015 elections and the steady extinction of opposition voices, along with corresponding joint large-scale OSCE/ODIHR and European Parliament election monitoring missions, fall into the thesis of this study that repeated election observations by the OSCE/ODIHR of post-communist authoritarian states often lead to or are associated and correlated with not an increase, but a reduction, in democracy and pluralism. Below, we detail four hypotheses in support of this proposition.

**Hypothesis 1: Helsinki’s counterintuitive effect**

External democracy promoters in Central Asia are primarily from the Western world in many of the international and regional organizations, including the OSCE. The involvement of democracy promoters in Central Asia has been far less effective than in post-communist Eastern Europe – excluding the outlier case of post-2010 Kyrgyzstan.¹ A key reason for the success of democracy promotion in Eastern Europe, as opposed to Central Asia, may be due to what Judith Kelley (2012, 211) argues are the tangible incentives provided by the international community to ‘domestic actors’, such as the incentive to join the European Union (EU) in the case of the post-communist European states.

All the Central Asian states host OSCE missions, have formally agreed to the principles enshrined in the 1975 Helsinki Final Act, and since 1991 have signed numerous additional documents stipulating commitments to fulfilling the organization’s many liberal values. For instance, the OSCE’s 1999 Istanbul Summit obligates all pS to conduct free and fair elections, to be open to inviting observers of national elections, and afterwards to consider implementing the OSCE/ODIHR’s recommendations. The first hypothesis of this study argues, however, that the repeated assistance of OSCE/ODIHR has become counterproductive, not leading to deepening democratization and political pluralism, but instead correlating with a period of deepening authoritarianism, a phenomenon we label ‘Helsinki’s counterintuitive effect’:

\[
H_1: \text{Repeated OSCE/ODIHR election observations in post-communist Central Asian states with histories of fraudulent elections have not contributed to flourishing of democracy and political pluralism, but instead have inadvertently contributed to the consolidation of virtual democracy.}
\]

In contrast to other Central Asian states, Tajikistan’s post-communist transition has been complicated due to its post-independence civil war and lengthy ongoing economic rehabilitation. By opening its mission in Tajikistan in 1994, the OSCE, in line with some other international entities, put its efforts into the country’s post-Soviet transition and at one point declared itself a ‘guarantor’ of Tajikistan’s peace agreement through its role

in the country’s post-conflict rehabilitation (ICG 2002, 3). Indeed, in contrast to today, the OSCE mission in Tajikistan (formally known as the OSCE Office in Tajikistan) had initially been far more actively involved in support of an assumed democratization process in the country, including the addressing of human rights violations (HRW 2001).

A member of Tajikistan’s SDP argues the same: ‘In the first phase [of OSCE’s presence in Tajikistan], starting in the 1990s up until 2001–2002, the organization’s efforts were more effective and visible [as compared to today].’ This study also claims that partly due to the 9/11 effect and the associated realpolitik of the ‘war on terror’, the OSCE’s effectiveness in Central Asia, including Tajikistan, gradually shifted to the maintaining of political stability and promotion of hard security rather than a clear-cut push towards democratization, including the promotion of human rights and political pluralism.

Tajikistan’s 2000 parliamentary election, with participation of OSCE/ODIHR monitors, was a last concluding step in the ‘transitional process’ as stipulated in the peace accord (HRW 2000). That election, though not in accordance with international standards, was nonetheless considered a positive ‘gesture’ towards ‘multiparty politics’, a step which encouraged democracy-promoters to applaud Tajikistan’s steps towards political pluralism (Heathershaw 2009a, 89). Five years later, however, it was becoming clear to many that political pluralism had failed to establish itself in the country. And with another parliamentary election in 2005, despite many political and procedural flaws, the OSCE/ODIHR only mildly criticized the election.

What appears to have taken place since is not pluralistic politics but a mere ‘simulation’ of democratization through multiparty elections and the symbolic presence (until mid-2015, at least) of an arch-rival opposition in the IRP. The IRP’s presence had been a key argument by the government to present itself as democratic, and the international community appears to have believed or had the confidence that Tajikistan remains on some sort of democratization path. OSCE/ODIHR’s reports have to some extent accentuated this point. The results of the elections illustrate, however, that year after year, the promise of democracy in Tajikistan has become more elusive, especially given the muzzling and persecution of opposition voices and the general and widespread practice of vote-rigging, leading to the conclusion that the country is only faking democracy and democratic values.

