

**DIALOGUE,  
CONSENSUS,  
COMPREHENSIVE  
SECURITY,  
FIELD ACTION**

**WHY THE OSCE NEEDS A  
NEW IMPETUS NOW**

**BY**

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**MIT EINEM BEITRAG VON**

*foraus*



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<sup>1</sup> The ideas expressed in this paper reflect the personal opinions of the authors; they do not necessarily represent the official position of Polis180 nor of foraus – Forum Aussenpolitik.

This project was realized with the kind support of the Federal Foreign Office of Germany.

# EXECUTIVE SUMMARY

The future of European security is at a crossroads. For the Organization for Security and Co-operation in Europe (OSCE) to rise to the challenges of the current crises, the organization must be reformed. This includes the need for an enhanced dialogue within the governing committees in Vienna and improved field operations in endangered regions. Moreover, the OSCE security dialogue must be revived and its role in the concert of international organizations (IOs) needs to be strengthened in order to enhance its interoperability and help it regain international relevance.

The authors of this paper analyse these four subject areas and formulate a package of concrete recommendations. The proposals of this paper do not only address the German OSCE-Chairmanship but also aim at the upcoming Chairs, amongst them Austria.

During this period of renewed confrontation between Russia and the 'West', with complex, interlinked conflicts and standoffs in an international environment marked by mutual distrust, diplomacy has become increasingly difficult. The OSCE offers a unique platform for constructive dialogue between 57 countries on various matters, including talks about confidence and security building measures (CSBM). However, in recent years, the OSCE security dialogue has been marginalized by European Union (EU) and North Atlantic

Treaty Organization (NATO) efforts to promote other instruments of international crisis management: sanctions regimes, civilian and military missions and military rapid response forces. The OSCE's standing in the international community has become relatively weak, and its scope of actions quite limited, which sidelined its role in international conflict management.

Besides its constructive role as a mediator and platform for dialogue on sensitive matters like arms control, it offers great expertise in field operations. The OSCE fulfils a unique role where NATO or EU presence would only increase tensions - especially in the post-Soviet space. The cases of Eastern Ukraine and Moldova show that the risk of conflict escalation is not limited to the protracted conflicts in the quasi-independent states of Transnistria and the South Caucasus. Therefore, the OSCE should be given priority in areas where it excels other international organizations (IOs). To enhance the OSCE's role in the international arena, structural change must however, also come from within. While the German Chairmanship has set the goal of promoting dialogue, trust and security, these basic principles must first be embraced at the OSCE's Headquarters in Vienna. Improving the procedures in the decision-making bodies and committees is key to increase its efficiency, which ultimately affects its operational capabilities in the field.

# RECOMMENDATIONS

## **ENHANCE THE OSCE'S ABILITY TO COOPERATE WITH OTHER ORGANIZATIONS**

- ◆ Foster the OSCE's legal status to enable the Organization to carry out its various missions more efficiently.
- ◆ To strengthen OSCE cooperation with other IOs, open liaison offices in New York, Brussels and Strasbourg.
- ◆ EU Member States should advocate for a greater acknowledgment of the OSCE's work, in light of the considerable thematic overlap. Strong political links between the OSCE and the EU in several operational areas, especially the Balkans, should serve as constructive experience.
- ◆ The refugee crisis could be a field for cooperation between Europe's security organizations, especially because this could be achieved without affecting their mechanisms for military security.
- ◆ Aside from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation missions, the OSCE should study how the OSCE's Special Monitoring Mission (SMM) could make better use of its presence throughout Ukraine to help create political stability, which is a prerequisite for a lasting solution of the armed conflict in the East.
- ◆ The OSCE should not just be the stopgap in conflicts when all the other appropriate organizations are unavailable. A constructive geographic and thematic division of labour between NATO, the EU and the OSCE could create a new framework for Europe's security.

## **RENDER CONFIDENCE-BUILDING TANGIBLE**

- ◆ Once again, the OSCE should be given priority (the principle of 'OSCE first') in the spheres of arms control and CSBMs. Compared to other multilateral actors, the Organization enjoys priority in terms of its technical prerequisites, expertise and experience.
- ◆ In view of the challenge of maintaining and strengthening the OSCE acquis in the politico-military realm, the German Chairmanship should incorporate the peace-promoting capacities of civil society organizations into the portfolio of CSBMs and disarmament negotiations.
- ◆ The expert community's proposal of an OSCE Special Representative for Arms Control should be reconsidered: Such a representative could be authorized to align proposals and positions from participating States (pSs) and establish permanent contacts with counterparts in NATO, the EU and the Commonwealth of Independent States/Collective Security Treaty Organization (CIS/CSTO).
- ◆ Since CSBM measures are geared mainly to preventing armed conflicts between, and not within, states, CSBMs should be expanded and more proactively applied to regional as well as sub-regional contexts. Their potential to be used as an instrument to prevent regional conflict could be re-emphasized.

# RECOMMENDATIONS

## **RE-ENABLE DIALOGUE**

- ◆ Make the OSCE Chairmanship last two years; enhance continuity between the current and incoming Chairpersons by adopting joint working plans and appointing Special Representatives together.
- ◆ Promote transparency and inclusiveness within the Troika by holding an ambassadorial retreat in December/January before the new term of office begins.
- ◆ Encourage platforms for exchange and external advice by engaging more experts from academia and civil society.
- ◆ Enhance cooperation between the Committees and the Chairperson by organizing more thematically focused meetings of the Permanent Council.
- ◆ Strengthen the OSCE's international relevance by holding summits at least every five years.

