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The OSCE's Mediterranean Dialogue: Can it Contribute to Democratization in North African Countries?

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I. Introduction

The events in North Africa and Middle East which started in early 2011 and which have been colloquially (although as some argue not entirely appropriately) named the 'Arab Spring', have focused the attention of analysts and policy-makers alike on the tools the international community has at its disposal to aid and support the democratisation processes underway in some of the countries, especially in Tunisia and Egypt, but also Morocco, and now Libya. While much of this attention has been on the United Nations (UN) and European Union (EU) and its programmes, other regional frameworks with experience in democratisation processes have also been considered. One evident organisation in this context is the Organization for Security and Co-operation in Europe (OSCE).

Put simply, the OSCE, which has been called upon to help manage democratic transitions in the former Soviet Union and former Yugoslavia, has extensive experience in this realm. It also has long-standing institutionalized dialogue and co-operation with a number of North African states (including *inter alia* Tunisia, Egypt and Morocco). Indeed, the discussion within the Organization itself on what the OSCE could offer states, such as Tunisia, to support their needs had begun almost immediately in January 2011 and is still ongoing. The OSCE has also

¹ See earlier version of this chapter: Wohlfeld, Monika 2011: "The OSCE contribution to democratization in North African Countries", *Security and Human Rights* 4/2011.

implemented first hands-on projects aimed at sustaining the transition processes in those countries, linked to the on-going election processes there. However, the chapter argues that the OSCE does not have a vision that would guide its engagement in the region, and has to address restrictive policies on implementing projects on the ground outside its region.

This chapter will thus look at the state of the OSCE Mediterranean dialogue at the time when the so called Arab Spring erupted, especially its membership, structure and themes. It will argue that the OSCE has in painstaking and step-by-step work with Partner States created a framework and earned experience which made it well-placed to contribute to support the processes of transitions in North African states. It will, however, also point out that the OSCE Mediterranean dialogue as it was shaped, suffers from the institutional context of an intergovernmental organisation in which the Mediterranean Partners have the status akin to that of observers, and a lack of vision (both on the part of participating States and Mediterranean Partner States). The chapter will subsequently describe the OSCE's responses to the Arab Spring events. Finally, it will also look beyond the current state of its work in the Mediterranean dimension, to the way forward for the OSCE's Mediterranean Partnership, including possible, more visionary, ways of sharing the expertise of the OSCE with North African states.

The nature of the CSCE/OSCE

It is worth including at this stage a short outline of the history and nature of the Conference for Security and Co-operation in Europe (CSCE), renamed in the 90s as the Organization for Security and Co-operation in Europe (OSCE), as background reading for the following discussion of the Mediterranean dimension of its work. The CSCE has been very much a process aimed at overcoming the Cold War division between, on the one hand, the Soviet Union and its allies, and Western Europe, USA and Canada, on the other. The comprehensive approach to security

that was used for this purpose was a way to include on the agenda of the framework aspects that were of interest and/or were acceptable to both sides. The CSCE is generally considered as a success story, able to pave the ground for inclusion of human rights issues and democratisation in the discussion, and thus giving support to opposition movements and human rights groups also in the communist East. In fact, one could argue that the CSCE made an important contribution to hasten the end of the division of Europe into two hostile blocks.

At the end of the Cold War, the consensus-based CSCE was in principle quite well-placed, both in terms of agenda and scope, to address a variety of security issues that emerged in its area. It accepted as participating States all successor states to the former Soviet Union and former Yugoslavia, creating a framework for discussion and for action in response to tensions and conflicts in its area. (The OSCE now has 56 participating States, a number of which are Muslim states.)

The CSCE became institutionalised in 1994, changing its name to the Organization for Security and Co-operation in Europe (OSCE), and establishing field operations and a number of Institutions (High Commissioner on National Minorities, Office for Democratic Institutions and Human Rights, Representative on Freedom of the Media). The OSCE made and continues to make an important contribution to European security, but it has not emerged as its key organisation, as some commentators and political actors expected. In fact, while some commentators argued already a decade ago that the Euro-Atlantic security agenda is quickly changing, away from the European security challenges to the Mediterranean region,² the OSCE today is still largely involved in dealing with both the aftermath of the Balkan

² 'The post-Cold War security challenges—broadly defined—are shifting from the center of Europe to the periphery, especially to the South. As a result, the Mediterranean is likely to become more important in the future in security terms' in: Larrabee, Stephen F.; Green, Jerrold; Lesser, Ian O.; Zanini, Michele, 1998: *NATO's Mediterranean Initiative: Policy Issues and Dilemmas*, RAND Monograph Report (Washington DC: RAND): 18.

conflicts, the so-called “frozen conflicts” (which were actually quite “hot”, as in the case of Abkhazia and South Ossetia) and democratisation issues across the former Soviet Union, including Central Asia.

Its experience in supporting the transition and democratisation processes in a number of its participating States in the post-Soviet and post-Yugoslav space, provide the OSCE with considerable experience and best practices in this realm, and specifically *inter alia* in preparation of elections and election monitoring, strengthening democratic institutions, human rights protection, treatment of minorities, tolerance issues, civil society support, rules for military forces (Code of Conduct) and police reform. Although it is sometimes argued that the Central and Eastern European transition experience is not fully, or not at all, relevant for the countries in North Africa, its tool box is both comprehensive and largely (but not entirely) non-intrusive due to its political character and consensus rule. This tool box thus could well provide important examples and expertise, if used in a context-appropriate way.