Since 2000, OSCE/ODIHR has had repeated election monitoring missions in Tajikistan, with ensuing recommendations in favour of transparency and electoral reform, and yet few of its recommendations, aside from some secondary or tertiary ones, have been implemented by the government. OSCE/ODIHR’s 2013 EOM head, Ambassador Pariskiva Badesku, admitted to this lack of progress in democratization in Tajikistan (Asia Plus 2013), and this point has also been echoed by opposition parties, who have criticized the OSCE for not being persistent in its position with the authorities to implement electoral reform. In 2013, for example, a prominent IRP member blamed the OSCE for contributing to the democratic misfortunes of Tajikistan:

In all troubles regarding unfair, undemocratic elections brought by the current government over the Tajik population, there is a contribution of the OSCE and other entities who have presented themselves as advocates of democracy; they should share this fault together. The president of the country and the head of the CCER are used to promising fair elections, but elections in the country are in fact worsening year by year. Since 1994, we have not practiced fair, free, and democratic elections. Though the incumbent president has claimed that the
government of Tajikistan has prepared all necessary conditions for operation of political parties, in practice we see a narrow spectrum, and the place for opposition parties reminds us of a ‘mined zone’. … The upcoming 2013 election is the test for the OSCE and democracy-promoting countries. At present, there is little belief in such organizations, and if this year they [the OSCE] continue in this manner yet again, and after the election [merely] announce that the election was unfair and undemocratic, then the limit of our belief in them will have ended.4

Most of the analysts interviewed for this study remarked that the OSCE/ODIHR’s observation missions have been well organized, but generally ineffective and even counter-productive. A prominent Tajik political analyst believes that the election observations overall have a ‘direct influence’ on Tajikistan’s politics in that, in theory, they are to compel the government to take into account the OSCE/ODIHR’s recommendations and follow a democratic framework, given the country’s avowed commitments as an OSCE member. And yet, in reality, such a thing has not happened.5

Some reasons behind the Helsinki counterintuitive effect

There are several reasons behind the limited effectiveness of the OSCE/ODIHR EOMs. Among other things, in contrast to Central Europe, where ‘no alternative regional power’ to the EU and the US existed in the post–Cold War era, Central Asia has been influenced by an authoritarian Russian Federation, and to a lesser extent by China (Levitsky and Way 2006b, 383). In turn, the repeated criticism of the OSCE by Russia with regard to its alleged condoning of ‘colour revolutions’ and supposed double standards used against post-Soviet countries partially explain Tajikistan’s indifference to OSCE/ODIHR’s recommendations in favour of democratization and electoral reform. On this issue, the SDP member interviewed says:

Before, Tajikistan was very cautious with international organizations and even used to demonstrate its embarrassment regarding irregularities during elections. However, when Russia began to criticize and blame OSCE/ODIHR for being biased towards post-communist countries and for intervention into the domestic affairs of states, Central Asian states, including Tajikistan, became more daring, and began to show indifference towards ODIHR’s recommendations.6

In contrast to the OSCE/ODIHR, observers from the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO) have always assessed Tajikistan’s elections as free and fair. Tajik authorities cite these positive assessments and defend themselves using the CIS and SCO results. As an employee of the Centre for Strategic Studies under the President of the Republic Tajikistan asked rhetorically: ‘Why do the missions of two respected organizations as the CIS and SCO announce that the elections of Tajikistan are free and fair, while only OSCE/ODIHR provides negative evaluations? How come?’ The same individual considers the OSCE/ODIHR’s work ‘futile’, if anything, because OSCE/ODIHR’s observers are incapable of understanding Tajik culture and mentality:

They want to impose their own democratic standards on us, which are unacceptable to Tajikistan, and thus their work has been futile. We’ve tried to explain to them our condition, but they do not understand. … If you [OSCE/ODIHR] want to see democracy, please provide us with the right conditions. They pressure us, instead of providing assistance, thus we will not accept them, and their recommendations are not legally binding on us [anyway]. … We know what democracy is [and do not need outsiders to remind us of it].7
As compared to the CIS and SCO observations, however, most analysts, including local experts, praise the OSCE/ODIHR for its ‘better observation mechanisms’ and ‘far deeper analysis’. However, it is also said that for the OSCE and its institutions, security in the region, as opposed to democratization, has taken top priority. And the presence of these symbolic observers (CIS and SCO) alongside the OSCE/ODIHR has negatively impacted the work of the latter. According to the SDP member interviewed: ‘Previously, the OSCE/ODIHR was a prestigious body, which monitored [Tajikistan’s] elections, and their results did matter for the government; however, when the CIS and SCO came and provided different results, this effectiveness was undermined.’

The delay between each OSCE/ODIHR EOM and the lack of timely and sufficient follow-up on the implementation of previous recommendations is another factor making the institution’s work seem ineffective, argues Ismoil Talbakov, deputy chairman of the Communist Party. A renowned local journalist, in turn, argues that OSCE/ODIHR’s reports mostly draw attention to technical aspects and their recommendations normally find their way to the government and the public too late in the process, when the debate over fraudulent elections has ended, while the authorities as well can use this tardiness as a pretext for not reforming the electoral system. Moreover, since the OSCE/ODIHR EOM opens its office in Tajikistan for only a short period ahead of any given election, there is no consistency on its part to lobby for the implementation of its recommendations, according to the anonymous local political analyst cited above. ‘They come and they go,’ says the local analyst. A local journalist commented in turn that the OSCE only supports political parties on the eve of each election, while afterwards it continues its close collaboration primarily with the government, regardless of the outcome of the election. ‘Such consistent and strong ties between the OSCE and the regime’, claims the journalist, ‘despite the latter’s vagary, has spoiled the government and hindered democratization [in Tajikistan].’

The detachment of the OSCE field operations from OSCE/ODIHR’s EOMs works against efficiency and follow-up on what should in effect be a joint effort of advocacy of electoral reform and political pluralism by structures of the same organization. The mandates of the said entities (the OSCE field mission and OSCE/ODIHR) vary, and both have become used to operating their own particular projects independently with host states.

Some secondary and tertiary OSCE/ODIHR recommendations have been implemented by Tajikistan, such as the use of transparent boxes in polling stations, filling out the protocols (or polling station vote counts) in pen rather than pencil, and conducting training for employees of the CCER. However, the principal recommendations, such as the participation of nonpartisan observers during the elections, and the presence of political party representatives in precinct election commissions, among other suggestions considered critical for free and fair elections, remain unfulfilled. The implementation of negligible recommendations appears to be a ruse to demonstrate commitment and eagerness by the government to work with the OSCE.

One of our interlocutors argued that H1 is unfair and overlooks the contribution of the OSCE/ODIHR in the enhancement of the electoral process in Tajikistan, given that OSCE/ODIHR’s reports are in the end critical and the analysis is in depth. That said, according to IRP leader Kabiri, the key reasons behind the ineffectiveness of the OSCE/ODIHR’s EOMs are the ‘lack of political will’ of the government and the lack of conformity of Tajikistan’s
electoral laws with international standards, a condition upon which international observers have little influence (Ozodagon 2013).

Several interviewees also argued that given that the OSCE is a consensus-based organization, with its activities tightly dependent on its 57 pS, arriving at a common understanding on critical subjects is not easy. An OSCE expatriate mission member in Tajikistan noted that the consensus issue, combined with the annual debates and votes on institutional budgets, forces OSCE/ODIHR to seek to ‘please’ all pS, but that despite such constraints, the OSCE ‘is doing an extremely good job [of] balancing financial leverage of pS and producing reports which are more or less useful’. On this, a political analyst interviewed says:

There is criticism about the conduct of the [OSCE] given that it gives priority to security rather than democratization. This fact could partially be justified by the fact that this entity is not fully independent and is composed of [57] member states. The kernel of the organization is countries such as Germany, France and others who have their own geopolitical interests.