## **STRENGTHEN THE OSCE'S PRESENCE IN EASTERN EUROPE AND THE SOUTH CAUCASUS**

- ◆ Shift the OSCE's geographical focus towards the countries of Eastern Europe and the South Caucasus - Belarus, Ukraine, Moldova, Armenia, Georgia and Azerbaijan - that are suffering most from the ongoing geopolitical confrontation in Europe.
- ◆ Enlarge the OSCE Mission to Moldova and the OSCE Office in Yerevan (Armenia), and allow for international OSCE experts from the Western Balkans to be relocated to these countries.
- ◆ Intensify the efforts to re-establish the OSCE field operation in Georgia and task it to address the terrorist threat in the Pankisi Gorge.
- ◆ Intensify the OSCE's work with Azerbaijan and Belarus, particularly in the form of OSCE expert groups.
- ◆ Task all OSCE field operations in Eastern Europe and the South Caucasus with conflict prevention.

# INTRODUCTION

**BY RAHEL FREIST-HELD AND DIANA KLIE**

'If the Finnish initiative of the 1970s could lead to the Helsinki Final Act in the midst of the Cold War, there is no reason to believe that such an approach cannot succeed forty years later. It would be negligent not to try. It was a courageous step, and we need such courageous steps again – today more than ever.' Wolfgang Ischinger's statement at the 22nd OSCE Ministerial Council in Belgrade on 3 December 2015 evokes the spirit of Helsinki that is sorely needed during the confrontation between the EU and Russia over the conflicts in Ukraine and Crimea.

## **THE OSCE'S AUTHORITY DERIVES FROM ITS**

- ▶ common purpose, i.e., the agreed objective to promote inclusive security cooperation and create a common area of equal security from Vancouver to Vladivostok without dividing lines and geopolitical zero-sum games;
- ▶ inclusivity in the security dialogue and consensual decision-taking by 57 participating States;
- ▶ comprehensive three-dimensional security concept based on principles of international law and agreed common norms and standards (the 'OSCE acquis');
- ▶ a unique interlocking system of conventional arms control and confidence- and security-building measures (CSBMs);
- ▶ permanent fora for security dialogue in Vienna (the Permanent Council; the Forum for Security Cooperation; various Committees) and autonomous institutions to monitor agreed norms (the Office for Democratic Institutions and Human Rights; the High Commissioner on National Minorities; the Representative on Freedom of the Media);
- ▶ rich experience in conflict management; and
- ▶ extensive field presence, particularly in Eastern Europe and Central Asia, which assists states in transition.

Opposing the frequently evoked idea of a new Cold War and the need for increased deterrence and armaments, this paper urges breathing new life into the OSCE. Natives of

Russia, Switzerland, Austria and Germany, the authors of this paper are united by our belief in dialogue and cooperative security realized through an inclusive organization with strong independent institutions that is truly committed to its principles.

This paper seeks to provide a comprehensive package of concrete recommendations to strengthen the OSCE in the long term. The first two chapters focus on how the OSCE can be a potent actor in the framework of politico-military organizations in Europe and beyond. Looking at the broader picture, Martin Schmid analyses the possibilities and constraints regarding NATO, EU, UN and OSCE interoperability. In some circumstances, multilateral regimes appear to create contesting and fragmented systems instead of focusing on cooperation and cohesion. Schmid identifies overlaps of responsibilities and chances of improved cooperation between IOs and stresses the need for a stronger OSCE within this framework. Nadja Douglas emphasizes the need for a reliable regime for conventional arms control and argues that such measures have been neglected in favour of other crisis management instruments, namely sanctions regimes, civilian and military missions and military rapid response forces.

Furthermore, the paper takes a closer look at the OSCE decision-making bodies and field missions. Raphaël Bez evaluates the OSCE governing bodies and internal processes and formulates concrete proposals to break up entrenched structures and re-enable dialogue, re-establish trust and work more efficiently. Finally, Anastasia Rybachenko focuses on OSCE field missions and calls for special attention to be paid to the countries in Eastern Europe and the South Caucasus – regions that are particularly vulnerable in times of crises between competing integration zones and value systems.<sup>2</sup>

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<sup>2</sup> We thank our external reviewers who assisted us with their expertise and constructive feedback.

# OSCE IN THE CONCERT OF INTERNATIONAL ORGANIZATIONS

BY MARTIN SCHMID

The conflict in Ukraine revived the awareness that armed military conflicts are not relics of Europe's past. Despite the 2008 conflict in Georgia, this risk had been neglected since the Balkan Wars; Europe's security order was unprepared for the conflict in Ukraine. Among the variety of multilateral organizations in Europe, the OSCE's inclusive character made it the key player. However, the status of the OSCE and its relations to other international organizations (IOs) must be adapted. The phenomenon of the OSCE's increased role can be embedded in the theoretical framework of contested multilateralism developed by political scientists Morse and Keohane, who state that "(...) the central strategic question for states is rarely 'multilateralism vs. unilateralism,' but rather what kind of multilateralism will best achieve long-term objectives."<sup>3</sup> Using this theory as background, I seek to identify the OSCE's present standing in the concert of IOs and to define possibilities of enhanced cooperation and operations between them.

## THE OSCE AND THE CONFLICT IN UKRAINE – MORE THAN A STOPGAP?

The conflict in the Ukraine did not involve a decision *in favour* of the OSCE, but rather *against* other options.

The EU and NATO were unable to act impartially, the Council of Europe does not possess the necessary capacities and the UN would not be acceptable to

### CONTESTED MULTILATERALISM

(by Julia C. Morse & Robert O. Keohane):

"Contested multilateralism" describes the situation that results from the pursuit of strategies by states, multilateral organizations, and non-state actors to use multilateral institutions [...] to challenge the rules, practices, or missions of existing multilateral institutions. [...] Some institutions are winners from the process of contested multilateralism; others may lose authority or status.'

Ukraine due to Russia's strong influence in the UN Security Council. Moreover, the OSCE's Special Monitoring Mission to Ukraine (SMM) was already active in Ukraine before an armed conflict began in the East. Luckily, the SMM was able to contribute to a certain containment of the conflict. According the SMM's mandate of 21 March 2014, the Mission's aim is to 'contribute, throughout the country [...] to reducing tensions and fostering peace, stability and security; and

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<sup>3</sup> Julia C. Morse, Robert O. Keohane, Contested multilateralism, *The Review of International Organizations*, 9, no. 1 (2014): 5.