II. The Mediterranean Partnership of the OSCE

This chapter will not provide a detailed account of the history of the Mediterranean partnership and the development of its structure and content.³ Rather, it will focus on the state of the relationship between the OSCE and North African states and its prospects at the time of the events of the so-called Arab Spring of 2011.

³ For such detailed accounts see Abela, Elizabeth; Wohlfeld, Monika, 2000: “The Mediterranean Security Dimension”, in: IFSH (Ed.): *OSCE Yearbook 1999* (Baden-Baden: Nomos); Wohlfeld, Monika, 2009: “The OSCE Mediterranean Dialogue”, in MEDAC (Ed.): *Mediterranean Perspectives on International Relations* (Valletta: Gutenberg); Wohlfeld, Monika, 2010: “The OSCE and the Mediterranean: Assessment of a Decade of Efforts to Reinvigorate a Dialogue”, in: IFSH (Ed.): *OSCE Yearbook 2010* (Baden-Baden: Nomos).

The intertwining of security in Europe and the Mediterranean region has been underscored in numerous CSCE/OSCE documents (starting with the Helsinki Final Act of 1975), as well as in seminars and meetings, which have addressed the Mediterranean dimension of security. Nevertheless, the substance of that relationship has been emerging only step-by-step and at times painfully slow, and continues to be at best compared to an observer status for Mediterranean Partners, with some access to the working of the Organization. Several ‘soul-searching’ exercises on the Mediterranean dialogue did not further the agenda significantly, nor bring any clear vision to it.

However, the last decades have been marked by slow but steady institutional developments in relations with a number of States that were not participating in the CSCE/OSCE, and significantly also with out-of-region frameworks and organisations. These developments allowed the OSCE to give some substance to the relationship with its Mediterranean Partners. And while it was clear that the OSCE would not be the key player in the region, its dialogue mode, augmented with support for Mediterranean Partners on voluntary implementation of OSCE principles, was valued nevertheless.

A. Membership

Since the inception of the dialogue, Algeria, Egypt, Israel, Morocco, and Tunisia have been Partner States. The only addition since has been Jordan, in 1998. The proposal to add Jordan had been suggested by the Foreign Minister of Israel, Shimon Peres, in 1994. At the time, he also spoke of adding the Palestinians. In 1998, Jordan actually requested to become a Mediterranean Partner, and the OSCE participating States reached consensus on this matter.

The Palestinian Authority has also been requesting Partner State status for some time. During informal consultations that followed the application, no consensus could be reached among

participating States, and some Partner States also had doubts. Thus, the process came to a halt before it was tabled formally.⁴ There are currently no other pending requests of States wishing to become Mediterranean Partners for Co-operation (MPCs). It is worth noting however, that in the past Lebanon, Syria and Libya have taken part in CSCE meetings, and that at least Libya could possibly show interest in joining the Mediterranean dialogue of the OSCE at some stage.

However, contacts with individual Partner States in the Mediterranean are since some years not the only conduit for relations with the region. In principle, the OSCE can pursue contacts with regional organisations outside its area in the context of the United Nations (UN), in particular under Chapter VIII of the UN Charter, and through the process of meetings and co-operation initiated by both the UN Secretary General in 1994, and the UN Security Council in 2003. Some documents, such as the 2001 OSCE Bucharest Plan for Action for Combating Terrorism⁵ and the 2003 Maastricht Strategy⁶ refer to the need to broaden dialogue with regional organisations beyond the OSCE area. The Bucharest Plan for Action indeed names a number of them, including the Organization of the Islamic Conference, the Arab League and the African Union. The Partner States of the OSCE

⁴ While there are no formal criteria to be fulfilled in order to obtain the Partner for Co-operation Status, some informal criteria are applied. An OSCE public information document specifies that ‘to become an OSCE Partner for Co-operation, a formal request is made to the OSCE Chairmanship. A consultation process follows, during which the 56 participating States take into consideration several factors[...]’. These factors, described as ‘neither exclusive nor cumulative’ include close relations between the applicant and the OSCE, common security interests, intention to participate actively in the OSCE’s work, sharing of OSCE’s principles, and finally value of the partnership to the OSCE. There has to be consensus among the participating States to admit a new Partner. Informally, existing Partner States are also consulted on such decisions. See OSCE, 2011: *OSCE Partnership for Co-operation Fact sheet*. Available at: <http://www.osce.org/ec/77951>.

⁵ See “Bucharest Plan of Action for Combating Terrorism”, decided upon at the OSCE Bucharest Ministerial Council in 2001.

⁶ See “OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century”, decided upon at the Maastricht Ministerial Council in 2003.

have served as facilitators of co-operation and as channels of communication with regional organisations outside the OSCE area, in which they are members. However, the body of OSCE documents does not provide a clear-cut and solid basis for co-operation with such organisations.