For many years now, the OSCE has been silent on human rights violations and government pressure on political parties in Tajikistan. According to the same political analyst, these problems have not been assessed genuinely by the OSCE as an entity which works in three dimensions, including politics and human rights, and which should measure how commitments of the Helsinki Final Act are working in individual pS. Thus, when serious rights violations occur yet elicit little reaction on the part of the OSCE mission, the government of Tajikistan understands that there are few penalties from such violations for its long-term dealings with the OSCE. Under such a scenario, the government can repeat previous violations, with little incentive to reform.

Hypothesis 2: realpolitik of the ‘war on terror’

The above analysis implied that, through the case study of Tajikistan, in post-communist Central Asia there has been a tendency towards virtual democracy. We argue therefore that, to a large extent, the presence of OSCE/ODIHR EOMs has inadvertently produced a counterintuitive effect on the whole region (save the outlier case of Kyrgyzstan). Hypothesis 2 deals with the reasons behind this counterintuitive effect.

H2: The reasons for the counterintuitive effects of OSCE/ODIHR’s election observations and OSCE’s relatively mild and uncritical approach to post-communist Central Asian states are found in the realpolitik objectives of influential EU and North American OSCE pS (chiefly the US), which have viewed Central Asia primarily as: (1) a buffer zone against terrorism, extremism and drug trafficking emanating from Afghanistan; (2) a logistical territory to assist the US- and NATO-led war in Afghanistan; and (3) a venue where the presence of OSCE/ODIHR is associated with continued engagement with the region’s leadership, primarily to achieve the said realpolitik objectives, while democratization, human rights and free and fair elections, at worst, remain at the level of rhetoric or, at best, are considered secondary or tertiary objectives.

According to Klavdija Cernilogar (2005, 39),

the acceptance or refusal of the invitation to observe elections puts the first mark of (il)legitimacy on an election. A decision (not) to observe an election often sends a stronger message about the expected legitimacy than the subsequent evaluation can confirm.

In 1994, for example, despite the Tajik government’s request, OSCE/ODIHR refused to monitor the country’s presidential election because ‘conditions for relatively free voting
could not be met … due to the absence of the opposition and an obvious lack of cooperation from the government’ (Roy 1995, 314). Since then, however, the presence of a largely virtual opposition and the government’s concern to maintain an image of cooperation with the international community have made a significant difference in OSCE/ODIHR’s readiness to monitor Tajikistan’s elections.

Steven Levitsky and Lucan Way (2006a, 201), in turn, argue that regions with economic or security significance for the West are ‘less vulnerable for external democratising pressures and demands for political reform are rare’. Likewise, the ‘geostategic importance’ of Central Asia due to threats emanating from Afghanistan, the ongoing ‘global war on terror’, and the region’s logistical support for the US- and NATO-led war in Afghanistan has resulted in the Western OSCE PSs, with their political, ‘numerical and financial’ dominance, maintaining close relations with the region’s mostly authoritarian leaders (Lewis 2012, 1220).

Easterly (2014) argues that Western foreign aid allocated for promotion of democracy and freedom has been misused by autocratically governed Tajikistan. Despite this, foreign aid from Western states continues to flow. US aid to Tajikistan exceeds US$1 billion since 1992, and since 9/11 such aid has increasingly been geared towards security rather than democratization and human rights. In July 2015, for example, the US donated 87 vehicles worth $5.7 million to Tajikistan’s security services, supposedly for counter-narcotics purposes, prompting a critic to comment that the same equipment could be used by the recipients in ‘hunting down’ the government’s opposition (EurasiaNet 2015).

Western realpolitik is also seen in the OSCE’s engagement in Tajikistan. While in years past, the OSCE actively focused on human rights and democratization, over the past decade, the organization’s engagement in the country has been far more focused on such hard security areas as mine clearing and border management. A prominent IRP member does not object to hard security assistance, but says that it should not be prioritized over democratization and human rights: ‘For nearly all Western IOs’, the IRP member commented in interview, ‘Tajikistan is considered a buffer zone and they will act based on consideration of their [preferred security] priorities rather than our preferences.’