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to monitoring and supporting the implementation of all OSCE principles and commitments.<sup>4</sup>

With regard to the concept of contested multilateralism, the OSCE is the best organization for achieving these long-term objectives, since they would be too vague for organizations like NATO or the EU. Although the political process of conflict settlement is driven by states, especially by those who have been meeting regularly since 2014 in the 'Normandy format' (Ukraine, Russia, France and Germany), the OSCE was granted a key role in the 'Minsk Process'. As a member of the Trilateral Contact Group on Ukraine and its working group with representatives of Ukraine, Russia and the OSCE, the OSCE has major influence on efforts to facilitate peace in the east of Ukraine. Besides the mandate, the Minsk documents are the SMM's main reference.

Moreover, the Swiss OSCE Chairmanship had launched the 'Panel of Eminent Persons on European Security as a Common Project' to 'provide advice on how to reconsolidate European security as a common project', in close cooperation with the Serbian and the German Chairmanships. The Panel covered a wide range of topics, with the conflict in Ukraine playing a central role, especially in its interim report. Panel reports indicate discord within the OSCE regarding the conflict: its members from various countries could not agree. Moreover, like most international efforts, the Panel focuses on the Minsk Process. Although 'Minsk' has been about the only more or less successful approach to contain the conflict, it does not appear to be leading to a sustainable solution. It is fragile because of its strong dependence on Ukraine's domestic politics. Aside from the ODIHR's election observation missions, the OSCE should study how the SMM could make better use of its presence throughout Ukraine to help create political stability, which is a prerequisite for a lasting solution of the armed conflict in the East. It is not a good sign that Ukrainian Foreign Minister Pavlo Klimkin asked for the presence of a 'strong'

international organization on the ground,<sup>5</sup> thereby questioning the value of the OSCE presence in the Donbas.

OSCE pSs should give all possible support to the OSCE and its activities in Ukraine. Quick results should not be expected, especially since non-state actors are also involved in the conflict. Nevertheless, the OSCE has demonstrated perseverance, which is one of its strengths. Endurance is also required in the conflict about the Crimean Peninsula's status. Since there are no political solutions in sight to these unresolved conflicts, the OSCE's Human Dimension and its efforts for national minorities are especially useful and needed. Astrid Thors, the OSCE High Commissioner on National Minorities, has called for establishing a designated body 'for the proper functioning of a comprehensive minority rights system, and the development of sound integration policies to strengthen the stability of the Ukrainian State'<sup>6</sup>. Enhanced attention and increased efforts will greatly help to create stability in the conflict zones. Nevertheless, the OSCE's relevance in the concert of IOs should not only be considered through the lense of the conflict in Ukraine. The renewed fighting in Nagorno-Karabakh clearly shows the organizations importance and need to act as a mediator not only in Ukraine but also beyond.

**THE OSCE AND THE CHALLENGES OF INTER-ORGANIZATIONAL COOPERATION**

In the context of today's challenges, the OSCE's activities thematically and geographically overlap with those of several other IOs - implying opportunities for useful or necessary synergies, as well as the risk of incoherencies or even contestation, as pointed out in the concept of contested multilateralism.

To create a political framework for such cooperation, the pSs adopted a 'Platform for Co-operative Security' in 1999 that is embedded in the Charter for European

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<sup>4</sup> OSCE, DECISION No. 1117 - DEPLOYMENT OF AN OSCE SPECIAL MONITORING MISSION, 21 March 2014.

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<sup>5</sup> Euronews. "Conflict ukrainien: la diplomatie patine", 4 March 2016 <http://fr.euronews.com/2016/03/04/conflict-ukrainien-la-diplomatie-patine/> (last accessed 24 April 2016).

<sup>6</sup> Astrid Thors, Address to the Roundtable "On Strengthening the Institutional Framework Related to Inter-ethnic Relations in Ukraine in the Context of Decentralization", 10 March 2016.

Security, although its potential has not yet been exploited.<sup>7</sup>

### **PLATFORM FOR CO-OPERATIVE SECURITY**

The OSCE addresses a wide range of challenges as part of its comprehensive approach to security [...] and [...] therefore seeks to pool resources and complement the efforts of other institutions. As a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE serves as a forum for cooperation with regional and sub-regional organizations and initiatives in the OSCE area. Recognizing that the “risks and challenges we face today cannot be met by a single State or Organization,” the participating States in Istanbul in 1999 adopted the Platform for Co-operative Security to define the Organization’s work with international partners and acknowledge “the key integrating role that the OSCE can play”. In the Istanbul Document, the Heads of State declared: “We offer the OSCE, when appropriate, as a flexible co-ordinating framework to foster co-operation, through which various organizations can reinforce each other drawing on their particular strengths.” The dialogue on the future of European security under the OSCE-anchored Corfu Process [since 2008] has taken a similarly inclusive approach, welcoming the contributions of all relevant organizations and institutions dealing with security.’)

Further documents followed, whose full potential was also not realized. In 2012, the Irish Chairmanship appointed the former Swedish diplomat Lars-Erik Lundin, who formulated ‘nine steps to effective OSCE engagement [...] with other relevant international organizations’.<sup>8</sup>

These steps remain within the framework of the existing structures and cover the broad spectrum of the OSCE’s activities. Most of Lundin’s recommendations remain relevant. For example, the OSCE still has no liaison offices in New York, Brussels or Strasbourg, which would allow it to intensify the dialogue with the UN, the

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<sup>7</sup> Sandra Sacchetti, The OSCE’s Platform for Co-operative Security. An Opportunity for Multilateral Coherence, Security and Human Rights, 25, no. 3 (2014): 119-29.

<sup>8</sup> Lars-Erik Lundin, Working together: the OSCE’s relationship with other, Food-for-thought paper commissioned by the CiO (2012).