The links with regional organisations beyond the OSCE area are of some significance: they allow for dialogue on a region-to-region basis; they give a role to Partner States; and they allow for communication with States that are not part of the Mediterranean dialogue (while at the same time foregoing the need to accommodate them in the structured framework of the Dialogue itself).

There has never been any interest or effort to enlarge the OSCE to include Partner or other states, as participating States. The situation however may change, as Mongolia, an Asian Partner for Co-operation⁷ since 2004, indicated that it would like to become a Participating State recently. Some of the OSCE participating States favour such a development. While it is unclear at the time of writing this article whether consensus will be reached, it is quite clear that either way, this case may impact also on perceptions and wishes of other Partner States.

⁷ While the Mediterranean dialogue has its roots in the 1975 CSCE Final Act, one more recent development was the introduction of the OSCE Asian dialogue. Japan's partnership started in 1992; Korea's in 1994; Thailand's in 2000; Afghanistan's in 2003; Mongolia's in 2004; and Australia's in 2009. The discussion of the Asian dialogue of the OSCE goes beyond the scope of this chapter, but it is worth noting at this stage that some of the Asian Partners take a very active role in the context of the OSCE, including providing voluntary funding and staff for core OSCE activities, such as work in the Balkans or election observation. Others, such as Afghanistan, require substantial support from the international community, with the result that the OSCE Participating States are debating how far the Organisation could and should go in providing such assistance to countries outside of its area, and that even in the context of a revived interest in the external dialogues due to the Arab Spring events, Afghanistan remains on top of the agenda. While different by definition, and not necessarily interlinked, many of the decisions on the way forward have from then on referred to both sets of Asian and Mediterranean States co-operating with the Organization.

B. Structure

The structure of the dialogue with Mediterranean Partner States has been formed since the early 90s. At the core of the dialogue are meetings of the informal Contact Group with the Mediterranean partners and OSCE Mediterranean seminars, chaired by the incoming Chairmanship of the Organization, which carries the main responsibility for the dialogue. The Contact Group events provide for an exchange of information and discussion on issues of mutual interest between the MPCs and the OSCE participating States.⁸ The OSCE annual Mediterranean seminars have had a low-key function – bringing together diplomats with academic and other experts, involving other frameworks and organisations, allowing the opportunity to explore a variety of issues.

The OSCE participating States took a number of decisions which allowed Partner States to gain access to OSCE's decision-making fora, activities and events. Thus, they participate as observers in the OSCE Ministerial Council Meetings and in annual events of the OSCE. A practice of offering the Mediterranean (and Asian) Partner States to meet the OSCE Troika (that is the current, incoming and outgoing Chairman-in-Office) on the eve of annual Ministerial meetings also emerged. Although participating States decided, as far back as 1994, to invite Mediterranean States to attend Permanent Council (PC) and Forum for Security Co-operation (FSC) meetings devoted to Mediterranean issues, it was only in 2008 that the then Spanish Chairmanship of the OSCE changed the seating arrangements, accommodating the Partner States at the main table and making the invitation to the weekly PC meetings practically a standing one. This has been a significant

⁸ The agenda includes briefings by representatives of the Chairman-in-Office (CiO), that is the Foreign Minister of the country chairing the Organisation in a given year, in particular on OSCE missions and field activities. This is followed with a presentation by an OSCE official on one of the main aspects of the OSCE's activity, such as the Representative on Freedom of the Media, the Co-ordinator of OSCE Economic and Environmental Activities, or a Personal Representative of the CiO, and other briefings on specific issues of interest.

development, as the Partner States consistently lobbied for access to deliberations of the participating States. They also participate in deliberations on European security architecture.

As far as access to operational activities of the Organization is concerned, the OSCE Permanent Council adopted a decision providing for representatives of the MPCs, on a case-by-case basis, to participate in OSCE Office for Democratic Institutions and Human Rights (ODIHR) election monitoring and supervision operations, and to make short-term visits to the OSCE Missions in order to continue to take stock of the OSCE experience and to witness the comprehensive approach to the work undertaken in the field.⁹ Partner States are also invited, on a voluntary basis, to second mission members to OSCE field operations. The MPCs have been encouraged to take advantage of these decisions, but the response has been muted.

It is worth highlighting what could be called ‘devolution’ of the dialogue to various parts of the rather decentralized Organization. Thus, increasingly, the possibilities for support and consultations from the various institutions and offices of the OSCE were highlighted. Once a topic of common interest was identified (and funding was made available), the relevant institution or office could provide expertise or organise a seminar or workshop on the theme.¹⁰ Side events for Partner States have been organized on the margins of various OSCE meetings. A number of handbooks or manuals on specific aspects of OSCE commitments have been

⁹ PC.Dec/223 (11 June 1998).