The OSCE’s now de facto priority of security and stability over human rights in Central Asia has been criticized by some as not in line with the organization’s mantra of ‘comprehensive security’. The politico-military dimension in Tajikistan, for example, has consistently had a far greater budget allocation throughout the past decade relative to the environment-economics and human dimensions. Due to the politico-military dimension’s dominance over the three dimensions of the OSCE in Tajikistan, the organization has been sarcastically referred to as ‘mine-cleaners’ – given the ongoing and expensive project which the politico-military dimension has been engaged in for years in collaboration with Tajikistan’s State National Security Committee (GKNB) – that too, with little, if any, engagement of civil society in the matter.

The present relative stability in Tajikistan appears to be the main objective of the OSCE in the country; if the government of Tajikistan violates – as it often does – its many OSCE commitments, the organization has virtually no response to such violations. Only the proximity to Afghanistan seems to have increased Tajikistan’s importance in the post-9/11 era. Visiting secretary general of the OSCE, Lamberto Zannier, said in 2012 in Dushanbe: ‘Tajikistan, being located in the heart of Central Asia, not only plays an important role within the OSCE but is also a key factor of stability within its region’ (Asia Plus 2012). It
appears, therefore, that for the OSCE, Tajikistan has increasingly become a buffer zone against illegal drug trafficking, extremism and terrorism emanating from Afghanistan. Moreover, the region has become significant for the powerful pS of the OSCE who are also NATO members. In 2014, Tajikistan’s Parliament ratified an agreement between Tajikistan and NATO, which was elaborated 10 years earlier, allowing NATO to use the air and land space of Tajikistan to transfer military hardware and personnel (Gulkhoja 2014). Thus, Tajikistan’s geopolitics, rather than its people, appears to have far more importance for the Western pS of the OSCE (Foroughi 2012a).

The region’s governments, in turn, play up the Afghan threat to their own advantage. President Rahmon, for example, has expressed his concern over NATO’s withdrawal from Afghanistan by anticipating ‘threats’ from an ‘insecure neighbouring country’. He has also acknowledged the ‘buffer zone’ role played by Tajikistan and asked that the ‘international community … take this responsibility into account’ (RFE 2012). The Afghan threat can thus be seen a means for Tajikistan to gain both political advantage and material gains from the West. Rahmon has also ‘urge[dd] the OSCE [and] all States parties to … continue to provide practical support to the Tajik government in … strengthening of [its] borders’ (OSCE 2010). One interlocutor believes that the security and stability concerns of the West, as part of its realpolitik objectives, are impossible to realize in an unstable region without cooperation with its leaders, be they democratic or authoritarian.22

Other local stakeholders interviewed for this study agree. An IRP member, for example, claimed that in the EU’s strategy for Central Asia, human rights and democratization have been mentioned only after cooperation on security and economics.23 For the West, geopolitical and economic interests take priority, claims a prominent journalist, rather than democratic norms. The same interlocutor further says that the discursive emphasis on democratization is a front to maintain influence in the region. OSCE’s apathy to craft its image and to stand for its principles, in turn, may have ironically given the green light to Tajik authorities not only to continue with their authoritarian ways, but for some members of the government to make brazen accusations against the OSCE. In mid-2014, for example, when discussing amendments to the election law and possible inclusion of OSCE/ODIHR’s recommendations, the speaker of Tajikistan’s parliament, Shukurjon Zuhurov, called on the parliamentarians not to rely on the OSCE. According to Zuhurov, ‘where the OSCE has a presence there is neither peace nor democracy’ (Ozoda-gon 2014) – a statement that was likely influenced by ongoing events in Ukraine.