EU, NATO and the Council of Europe. The OSCE needs to adopt a more flexible and output-oriented approach

### **NINE STEPS TO EFFECTIVE OSCE ENGAGEMENT**

(by Lars-Erik Lundin)<sup>8</sup>

- ▶ Step 1: In its co-operation with other international organizations the OSCE should focus on the implementation of OSCE commitments.
- ▶ Step 2: Use the Platform for Co-operative Security as an existing mandate for Co-operation to promote the implementation of OSCE commitments.
- ▶ Step 3: Use three priority goals as the main focus for co-operation: the conflict cycle [...], transnational threats and the human dimension.
- ▶ Step 4: Prioritise networking in real time [...]
- ▶ Step 5: Promote a multiannual perspective.
- ▶ Step 6: Pursue political dialogue among participating states in order to define a strategic vision of the role of the OSCE in relation to other international organisations.
- ▶ Step 7: The OSCE should focus on a limited number of priority organizations.
- ▶ Step 8: Prioritise types of meetings likely to provide deliverables in a multiannual perspective.
- ▶ Step 9: OSCE communication and information policies should focus on goals rather than actors.

in its relations to other IOs.

In the main, one has to distinguish between cooperation at the political level and on a more practical level. The former often lacks concrete results, whereas in a common field of operation, constructive solutions can be established on a practical level.

Taking a closer look at the different organizations, cooperation between the UN and OSCE appears encouraging. This is especially true due to the framework of the UN Charter’s Chapter VIII, which provides for regional arrangements ‘relating to the maintenance of international peace and security’.<sup>9</sup> This

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<sup>9</sup> United Nations, Charter of the United Nations, 24 October 1945, Article 52 (1).

framework allows the UN and OSCE to practice a complementary, uncontested multilateralism, also on a political level.<sup>10</sup>

The cooperation between the OSCE and NATO – organizations that include Europe’s security among their core goals – was very constructive in the Western Balkans in the 1990s and early 2000s, but since then has often been reduced to consultative and technical cooperation. Moreover, their relations are heavily influenced by the general political climate. For example, they have suffered from the deterioration of relations between NATO and Russia. As a consequence, the OSCE’s ‘key role in European peace and stability’, as manifested in the Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation in 1997 has not been realized. The Kosovo conflict in 1998–1999 caused severe damage to NATO–Russia relations and sidelined the OSCE, despite constructive cooperation on the ground. NATO’s New Strategic Concept of 2010 does not even mention the OSCE.<sup>11</sup>

The OSCE and the EU, which have strong political links, have had a constructive relationship, especially in the Western Balkans. Synergies on the ground should be further intensified. EU Member States should advocate for a stronger role of the OSCE within the EU. However, cooperation between IOs must be outcome-orientated and not an end in itself: without implementation, written agreements on cooperation remain unsatisfactory. In the EU’s European Security Strategy of 2003<sup>12</sup> the OSCE is only mentioned once, whereas the 2008 Report on the Implementation of the European Security Strategy refers to the constructive cooperation between the EU

and the OSCE in Kosovo and Georgia, and underlines the importance of OSCE principles and commitments<sup>13</sup>.

The OSCE, NATO, the EU and their member states must all try to draw positive lessons for Europe’s current security challenges from their constructive cooperation in the Balkans. However, the EU and especially NATO have undergone significant changes since then. The enlargements towards Central and Eastern Europe have provoked strong opposition from Russia. The OSCE’s relations with NATO and the EU strongly depend on the relations between Russia and those two IOs.

There is no reason to be overly optimistic with regard to interorganizational relations, particularly when talking about inhomogeneous organizations, which often do not serve as good examples. The 2008 Joint Declaration on UN-NATO Secretariat Cooperation only formulated the lowest common denominator and was not approved by Russia. Nevertheless, cooperation between NATO and the EU, which have many common members, could be significantly enhanced. The surprising cooperation between Frontex and NATO in the Aegean Sea in the context of the current refugee crisis are the first signs of deepening collaboration. However, the unresolved differences between Turkey and Cyprus impede greater EU-NATO cooperation.

The refugee crisis should be a field for cooperation between Europe’s security organizations, especially since it could be done without touching their core military security mechanisms. Despite the involvement of these organizations, there seems to be little chance for constructive cooperation.

‘The refugee and migrant crisis in Europe and efforts to strengthen the collective response was the central theme of parliamentary debate’<sup>14</sup> at the OSCE Parliamentary Assembly’s (OSCE PA) 15th Winter Meeting in Vienna in February 2016. Although the OSCE

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<sup>10</sup> For more details about the UN–OSCE relations in the framework of Chapter VIII, see Lamberto Zannier, *The OSCE and Chapter VIII of the United Nations Charter – Contributing to Global Peace and Security*, OSCE Yearbook 2014 (2015): 97–109.

<sup>11</sup> NATO, *Active Engagement, Modern Defence, Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, Adopted by Heads of State and Government at the NATO Summit in Lisbon, 19–20 November 2010.

<sup>12</sup> European Council, *A Secure Europe in a Better World – The European Security Strategy*, 12 December 2003.

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<sup>13</sup> European Council, *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World*, 11 December 2008: 2–11.

<sup>14</sup> OSCE Parliamentary Assembly, *2016 Winter Meeting* <https://www.oscepa.org/meetings/winter-meetings/2016> (last accessed 24 April 2016).

PA called for a 'greater intra-organizational coherence of effort',<sup>15</sup> it also stressed the 'deep divisions among [EU's] member states on the issue'.<sup>16</sup> Indeed, this deep division makes closer interorganizational cooperation seem unlikely. Nonetheless, such cooperation is highly recommendable, and should be borne in mind in future negotiations.