¹⁰ Such events included more recently an OSCE workshop held in Madrid in 2007 on travel document security in the Mediterranean organised by the OSCE Action Against Terrorism Unit; an OSCE seminar on media self-regulation for Mediterranean States held in Vienna in 2009 and organised the OSCE Office of the Representative on Freedom of the Media; and OSCE workshop on supply chain security in the Mediterranean held in Malta in 2009, organized by the OSCE Action Against Terrorism Unit; Launch Seminar of the Mediterranean Edition of the Handbook on Establishing Effective Labour Migration Policies held in Rabat in 2007, organized by the OSCE Co-ordinator of OSCE Economic and Environmental Activities.

translated into Arabic (and made relevant for the region in question) after Mediterranean Partners showed interest in them, and voluntary funds were identified for this purpose.¹¹

Significantly, it was the parliamentary dimension of the dialogue that has provided the strongest impulses to the Mediterranean dialogue. While in the past, the OSCE Parliamentary Assembly (PA) did not shy away from discussing the situation in the region, including the Middle East, the appointment of special representatives of the PA on the Mediterranean, which gives its contacts with Mediterranean and Middle East states visibility and the new practice of holding special sessions on the Mediterranean, changed the nature of this dialogue. The PA has held, since 2002, an annual Forum for the Mediterranean during the PA's fall meetings and Mediterranean Side Meetings during annual sessions of the PA. During such meetings, the PA, together with invited parliamentary delegations from Mediterranean Partner States, addresses topics such as minority protection and non-discrimination in the Mediterranean, terrorism and fundamentalism, democracy and human rights in the region, debates the situation in the Middle East, but also holds general discussions on the state of the OSCE Mediterranean dialogue. The PA also invites parliamentarians from the Mediterranean Partner countries to join its election observation efforts. Parliamentarians from Partner States took part in election monitoring in the OSCE area, with the first such event in 2004, when the PA sent a small delegation to monitor the Algerian presidential election upon invitation of its Foreign Minister.¹²

¹¹ See for example OSCE; IOM; ILO, 2007: *Mediterranean Edition of the Handbook on Establishing Effective Labour Migration Policies*. Available at: http://www.osce.org/publications/eea/2007/12/28725_1003_en.pdf.

¹² See the brief report on the mission to Algeria in the OSCE Parliamentary Assembly document "The Second Decade of OSCE PA Election Observation January 2004-June 2008". Available at: http://www.oscepa.org/oscepa_content/documents/Activities/Election%20Observation/2008-EO-Summary%20Report,%20Second%20Decade-June.pdf.

Less successful was the OSCE's effort to involve other players, especially civil society actors, in some aspects of the Mediterranean dialogue. Some efforts have been undertaken to reach out to Non-Governmental Organisations (NGOs) in the Mediterranean, most recently in the form of a side event at the 2008 annual Mediterranean seminar of the OSCE, held in Jordan.¹³ However, this practice has not become a regular feature, and the experience of the workshops has not been entirely positive.¹⁴

A further aspect of the setting up of structures for the dialogue has been related to the issue of funding of the dialogue. A voluntary Partnership Fund was decided upon by the participating States in November 2007¹⁵ after some difficult deliberations. The part of the annual budget of the Organization (which in itself, is small compared to other organisations) devoted to the Mediterranean dialogue is miniscule. The Mediterranean Partners do not pay into the annual budget, but can make voluntary or in-kind contributions (particularly by co-organising events or activities). Their voluntary contributions, if any, have also been negligible. The Fund has been used to support a considerable number of practical activities, mostly workshops on narrower specific topics.

C. Themes

The participating States of the OSCE have attempted to focus the Mediterranean dialogue on all three dimensions of security. In fact, some have been putting forward the notion that the comprehensive approach to security is what the Partner States and

¹³ OSCE Mediterranean Conference 2008 "The OSCE approach to regional security—a model for the Mediterranean", Amman, Jordan, 27 - 28 October.

¹⁴ See Internet Centre Anti Racism Europe (I CARE) (2007, December 19). *Special Report on the OSCE 2007 Mediterranean Seminar and NGO workshop held in Tel Aviv, Israel*. Available at: www.icare.to/telaviv-english/telaviv2007-index.html.

¹⁵ "Establishment of a Partnership Fund", PC.DEC/812 (30 November 2007).

their region would benefit from the most. The Partner States however are not all equally interested in all the aspects of security that the OSCE pursues. The topics of past Mediterranean annual conferences bear witness to the efforts to find an adequate way of approaching this matter.¹⁶ The emphasis on the comprehensive approach to security has allowed to for example 'smuggle' human dimension issues onto the agenda.

Representatives of the Partner States occasionally recalled informally that unlike the participating States, they have not committed themselves to implement the OSCE's 'acquis'. To encourage the Partner States to consider some of the aspects of OSCE's commitments of interest, the participating States came up with a formulation, which called for voluntary implementation. There are indeed topics which the OSCE focuses on that are of interest to Mediterranean Partner States. These are issues related to tolerance and non-discrimination, migration and migrants' human rights issues, including in countries of destination, as well as water management, desertification, anti-terrorism measures and other related topics. The Partner States follow discussion and activities in these areas closely and occasionally suggest workshops in order to learn more about them. However, it would be difficult to claim that they implement OSCE commitments in these areas. Not surprisingly, there are areas, which were difficult or close to impossible to place on the agenda, such as human rights cases.