Hypothesis 3: OSCE/ODIHR’s raison d’être is to observe

The question remains, however, if OSCE/ODIHR recommendations have been routinely neglected by Central Asian leaders, what are the incentives for the OSCE/ODIHR to continue its election observations? This yields the third hypothesis:

\[ H_3: \text{OSCE/ODIHR’s willingness to observe what are generally known by experts to be forgone and fraudulent elections in the majority of Central Asian states is due to ODIHR’s eagerness to maintain its raison d’être as a post-Cold War institution.} \]

The argument here is that every IO, first and foremost, attempts to continue its own presence globally for as long as possible and, as part of that objective, advances its cooperation with host-country governmental structures. The OSCE/ODIHR is not immune to such a
modus operandi. Kelley (2009, 771) argues that: ‘Monitoring organizations may thus be particularly inclined to temper their criticism of an election in countries where they fear disrupting their own long-standing programs and where they seek to build positive long-term momentum toward democracy.’

Within the OSCE, the ODIHR is known as an autonomous institution, and given that fact, much of its financial resources (as much as half) are extra-budgetary rather than deriving from the OSCE’s annual unified budget (reported at €16 million for ODIHR in 2014). Of the two, only the unified budget requires the approval of, and reporting to, the OSCE’s Permanent Council and secretary general. Aside from its annual unified budget, therefore, the mostly Western states that consider OSCE/ODIHR’s work to be particularly useful provide it with substantial multi-year extra-budgetary funds. It is also common for IOs to spend their entire budgetary allocations lest donors cut their funding come the next financial cycle. This holds true for the OSCE structures and missions as well, which provides little incentive to economize on election observations. In line with this reality, less attention is paid to the type of expenditure than to maximizing what the organization calls its annual financial ‘implementation rate’.

Local interlocutors agree with this hypothesis. A local journalist argues that the constant monitoring of the region’s elections by the OSCE/ODIHR is an important institutional mission despite recurring electoral fraud and noncompliance with its recommendations by host governments. The same source says that OSCE/ODIHR’s refusal to monitor elections would have an economic cost for its own employees, and ‘thus, they try to compromise with the host government to maintain their presence on the ground’. Another interviewee says that expatriate employees of IOs, especially high-level personnel, want to hold onto what often amounts to a diplomatic and well-paid career for as long as possible and, hence, will act very cautiously with authorities of the host government. A local political analyst says that none of the organizations would ever admit that their work is insufficient or futile: ‘OSCE/ODIHR will never agree that it is not fulfilling its mission. On the contrary, most of the time the reports about their [own] work are positive.’ It is also not surprising that the OSCE rarely hires outside evaluators to judge its programmatic effectiveness or budgetary prudence.

Though many OSCE/ODIHR observers and short-term contractors serve in their positions honourably and conduct very good analysis, the decision by the Warsaw-based organization to send its large EOMs to nearly all national elections in the region regardless of the said elections’ foregone conclusions is in the end often both political and self-serving. Given this logic and the above-mentioned responses, we argue that H3 holds true or, alternatively, its null hypothesis fails to be proven, and that the incentive of OSCE/ODIHR’s material gains is a key factor in its uninterrupted presence in Central Asia. The large and expensive election monitoring missions in the region in the end serve as the OSCE/ODIHR’s raison d’être as a post–Cold War institution.

**Hypothesis 4: Bring on OSCE/ODIHR, bring on legitimacy!**

The general practice and norm in the region has been for the Central Asian governments to agree formally to invite the OSCE/ODIHR election observers. This occurs whether one is or is not respecting the organization’s many democratic commitments. This raises the question of why the autocratic countries in post-communist Central Asia, which typically
disagree with the results of the OSCE/ODIHR’s reports and do not implement their proposed recommendations, continue to invite the organization to observe their elections.

The 2006 presidential election in Tajikistan, for instance, was evaluated by the OSCE/ODIHR – albeit in highly diplomatic and technical language – as flawed and an election without competition. The subsequent parliamentary election, in 2010, was also heavily criticized. Nonetheless, the Tajik authorities invited OSCE/ODIHR, which in turn accepted, to observe the 2013 presidential election and the 2015 parliamentary elections. Experts expected the latter to be ‘among the least democratic and most fraudulent in Tajikistan’s postcommunist history’ (Freedom House 2015, 644). Some argue that Tajikistan is obliged to invite OSCE/ODIHR, given its Helsinki commitments; and yet, that has not prevented neighbouring Turkmenistan from declining to invite OSCE/ODIHR’s EOMs (Burke 2012). Hence, Hypothesis 4:

H₄: Nearly all Central Asian governments are willing to invite OSCE/ODIHR’s election observation missions: (1) to use the presence of OSCE/ODIHR’s election observations as a form of legitimization of their regimes in the eyes of Western governments, IOs and their own population; and (2) to maintain connections with the international community for material and political benefits.