### **OSCE'S RECOGNITION AND ITS LEGAL STATUS - A WAY FORWARD?**

Although in 2016 the future of Europe seems very uncertain, its nations should work to overcome the divisions and better prepare for future challenges. In the Ukraine crisis, the OSCE was the only organization that could contain the conflict. It is often criticized for being weak, but since no other organization can replace the OSCE, it is high time to strengthen it. An important step would be to grant the OSCE a legal 'personality', as proposed by the Panel of Eminent Persons.<sup>17</sup> That would permit the OSCE to act more effectively on the international stage, interact with other IOs as equals and set up its missions more efficiently. The OSCE would still depend on the unity of its pSs, but becoming a legal personality would boost its role as a mediator, not as a power broker.

Although Germany has limited scope of action to strengthen the OSCE (not only because of the timeframe), it should develop new practices during its Chairmanship. One would be to hold summits more regularly to provide opportunities to sustainably reform the organization.<sup>18</sup> At this time, because the OSCE has no political initiatives it has no immediate need for a summit. However, NATO is a good example of how regular summits create pressure to create initiatives and stimulate closer political dialogue among its members.

Constant dialogue among pSs is crucial to conflict prevention.

### **CONCLUSION**

Compared with NATO and the EU, the OSCE is an inclusive organization that is needed for Europe's security. Because major international players like Russia will always feel undermined and ignored, and the security concerns of smaller states will not be heard, a *new* security system is required to create long-lasting peace and stability: The OSCE should not be the stopgap.

A constructive geographic and thematic division of labour is possible between NATO, the EU and the OSCE. There is no need for a new codified framework to regulate this division of labour: The political will of all parties is key to establishing such cooperation. Making the OSCE an equal partner to other IOs could help improve NATO and EU relations with Russia. The acceptance of all IOs and an enhanced constructive cooperation would create a new framework for Europe's security.

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<sup>15</sup> OSCE Parliamentary Assembly, Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement (2016): 5.

<sup>16</sup> OSCE Parliamentary Assembly, Migration Crisis in the OSCE Area: Towards Greater OSCE Engagement (2016): 8.

<sup>17</sup> Panel of Eminent Persons, Lessons Learned for the OSCE from its Engagement in Ukraine, Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project (2015): 11.

<sup>18</sup> See Chapter 'Reforming OSCE Decision-Making Bodies'.

# THE CATCH-22 SITUATION IN ARMS CONTROL AND CONFIDENCE-BUILDING

BY NADJA DOUGLAS

The current Ukraine crisis and rigid fronts between Russia and the West all too clearly show that we have returned to a political stalemate that was long believed overcome. Today, the period of a functioning security dialogue, strategic restraint and joint NATO-Russian military exercises seems unreal. The arduous process of rapprochement by means of countless confidence-building measures between OSCE participating States (pSs) have been thrown back light years when compared with the progress achieved in the late 1990s/early 2000s.

In fact, in recent years, confidence- and security-building measures (CSBM) have been marginalized by EU and NATO efforts to promote other instruments of crisis management, such as the deployment of civilian and military missions, sanctions regimes and military rapid response forces. This paper argues that these indicate a development that is detrimental to cooperative and indivisible security in Europe – and the entire Northern Hemisphere. It seeks to show how confidence-building can be brought down from an abstract level to render it more concrete and tangible.

## WHAT IS CONFIDENCE-BUILDING AND WHY IS IT SO IMPORTANT?

Confidence-building measures are used to help overcome disagreements, for instance those regarding historical resentments that crop up in mediation and rapprochement processes. When these measures extend to military transparency and the modification of security

policies (including information exchanges about troop numbers, heavy weapon systems and general military planning, as well as regular on-site inspections), they become a special tool of conflict prevention and management. After the end of the East-West confrontation, building confidence between former antagonists on both sides of the divide became an important activity.

Today we are dealing with an increasingly fragmented international security environment that is divided into a Euro-Atlantic, a Eurasian and an undefined space in-

## HISTORY OF CONFIDENCE- AND SECURITY-BUILDING:

The first structured negotiations took place during the Conference on Confidence- and Security-Building Measures in Europe held in Stockholm between 1984 and 1986. The negotiations continued in Vienna until 1989 and led to the Vienna Document of 1990. After several supplementary rounds and the modification of technical issues (under the auspices of the Forum for Security Co-operation, FSC), an updated document was adopted during the OSCE Ministerial Council in Vilnius in 2011 ('VD2011'). Discussions continue about a substantial modernization of the Vienna Document.

between. In light of this, the Treaty on Conventional Forces in Europe (the CFE Treaty) – once regarded as the

'cornerstone of European security' – must be considered as abrogated. The Vienna Document and the Treaty on Open Skies are the only remaining moderately functioning CSBM mechanisms in the OSCE area. But they are in dire need of modernization.

### **CAN THE GERMAN CHAIRMANSHIP RESOLVE THE PROBLEM?**

The conflict in Ukraine shows that the absence of a reliable conventional arms control regime has disastrous

#### **WHAT HAPPENED TO THE CFE TREATY:**

The original CFE Treaty, signed and ratified in 1990 by NATO and the Warsaw Pact, regulated conventional disarmament in terms of ceilings in five categories of weapons and deployment areas for both blocs. In the course of changed geopolitical circumstances (the dissolution of the Warsaw Pact and NATO enlargement), the 1999 OSCE Summit in Istanbul produced an adapted version of the Treaty that eliminated the bloc constellation and regulations for the flank regions. This Treaty has never come into force, however, since NATO Member States rejected ratification on the grounds that Russia had not withdrawn troops, weapons and munition from the conflict regions in Moldova and Georgia. Russia, in turn, reacted to the non-ratification by suspending its participation in the CFE Treaty regime in 2008. After renewed negotiations in the '36' format (30 CFE Treaty States-Parties plus six new NATO Member States) ended in deadlock in May 2011, a majority of NATO Member States suspended implementing their treaty obligations towards Russia in late 2011. The remaining states have continued to exchange information annually. In 2015, Russia completely withdrew from the joint consultative groups. A new conventional arms control regime including all principal stakeholders is clearly needed.