Noteworthy is the fact that the dialogue with Mediterranean Partners was largely devoid of any sweeping or visionary perspectives. There have been ideas tabled, largely informally and unsuccessfully, but they have never been taken up seriously in the context of the Organization. One interesting discussion in this context was that on the creation of a Conference on Security and Co-operation in the Mediterranean (CSCM), and an ambitious proposal based on the CSCE model. During a 1990 CSCE meeting

¹⁶ The summaries of these conferences are available on the OSCE web site: <http://www.osce.org/ec/documents.html?lsi=true&limit=10&grp=322>.

in Palma de Mallorca this proposal was developed by the so-called "4+5 Group", consisting of four Southern European EC member states (France, Italy, Spain and Portugal) and the five participants of the Arab Maghreb Union (Algeria, Libya, Mauritania, Morocco and Tunisia), with Malta as an observer. Due to a lack of consensus, a non-binding open-ended report was issued, declaring that a meeting outside the CSCE process could discuss a set of generally accepted rules and principles in the fields of stability, co-operation and the human dimension in the Mediterranean, when circumstances in the area permitted. Since then, if mentioned at all, the CSCM concept was only discussed in informal fora.

Clearly, the time has not been ripe for such proposals. Consequently the dialogue in the OSCE has focused on doables, on practical proposals for co-operation, and access to some categories of OSCE's work, mostly as observers.

D. The case of OSCE's Asian Partner State Afghanistan

In some ways, it was the accession of Afghanistan as a Partner for Co-operation in the context of the Asian dialogue, that has moved the concept of Partnership forward. Three OSCE participating States border Afghanistan. In addition, a number of participating States are engaged in Afghanistan's reconstruction efforts, and have military presence on the ground. The US has been vocal in advocating an active role for the OSCE in Afghanistan. In 2007, the OSCE responded to a request from Afghanistan to provide assistance in the field of border security, police training and combating drug trafficking, with concrete projects and training efforts, significantly on the territory of OSCE participating States and not in Afghanistan itself. The OSCE has also been involved in Afghanistan's democratic development through sending election experts.

The debate on organising training in Afghanistan itself has been a difficult one, and, as some leaked US cables from 2010

report, has reflected Russian opposition to it. It has not resulted in such activities being carried out of the OSCE area, but rather in OSCE participating States. The input of the OSCE to reconstruction efforts in Afghanistan has been assessed by US diplomats as miniscule, but useful.

The Afghanistan debate in the OSCE and projects under way, point to some of the issues and obstacles that would most likely beset efforts to render training and project assistance to the countries of North Africa. In particular, it appears necessary to turn again to those states that objected to activities taking place in Partner countries, in order to try to overcome this obstacle to effective response to the 'Arab Spring'.

III. OSCE's response to the Arab Spring events

Not a great deal can be yet said about the OSCE's response to the 'Arab Spring', as relatively little time has passed since and no high level OSCE decision-making body has met since its start. The next Ministerial meeting, scheduled for December 2011, may bring some movement into the matter, as the Lithuanian Chairmanship of the Organization for 2011 hopes to have a declaration or a decision on co-operation with Mediterranean Partners in the wake of the 'Arab Spring' included in its deliberations. However, some trends seem to be emerging, and this section will attempt to describe them.

There has been an immediate positive response, mostly voiced by the Chairmanship, the PA, the ODIHR, and the Secretary General declaring in principle the Organization's willingness to support transition in OSCE's Mediterranean Partners. There have also been visits and direct contacts with the authorities of Tunisia, Egypt and Morocco, intended to gauge interest and declare the commitment of the Organization. The CiO, while visiting Tunisia in April 2011 reportedly said that the OSCE is ready to assist Tunisia during the transition period to build and consolidate democracy and specifically in the realms of 'electoral support,

development of the independent media, drafting legislation, police reform, border management, travel document security and migration management'.¹⁷

The 'Arab Spring' and the role the OSCE could play have been discussed in nearly, if not all, available fora within the Organization. The effort to provide assistance is seen as having a double nature: in the words of OSCE Secretary General Lamberto Zannier, 'as effective venue for dialogue and flexible mechanism for implementation'.¹⁸

It appears that the goal is to make full use of existing frameworks and channels in the OSCE, to place the issue on the agenda rather than create new ones. This applies also to procedures that have been developed while working in the past with Partner States; it seems that while calling for the OSCE to have a role in the context of transition in North African countries, adherence to established procedures is underlined as a precondition. To summarize the procedures, they would require a clear request from an MPC, a PC decision on such assistance, and funding made available by participating States through voluntary funds.¹⁹ The Afghanistan case provides important clues here. At the time of writing this article, despite efforts to reach out to the policy-makers in Tunisia, Egypt and Morocco, no request for assistance has been lodged by a Mediterranean Partner State. There is also no discussion at this stage on expanding the Mediterranean dialogue to include new partners that may benefit

¹⁷ OSCE Chairmanship Press Release, "OSCE Chairperson meets Tunisian authorities, discussed priority needs for OSCE assistance" (16 April 2011).

¹⁸ Address by Ambassador Lamberto Zannier, Secretary General of the OSCE to the OSCE Parliamentary Assembly Mediterranean Forum: "Making the Mediterranean a Safer Place: Creating an Area of Freedom, Security and Justice", Dubrovnik, 9 October 2011.