The above hypothesis, we argue, holds particularly true for Tajikistan, the poorest state in the post-communist world, and which upon independence was anxiously seeking internal and external legitimacy as well as material assistance. Internal legitimacy is interpreted as whether the majority or critical part of the population accepts the operating political system or existing regime, giving the rulers the right to rule. According to Antoine Buisson (2007, 142), the internal legitimacy maintained by Rahmon is based on his ‘political charisma’, which has two components: he has maintained relative peace and stability in the post–civil war era of Tajikistan; and he has ruled over the country at a time when Tajikistan has gained recognition in the international arena, which for many in the country is attributed to the person of the president.

With regard to external legitimacy, Rahmon has tried to convince the international community that his government prefers both stability and democracy, and he has largely succeeded. In addition, given that the international community prefers ‘democratic legitimacy’ rather than ‘charismatic legitimacy’, Tajikistan has ratified a picture-perfect constitution, upholding – at least on paper – the three branches of power. Moreover, until mid-2015 it had eight registered political parties, and held regular national elections with the presence of OSCE/ODIHR election monitors, thus maintaining a façade of democracy (Buisson 2007, 124).

The OSCE/ODIHR (2010, 13) claims that the ‘mere presence of international observers … should not be viewed as adding legitimacy or credibility to an electoral process’. The reality, however, is understood very differently in Tajikistan. A political analyst claims that the main reason for the Tajik government’s willingness to invite observers concerns the legitimacy of the elections and thus the state: ‘If elections were conducted without international observers, it might undermine the image of Tajikistan, and the operation of government would be put into question.’ Hence, regardless of the degree of fraud, the mere presence of observers effectively dampens criticism and heightens electoral legitimacy. Without OSCE/ODIHR observers, ‘the election will not be fully recognized by either the opposition or the international community’. There is thus a motivation for the
Tajik authorities to invite OSCE/ODIHR so as to maintain the desired ‘image’ of a cooperative and democratically leaning state. There is also a demonstration effect involved. According to Susan Hyde (2006, 116), states and incumbent leaders mimic the actions of other states in inviting observers, with ‘the incentive to do so when they [perceive] that the benefits [outweigh] the costs’.

The presence of election observers, often consisting of over 200 mostly Western citizens, at a cost of roughly US$ 3–4 million, allows the state to maintain its image and ‘prestige’, demonstrating that the country is open to international norms and its electoral system is transparent to scrutiny regardless of the results or fairness of the election (The Economist 2013). OSCE/ODIHR’s reports, in turn, not only list the shortcomings but also highlight ‘improvements’ – even if they were negligible. Other interlocutors agree that the presence of observers provides internal ‘public legitimacy’. It also gives false hopes to an economically and democratically deprived population and many external players that the very presence of monitors indicates that the election will be conducted under OSCE/ODIHR’s full supervision and that their arrival means that the government has met minimum democratic standards.

The Tajik public, in turn, appears to have had such a false impression. In a 2010 pre-election poll, for example, when asked about expectations of fair and free elections, 74% of respondents expressed a belief that their votes would be counted fairly. This was higher than the numbers in 1996 (64%) and 2004 (68%) (IFES 2010). With continued observance of its elections by OSCE/ODIHR, the Tajik government, too, appears to be more confident of its own rule and legitimacy, since despite nearly all the final reports of OSCE/ODIHR hinting at the de jure illegitimacy of the elections, the OSCE and the West continue their full cooperation with the country’s authorities, signalling the de facto legitimacy of the elections and thus the ruling regime.