consequences on military transparency and predictability with regard to troop developments in the conflict area. Despite the current catch-22<sup>19</sup> in conventional arms control, the remaining – politically binding – instruments, such as the Vienna Document and the Open Skies Treaty, have filled the void as

compensation mechanisms for the dysfunctional but legally binding CFE Treaty. Moreover, the OSCE has proved to be the only inclusive forum for dialogue on CSBMs and disarmament issues despite recent tendencies of states to play the various multilateral institutions off each other<sup>20</sup>

The German Chairmanship is confronted with the challenge of not only maintaining and strengthening the OSCE acquis in the politico-military realm, but also re-establishing the OSCE's focal role ('OSCE first') in the sphere of military confidence and civilian crisis management in Europe. However, one prerequisite is for NATO to not only back modernization of the Vienna Document (and achieve transparency with regard to Russian military activities) but to also recognize the need to embrace conventional arms control instead of fostering a new arms race. NATO, too, must make concessions to Russia, which would like to limit the stationing of troops in neighbouring NATO states. A number of obstacles that are not under the German Chairmanship's control (e.g., a permanent and sustainable ceasefire in Ukraine) will have to be overcome in order for the 5th CFE Review Conference in autumn 2016 to produce any substantial outcome. The Conference must be prevented from becoming yet another routine technocratic event: It should signal that arms control is taken seriously and discussed at a high level.

Members from the expert community have advanced proposals that return the focus to pragmatic aspects of arms control. These include achieving consensus on appointing an OSCE Special Representative for Arms Control who could help implement the Vienna Document and set the course for a framework agreement with the goal of resuming negotiations on modernizing the conventional arms control regime. The Special Representative could also be authorized to align proposals and positions from pSs and establish permanent contacts with counterparts in NATO, the EU and the CIS/CSTO.

<sup>19</sup> A dilemma with no easy solution or exit.

<sup>20</sup> See Chapter 'The OSCE in the concert of international organizations'.



### **FOSTERING DIALOGUE ON THREAT PERCEPTIONS**

Russia has abandoned its original concerns and demands regarding the CFE and now concentrates on an obstructive approach (rejecting further arms control with reference to its programme to modernize the Russian armed forces and weapon systems by 2020), while the United States (US) continue to insist on the same demands they have made for over 15 years: The Russian military must withdraw from Transnistria, South Ossetia and Abkhazia and accept the principle of host-nation consent. In other words, not only are the two sides talking at cross purposes but they are also making complex political issues a condition for their further support for conventional arms control. Both Russia and the US are holding hostage the security concerns of OSCE pSs (especially those caught between the Euro-Atlantic and Eurasian geopolitical interests). Rather than evoking threat perceptions and scenarios, focus should be placed on common threats and security risks. In other words, in today's conflict-laden political discourse, it is essential to not lose sight of why the OSCE was founded: to work towards a system of cooperative, equal and indivisible security.

Despite everything, it is worth recalling repeated US and Russian commitments to arms control, as the following quotes illustrate:

“In principal we acknowledge the usefulness of a regime on conventional armed forces in Europe and are not prepared to assume the role of the ‘undertaker’ of this regime. On the contrary, we are ready to engage in dialogue [...] Unfortunately, there are a lot of contradictions that are not only related to Russia. There are also contradictions between other states, among others between those in the Alliance.”<sup>21</sup>

“The arms control and confidence-building regimes we developed towards the end of the Cold War showed the world, as President Bush said at the time, ‘the true

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<sup>21</sup> Mikhail Ulyanov, Head of the Department on Non-Proliferation and Arms Control, Ministry of Foreign Affairs of the Russian Federation, 11 March 2015, [http://archive.mid.ru//brp\\_4.nsf/newsline/15C1BBE407BF80BB43257E0500527023](http://archive.mid.ru//brp_4.nsf/newsline/15C1BBE407BF80BB43257E0500527023) (last accessed 24 April 2016).

meaning of the concept of openness [...] We need to find a way forward – not walk away because Russia has veered off course. We call on Russia to join us in improving security in Europe...”<sup>22</sup>

One of the main tactics of both the American and Russian parties is to blame each other for the current stagnation and failed implementation in order to conceal their actual interests and strategies. They are aware that they are the key actors in the process, which makes negotiations almost impossible every time one of them stalls the process.

Whereas in the US, partly due to its NATO leadership, arms control plays an important but not dominant role, the situation is completely different in Russia. There, in the context of an excessive security discourse and complex (which certainly has historical reasons), the discourse is determined by the perception of Western superiority with regard to conventional strategic weapon systems. That is, the threat perceptions could not be more different between East and West. This makes it reasonable for the OSCE to discuss adding a subchapter on threat perceptions to Chapter III of the Vienna Document that deals with the mechanism of consultation and cooperation in case of unusual military activities.

### **MAKING CONFIDENCE-BUILDING TANGIBLE**

Especially in the politico-military realm, it would be worthwhile to reflect on how to incorporate the peace-promoting capacity of civil society organizations into the portfolio of CSBMs and disarmament negotiations. One possibility would be to renew efforts to further engage civil society (beyond expert circles and government-related think tanks) and better acquaint the general public with arms control and CSBMs. In this context, the role and task of the OSCE Civic Solidarity Platform<sup>23</sup> could also be expanded. There has been no consensus in

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<sup>22</sup> Rose Gottemoeller, Open Skies Treaty Third Review Conference, 10 June 2015, <http://iipdigital.usembassy.gov/st/english/texttrans/2015/06/20150611316276.html#ixzz41qKi5qZk> (last accessed 24 April 2016).

<sup>23</sup> The ‘Civic Solidarity Platform’ is a decentralized advocacy network of independent civil society groups and activists from the entire OSCE region that attempt to create transnational cooperation on specific human rights topics.

the OSCE regarding a formal expansion and shift of the beneficial role of civil society actors from the Human Dimension to the Politico-Military Dimension. In the past, the combination of political will, pressure from an increasingly transnationalized civil society and a mobilized public created the most important conditions for successfully concluding internationally relevant treaties and conventions such as the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

Most CSBM measures remain weak because they are geared towards preventing armed conflicts between, but not within, states – as the Ukraine crisis demonstrates. CSBMs should be expanded and more proactively applied to regional as well as sub-regional conflicts. This could refocus attention on the CSBMs' potential as an instrument for preventing regional conflicts.