¹⁹ See Chairmanship Background Paper "Instruments that the OSCE could offer to its Partner for Co-operation", CIO.GAL/41/11 (18 March 2011) and Address by Ambassador Lamberto Zannier, Secretary General of the OSCE to the OSCE Parliamentary Assembly Mediterranean Forum: "Making the Mediterranean a Safer Place: Creating an Area of Freedom, Security and Justice", 9 October 2011, Dubrovnik.

from assistance, such as Libya, but such a discussion can be expected, should the Libyan authorities request it.

Furthermore, it has been repeatedly underlined that the issue of possible support to countries in transition in North Africa has to be seen in the context of co-operation with the UN and regional organisations. In fact, the Lithuanian Chairman-in-Office had corresponded on this matter and met with the UN Secretary General in March and April 2011. A press release related to one of the conversations indicates that the CiO specified that ‘the OSCE, including through its Office for Democratic Institutions and Human Rights which has extensive experience in providing electoral support, stands ready to share its expertise with Tunisia and Egypt in an international effort co-ordinated by the UN.’²⁰

This indicates that the political leadership of the Organization wishes to foresee and foreclose possible objections by some participating States, and that it is determined to avoid problems. In the past, arguments against heavier involvement with Partner States mainly emphasised that there is still much to do in the OSCE area, that there is only limited funding for OSCE activities available, and that the OSCE should not be implementing projects on the territory of Partner States.

While the core of the call for assistance to Mediterranean Partner States has been that OSCE could do more of what it is has been doing for a considerable period of time, within established frameworks and procedures, there has been one noticeable shift, namely towards more focus on civil society and immediate needs in the human dimension, for example on sharing good practices related to election observation. Several smaller activities and projects have been developed and implemented in a short time.

²⁰ OSCE Chairmanship Press Release, “UN Secretary General, OSCE Chairperson discuss international community’s engagement with Egypt and Tunisia” (5 April 2011).

An important development is that the Lithuanian Chairmanship proposes to adopt a decision at the next Ministerial Council meeting to be held in December 2011 in Vilnius on enhancing OSCE engagement with the Partners for Co-operation.

One of the steps towards such a possible declaration is the OSCE Mediterranean Seminar. The 2011 OSCE Mediterranean Conference held in Montenegro on 10 and 11 October focused on the topic of ‘Democratic Transformation: Challenges and Opportunities in the Mediterranean region.’ The PC decision on the conference indicated that its goal was to ‘provide an opportunity for the Mediterranean Partners to indicate what they would like to see in a possible decision or declaration by the Vilnius Ministerial Council.’²¹ For the first time, the agenda focused on specific and controversial issues, such as for example police reform and control of the armed forces in the region. However, the attendance and input by Partner States has been disappointing.

The OSCE PA has been vocal and active on the events of the ‘Arab Spring’. The PA has condemned loss of lives, and suggested that the OSCE should take a more pro-active stance on providing assistance to Partner States in the wake of the Arab Spring.

At the OSCE Parliamentary Assembly meeting in July 2011, discussion of parliamentarians resulted in the adoption of the ‘Resolution on Mediterranean Transition’, which *inter alia* urges the OSCE and other international organisations to become involved, and the Mediterranean Partners to ‘solicit OSCE and OSCE PA institutional expertise in governmental reform, election facilitation, and political pluralism to facilitate peaceful regional transition’ and to ‘consult OSCE and OSCE PA institutional resources on management of peaceful assembly, press freedom,

²¹ “Decision No. 1005, Agenda and Organisational Modalities of the 2011 OSCE Mediterranean Conference, 10 - 11 October 2011, Budva, Montenegro”, PC.DEC/1005 (22 July 2011).

and civil society capacity development'.²² It also urges OSCE participating States to contribute to the Partnership Fund, and urges that a civil society forum be held during the 2012 OSCE Mediterranean Conference. The OSCE PA Mediterranean Forum in October 2011 also focused on events in North Africa. Most importantly, however, the PA also took practical steps, and observed the elections in Tunisia in October 2011. This was done upon invitation of the Tunisian authorities, with some 80 parliamentary members of the OSCE PA participating, over a period of several days. A report was issued by the PA in the wake of the elections, thanking the Tunisian authorities for 'high degree of co-operation', and stating that the elections were 'free'.²³

Following the events of early 2011 in North Africa, the Director of ODIHR, Ambassador Janez Lenarcic, stated pertinently that 'recent events point to the fact that 'cultural specifics' cannot justify the sustained closing of political space for discourse, unaccountable government, repression and torture.[...] (P)eople all over the world desire the same thing – freedom, justice, dignity, and a say in the way their lives are governed.'²⁴

According to its Director, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) can assist with its expertise in seven areas: elections; political party legislation; independence of the judiciary; national human rights institutions; human rights and combating terrorism; hate crimes; and facilitating participation in OSCE meeting.²⁵ ODIHR also began

²² OSCE Parliamentary Assembly, Belgrade Annual Session, 6-10 July 2011, "Resolution on Mediterranean Political Transition", AS(11) Res7E.

²³ Statement by the OSCE Parliamentary Assembly, "Elections for Constituent National Assembly signal the Tunisian people are on their way to guaranteeing human rights and democracy", Tunis, 24 October 2011. Available at <http://www.oscepa.org/election-observation/2011/679-parliamentary-observers-applaud-tunisian-elections>.