Tajikistan’s position as an aid-dependent landlocked state also encourages the authorities to highlight the country’s openness and maturity for democracy promotion, thus maintaining connections and gaining potential material benefits. Rick Fawn argues that, on the whole, post-Soviet states continue to invite OSCE/ODIHR election observers ‘for fear of losing access to and benefits from the OSCE [and the international community] more widely’ (2014, 90). Tajikistan is the most aid-dependent of the Central Asian states. According to the World Bank, the country received close to US$ 400 million in foreign aid in 2012 alone, and in 2003–2013, Tajikistan received 58% of all aid allocations to Central Asia from the European Commission Humanitarian Office (De Cordier 2013). As such, inviting election observers is more significant for poverty-stricken Tajikistan than for the neighbouring, petrol-rich states of Turkmenistan, Kazakhstan and even Uzbekistan.

Tajikistan’s leadership regularly states that the country only recently ended its bloody conflict and that it is very difficult to build democracy in such a short span of time (Buisson 2007). There is ‘no shortcut to democracy’, according to Rahmon (Euronews 2012). The openness of the government to international observers in this case, however, sends an ambiguous signal that the country is willing to democratize and is open to democratic change. The government also never formally denounces the recommendations of OSCE/ODIHR, but merely sits on them and stalls, and thus remains open to observations for future elections. This in turn encourages democracy promoters such as OSCE/ODIHR to continue their work in the country.
Conclusions

Taking Tajikistan as a case study, this article has scrutinized the role of the OSCE/ODIHR in the virtual democratization process taking place in post-communist Central Asia. Four hypotheses were tested, all of which, we claim, failed to be disproven. This analysis illustrated an apparent direct correlation and potential cause–effect relationship between the presence of the OSCE/ODIHR election observations and solidification of virtual democracy in Tajikistan, a country with repeated flawed elections. We describe this phenomenon as ‘Helsinki’s counterintuitive effect’, as it occurs contrary to the expected and intuitive positive effects of a state’s joining the OSCE by signing the 1975 Helsinki Final Act.

Our research suggests that there is little political will to change the system of authoritarian regimes in four of the five states in Central Asia. At the same time, the apathy and naiveté of some IOs, which prefer to ‘engage’ the Central Asian governments through expensive projects with few tangible results, has stymied the effects of external democracy promotion efforts, including those of the OSCE/ODIHR. For the last dozen years, the OSCE has lost its original approach to work in the region, and has been criticized for ‘projectosis’ (Foroughi 2012a). The organization has become a mere donor, a funding agency (even a travel agency) for government institutions and NGOs with a myriad of often redundant projects and all-expenses-paid international trips. On the whole, the mere budgetary – rather than substantive – implementation of projects ironically prevents the OSCE from properly conducting its basic responsibilities of monitoring and encouraging the Central Asian states to follow the core ideas and commitments of the Helsinki Final Act.

This study does not propose that the OSCE/ODIHR boycott Central Asia due to the continued flawed elections. It does, however, recommend a ‘carrot and stick’ rather than an ‘unconditional love’ approach to democratization in the region. Among other things, for example, OSCE/ODIHR regularly deploys a ‘needs assessment mission’ prior to each national election, which conducts routine, purely technical and largely apolitical and formalistic meetings with mostly government officials and often weak or phantom opposition parties. In the process the OSCE misses the bigger picture: that of the political and human rights situation in given Central Asian states. We thus urge more evidence-based, objective, social scientific and broad political reporting in election reports as opposed to bureaucratically worded clichés and cut-and-paste generalities.

The deployment of large and expensive observation missions for formalistic and unconditional observation of forgone elections inadvertently prolongs authoritarian rule in the region. Redundantly large observation teams should thus be replaced by far smaller OSCE/ODHIR monitoring teams using research methods to properly evaluate and report on the nature of such virtual politics. Equally important, diplomatically worded but persistent lobbying and ‘naming and shaming’ of violating states should also become a recurring event in the regular Permanent Council meetings and the variety of other forums the OSCE hosts.

Notes

1. Many of the interviewees claimed that external democracy promotion has been more effective in Kyrgyzstan than in Tajikistan and other Central Asian states, with the caveat that external support for democracy promotion has been aided by the people’s inclination towards democratic reforms in that country.
Disclosure statement

No potential conflict of interest was reported by the authors.

References