#### **THE IDEA BEHIND THE OPEN SKIES**

The Treaty on Open Skies of 2002 supplements and extends on-site inspections regulated by the Vienna Document and the CFE Treaty by allowing surveillance flights in its 34 Member States by means of certified aircraft equipped with special sensors. Although this Treaty is not officially part of the OSCE, the Open Skies Consultative Commission, which is in charge of implementation, meets at the OSCE Secretariat in Vienna.

Back in 2005, in order to achieve more sustainable progress in resolving the Transnistrian conflict, the local OSCE Mission proposed a CSBM package. It was partly modelled on the CFE Treaty, the Vienna Document and the Agreement on Sub-Regional Arms Control (signed in Florence under OSCE supervision in 1996 as part of the Dayton Accords). The negotiations on Transnistria have

been suspended for quite some time; it is doubtful that they will be resumed in the near future. Nevertheless, like ongoing negotiations in other conflicts, providing a status-neutral approach seems adequate. This is also true in cases where the OSCE and special mediators on the ground are dealing with regional arms control mechanisms that involve de-facto states or non-state actors. Needless to say, sustainable arms control solutions in regional and sub-regional contexts also could provide greater incentives for restarting talks on a pan-European level.

#### **CONCLUSION**

Conventional arms control also remains the key to and precondition for further arms reduction talks with regard to the nuclear sphere. Progress in this matter would enable pSs to jointly re-think security in both the Euro-Atlantic and Eurasian regions (and potentially abandon the rhetoric of two separate security regions that has been heard since the Astana Commemorative Declaration of 2010). However, the opportunity costs are much higher now than compared to 2008, when questions of an overarching European security community were treated rather shabbily. Lacking other deliverable agreements, arms control could once again – similar to the situation during the Cold War – represent the last tool for building confidence between East and West.

In sum, the OSCE remains the only (not yet fully institutionalized) forum for East-West exchange on security issues. This is just one reason to prioritize the Organization again, particularly in spheres like arms control and CSBMs where, compared with other multilateral actors, it has greater normative, practical and technical expertise and experience.



# REFORMING OSCE DECISION- MAKING BODIES

**BY RAPHAËL BEZ**

In 1975, a historical document of multilateral diplomacy was signed: the Helsinki Final Act. This document, based on East-West consensus, is still something to cherish and to protect. It should remain the fundament of the OSCE. This fragile balance elaborated during Détente needs no reform: What must be re-thought are the Organization's structure and decision-making bodies. Concrete and realistic measures that do not threaten the OSCE's core principles of consensus and equality between participating States (pSs) could boost confidence and inclusiveness. Both are essential to enable a fruitful and constructive political dialogue. However, structural reform should also address the Organization's effectiveness, which is particularly crucial now, with limited financial resources and strong competition with other international actors.

The OSCE's decision-making bodies are divided into three levels: the Permanent Council (PC) and the Forum for Security Co-operation (FSC); the Ministerial Council (MC) and the Summit. An extra level should be added: the Chairmanship and the Troika. These two bodies ought to be considered as part of the executive. However, since they have decision-making competences, it is important to include them in this chapter, which examines these OSCE bodies to find out how to make the Organization more efficient, with more capabilities. This might be the only way to revive the initial Helsinki spirit of constructive dialogue and consensus.

## **THE OSCE CHAIRPERSON-IN-OFFICE (CIO)**

The OSCE Chairperson-in-Office (CiO) plays a key role in the organization since it can set priorities, coordinate the decision-making process and the work of OSCE institutions. It also performs representative duties with respect to other international organizations (IOs) and participating States (pSs). The Troika – composed of the current CiO, as well as the future and former Chairpersons – is there to support and advise the current Chairperson, guaranteeing continuity in the Organization's leadership.

This analysis is primarily based on the author's practical experience with the OSCE, informal discussions with relevant actors and background research. The few studies that focus on the OSCE have not studied reform of the decision-making bodies: there is no solid science underpinning these recommendations. However, the hybrid approach – half scientific, half 'practical' – can give them an interesting added value: the potential to be easily implemented by the OSCE's major players.

### **THE CHAIRMANSHIP AND THE TROIKA**

The CiO's tasks require significant human and financial resources, which means that there are inequalities between the pSs: Those with limited funds and fewer staff members are discriminated against. Added to that, only a pS that has reached a consensus in the PC regarding its candidacy, can access the influential position of CiO. Therefore, traditionally only non-P4 countries (USA, France, United Kingdom and the Russian Federation) and European middle-power states chair the Organization. In 2014, Switzerland assumed the role for the second time, followed by Serbia in 2015,

### **ROLE OF THE OSCE SECRETARIAT**

It is important to not forget the key role played by the OSCE Secretariat. Although the Secretary General and staff belong to the Organization's executive structures, they provide significant support to the CiO and the Troika, including in their decision-making processes, especially regarding the activities of the field missions and appointments of the Heads of Mission.

currently held by Germany (2016) and to be assumed by Austria in 2017 (both also for the second time). The CiO has great freedom to manoeuvre, notably in terms of setting the agenda, and can define its own priorities; with enough engagement, it can become highly visible on the international stage. Adequate funding and qualified staff members are key factors to the success of any Chairmanship because they give it the freedom to act alone (for example, funding extra-budgetary projects or organizing conferences and influencing the organization's priorities and capacities) and reach a consensus when a formal decision is needed (which requires great skills in multilateral diplomacy). A Chairmanship can also be unambitious, limiting itself to 'business as usual', as has been the case in numerous occasions, especially since 2000.