²⁴ Address by Ambassador Janez Lenarcic, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) at the 854th Meeting of the Permanent Council, Vienna, 17 March 2011.

²⁵ Remarks of Ambassador Janez Lenarcic, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) at the Third Meeting of the Mediterranean Contact Group, Vienna, 13 May 2011.

practical support efforts by offering a three-day Human Rights and election monitoring workshop in Warsaw in July 2011, designed for civil society participants from Egypt. Furthermore, a joint OSCE-Mediterranean Partner Countries' Conference for Civil Society is to take place in Vilnius in December 2011, and is organised by the Lithuanian Chairmanship and ODIHR.²⁶

The annual OSCE Human Dimension Implementation Meeting of September 2011, organised by ODIHR, featured events in North Africa rather prominently. ODIHR Director Ambassador Janez Lenarcic raised the developments in the Southern Mediterranean as one of key developments in human rights over the last year: 'OSCE cannot stay aside from the momentous happenings in our Partner countries. The importance of a stable and prosperous neighbourhood is enshrined in numerous OSCE documents. [...] I see that there is a role for the OSCE to share its experience and good practices. Supporting our partner countries in their current endeavors is not only desired, but necessary. [...] I am in no way arguing that OSCE's attention should deviate to another geographic area. Things remain to be done within our participating States. There is enough will and means to do both'.²⁷

There have also been some developments linked to the work of the OSCE Secretariat, now headed by the newly appointed OSCE Secretary General, Ambassador Lamberto Zannier, who also accorded priority to the possible OSCE support to Tunisia and Egypt in his speeches and schedule.²⁸ These developments included *inter alia* short-term placements for nationals of Partner

²⁶ OSCE, 2011: "OSCE-Mediterranean Partner Countries", Civil Society Conference, Vilnius, 4-5 December. Available at: <http://www.osce.org/event/medcivilsociety2011>.

²⁷ Opening Remarks by Ambassador Janez Lenarcic, Director of the Office for Democratic Institutions and Human Rights at the 15th Human Dimension Implementation Meeting, Warsaw, 26 September 2011.

²⁸ See for example the Opening Statement by OSCE Secretary General Lamberto Zannier at the Human Dimension Implementation Meeting, Warsaw, 26 September 2011.

States, and inclusion of those states in the OSCE Border Security and Management National Focal Point Network.

A. Membership

Little has been said in the OSCE on the possibility to accept new Partner States in the wake of the ‘Arab Spring’, and in particular no discussion took place so far on the possibility to admit Libya as one such Partner state. This may not be surprising, as the matter of expanding the dialogue is marked by the pending application of Palestine. Furthermore, little discussion can be expected in the absence of clear requests. Finally, the discussion in the OSCE has so far focused mainly on Tunisia and Egypt. In addition, the above-mentioned wish of Mongolia to move beyond Partner Status and become a Participating State may affect the dynamics on this issue.

However, it is worth mentioning that more attention has been paid, at a declaratory level, to co-operation with regional organisations in adjacent regions, and in particular in North Africa. The need to co-operate with the Arab League has been specifically underlined by the CiO and by the OSCE Parliamentary Assembly.²⁹

B. Structure

As yet, there have also not been any substantial changes or proposals for change of the existing structure of the dialogue. In fact, it appears that the key focus is on utilising the existing frameworks and structures to their fullest. Thus, the issue of co-

²⁹ See for example OSCE PA (2011, 25 February) *Statement on North Africa*. Available at: <http://www.oscepa.org/NEW/news-a-media/press-releases/177-osce-pa-statement-on-north-africa>; “OSCE should work with regional, global Organisations to promote security: chief”, *People Daily* (16 February 2011). Available at: <http://english.peopledaily.com.cn/90001/90777/90856/7289283.html>.

operation with Partner States in the wake of the ‘Arab Spring’ has been tabled in the entire scope of fora open to Mediterranean Partner States in the context of the OSCE, including regular and special events as described above. But the key issue at this stage is that Mediterranean Partner States are unable or unwilling to set the agenda and/or clearly request assistance from the OSCE, whether due to the very changing political environment, personnel changes (also in their delegations to the OSCE), or the wish to do as much as possible on their own.

C. Themes

Like most international, and especially intergovernmental, frameworks active in the Mediterranean region, the OSCE to some degree failed in the past to give appropriate focus to issues related to human rights and democratization in its dialogue. It is of course evident, that the OSCE had little in terms of carrots and sticks to do so, especially since the Partner States did not subscribe to its principles nor joined the Organization. It has rather chosen to, whenever possible, place on the agenda the comprehensive approach to security which allowed it to raise *inter alia* the human dimension, and to look for areas for co-operation of interest to both sides. That meant that specific human rights criticisms were difficult to add to the agenda. Little more could be expected of an Organization of its profile. Arguably, even concerning its participating States, who have subscribed to the OSCE *acquis communautaire*, it was at times an uphill battle to address human rights failures of governments in a constructive way, and some of the participating States very much objected to such procedures in general, and/or specifically when it pertained to their own problems.

The ‘Arab Spring’ in general highlighted the universality of human rights, and the need to place them more adequately on the agenda of frameworks that co-operate with the countries of North Africa. This applies also to the OSCE, and has been underlined for example in the interventions of the Director of ODIHR.

IV. The way forward in OSCE Mediterranean dialogue

The OSCE is in principle quite well-prepared to provide some assistance to its Mediterranean Partners that are experiencing transition processes following the ‘Arab Spring’. The first projects and activities– the PA’s election observation in Tunisia, the ODIHR workshops involving civil society on the subject of election observation point in the right direction; although they also indicate that this will not be a massive engagement, but rather one in keeping with previous profiles of the OSCE’s Mediterranean Dialogue. The Afghanistan case, discussed above, provides an insight on both the possibilities and limitations of the OSCE in providing assistance to Partner States, although it is likely that some negotiations will take place to enlarge the scope of possibilities.

But the OSCE is yet to either be confronted with, or address, some of the difficult issues and questions that are likely to arise in the context of its Mediterranean Partnership following the ‘Arab Spring’. These relate first and foremost to who is in and who is out of the dialogue. The issue of the application of Palestine is pending, and is likely not to go away, as the experience of the UN efforts of the Palestinians indicate. There will be the question of, first of all, whether to encourage Libya’s new authorities to apply to become a Partner, and of whether to accept the country as one. There will be issues related to Israel’s role or standing (and possibly isolation) in the Mediterranean dialogue, in particular if it is to be enlarged to include other Arab states. There will be tensions between the needs and willingness to engage of Partner countries that have implemented far-reaching reforms and those that have not. Consequently, there may also be tensions linked to OSCE’s work with civil societies, and on human dimension issues. Thus, the regional approach that OSCE tried to implement will be difficult to follow. There will also be set-backs for the Mediterranean dialogue, if the political reform in one or more of the Partner countries collapses.

It will be interesting to see whether the OSCE participating States succeed in negotiating a meaningful declaration on co-operation with Mediterranean Partners at the forthcoming Ministerial meeting. But given the current emphasis on doing more within established frameworks, with established procedures and with current Partners, it would be rather surprising, should the declaration put forward a far-reaching vision of the way forward in the Mediterranean Dialogue. Nevertheless, it would be possible to acknowledge in such a declaration the general support for democratisation processes in North Africa; underline the need to pursue a comprehensive understanding of security; point to the need to work with parliamentarians and civil society; and once again propose support to those Mediterranean Partner States that will embark upon the process of voluntary implementation of OSCE principles and commitments. It could also highlight co-operation between the OSCE and existing regional frameworks, such as the League of Arab States. Furthermore, the declaration could also call upon participating States to support the Partnership Fund.

What, in the current situation, is unlikely to find its way into a possible declaration would be more far-reaching concepts, such as enlarging the OSCE to include new participating States from among the Mediterranean Partner States (which would thus subscribe to the OSCE commitments); or support the creation of a Conference on Security and Co-operation in the Mediterranean (CSCM) or CSCM-like structure with the OSCE as an example or mentor.

V. Conclusion

The input the OSCE could provide to the democratisation processes in North Africa should not be overlooked – in a dialogue mode, with no strings or preconditions attached, focusing on interesting the Mediterranean Partner States in its *acquis* and explaining the functioning of a co-operative security framework with a comprehensive understanding of security, it has its role to

play in the region. Although the experience of working through a regional, inclusive and comprehensive organisation, based on consensus and the understanding that states are accountable to each other and to their citizens may not have a visible and immediate impact, it surely is worth pursuing.

However, while the leadership of the Organization has found the right words to indicate willingness and interest of the Organization to provide assistance to its Mediterranean Partners for Co-operation, in particular to Tunisia, Egypt and Morocco, there seems to also be preference among the participating States to move slowly and along established parameters on this matter. The existing decision-making and financial procedures and operational limitations on engaging on the ground in those countries would not allow for quick and decisive response. In the mid-term, much will depend on whether the Partner States can formulate realistic requests from the OSCE, as organisational change tends to be driven by actual demands.

In the longer term, the development of the Mediterranean dialogue will largely depend on several factors. The first one will be whether the OSCE will be able to spread the word on its profile, experience and the assistance it could provide, not only to the delegations of Partner States in Vienna, but also to other players, governmental and non-governmental. The second one will be whether participating States will be able to find consensus on activities in support of democratization and transition processes in North Africa taking place in Partner States (rather than in one of the participating States, as is the case currently). The third one is whether Partner States will be open to working with international and regional organisations in general and the OSCE in particular on democratisation and transition processes at all. There appears to be a certain amount of hesitation, for domestic reasons. The fourth factor is how far other, larger and richer players, such as the EU will be interested and motivated to co-operate with the OSCE in North Africa. And finally, the way forward will also depend on whether the various stake-holders are able to develop more visionary approaches to security in the region.

Ideally, the OSCE would move cautiously, in response to clear demands and in agreement with players such as the EU, but in a pro-active and visible way. This response should be quick on some issues (such as elections) and willing to see assistance as a long-term project on other issues (such as civil society support or civil control of the military). And ultimately, this response should be based on a vision of OSCE's role in the Mediterranean region, and beyond.