### **RECOMMENDATIONS**

◆ To foster continuity and coherence within the Organization despite the single-year Chairmanship, joint working plans with common priorities and

joint appointments of Special Representatives must be coordinated between the incoming chairs. This practice would lead to the implementation of consecutive Chairmanships, as in the case of Switzerland and Serbia in 2014-2015.

### **THE FOUNDING AGREEMENT OF THE OSCE: THE HELSINKI FINAL ACT**

The Helsinki Final Act of 1975, the founding agreement of the OSCE, was made possible thanks to the fine balance reached between the interests of the Eastern bloc (security) and Western countries (democracy, fundamental rights and the state of law), which took the shape of three 'baskets': 1. the Politico-Military Dimension, 2. the Economic and Environmental Dimension, and 3. the Human Dimension. This diplomatic success formed the basis of the OSCE's comprehensive approach to security. During the 1990s, as the EU was rising while the newly founded Russian Federation was going through a period of transition that weakened its role as a key international actor, the OSCE focused its activities on the Human Dimension. In the Russian Federation of Vladimir Putin, he and his allies have complained about this inequality, which particularly disadvantages the second dimension, and have tried to weaken the Human Dimension by trying to reduce its funds. The current lack of trust within the OSCE makes it impossible to find a new balanced approach that satisfies everybody.

- ◆ The CiO should organize a one-day ambassadorial retreat after the MC meeting, in December or January, to discuss the next year's objectives. This would enable a more inclusive and transparent approach to the Organization's leadership, boost the confidence of the delegations in Vienna in the CiOs and strengthen cooperation between the current and incoming Chairpersons.
- ◆ A two-year Chairmanship (one year as incoming and one year as outgoing CiO in the Troika) should replace the current one-year mandate. This would strengthen the OSCE's continuity and stability and prevent a frequent change of leadership.

**DIALOGUE, CONSENSUS, COMPREHENSIVE SECURITY, FIELD ACTION**  
**WHY THE OSCE NEEDS A NEW IMPETUS NOW**

- ◆ The choice of a new CiO should occur well in advance – at least one year before joining the Troika – in order to help prepare and plan the presidencies.
- ◆ The Troika should act as an ‘advisory board’ for the CiO – along with experts from academia, practitioners and members of civil society – and insuring respect for the balance between the OSCE’s three dimensions.

**THE PERMANENT COUNCIL AND THE FORUM**  
**FOR SECURITY CO-OPERATION**

**REGULAR SCHEDULE OF THE FORUM FOR**  
**SECURITY CO-OPERATION (FSC) AND**  
**PERMANENT COUNCIL**

Every Wednesday, for the Forum for Security Co-operation (FSC), and Thursday for the Permanent Council (PC), the delegations get together to listen to reports and invited guests, and discuss relevant current military topics and political affairs. The PC is the OSCE’s main body for political dialogue and decision-making; it focuses on the Organization’s operations, the institutions’ mandates and field operations, and crisis responses.

The PC and FSC meetings are one of the OSCE’s main assets: Each week, the pSs sit at one table and exchange their positions regarding military, security and political matters. Regular guests from inside and outside the OSCE provide them with input. This permanent dialogue platform provides each pS, regardless of its size or geopolitical relevance, a unique opportunity to be heard. However, within this highly political organization, which lacks a strong secretariat and any legal status, written statements are often presented which stress national positions instead of making constructive contributions to a common process of crisis resolution. Since the EU was enlarged, 28 of 57 pSs now usually speak with just one voice during a PC meeting. Within the decision-making bodies, debates are lacklustre; the real discussions have been moved out of these inclusive formats into informal meetings and consultations. With informality winning over formality, the transparency and equity of the decision-

making process is challenged: nobody can assure that each pS will be heard outside of the formal weekly meetings. This situation undermines confidence and trust between the actors.

**RECOMMENDATIONS**

- ◆ More thematic PC sessions with relevant experts, practitioners and high-level guests should be organized to avoid having discussions on too many topics in a single meeting. FSC and PC meetings – as well as joint FSC-PC meetings – should focus on the cross-dimensional topics that cannot be discussed in one of the three committees.
- ◆ In regularly held coordination meetings, the chairs of the three General Committees (the General Committee on Political Affairs and Security; the General Committee on Economic Affairs, Science, Technology and Environment; and the General Committee on Democracy, Human Rights and Humanitarian Questions) should help the CiO organize the PC meetings – by suggesting topics and preparing decisions/declarations, while also preserving the balance between the three dimensions.
- ◆ The Committee Chairpersons should coordinate their work through frequent thematic joint meetings, which could focus the debate on one specific topic outside of the PC.

**THE MINISTERIAL COUNCIL AND**  
**THE SUMMIT**

These high-level meetings constitute landmarks in the OSCE’s annual schedule and are essential for providing the necessary political impetus to the Organization. Momentum created before and after the MC or a Summit stimulates the delegations in Vienna and pressures them to reach consensus. An MC or a Summit gathers both OSCE delegations and staff from all the pS capitals in one place, which makes the decision-making process more efficient. However, when such meetings are held outside of Vienna, political manoeuvres and bargaining – to show the power and influence of some delegations and/or the success of the Chairmanship – may impede fruitful debate. Unlike the annual MC, Summits only take place on a voluntary basis and

### **THE ANNUAL GATHERING OF THE MINISTERS OF FOREIGN AFFAIRS**

Once a year, the Ministerial Council (MC) gathers the Ministers of Foreign Affairs from all the pSs. The MC is the Organization's central decision-making and governing body, which approves documents prepared and adopted by the PC and FSC. Its main goal is to provide political guidance for the Organization's day-to-day affairs. The MC can also play a crucial role in resolving controversies that have not reached consensus in the PC, usually in informal meetings or behind closed doors. Instead of MC meetings, reunions of Heads of State and Government can hold 'Summits' to set the priorities and provide guidance.

irregularly. Summits serve to represent the political will of the various pSs, thus impacting the political relevance and effectiveness of OSCE actions and policies.

### **RECOMMENDATIONS**

- ◆ A Summit should be held at least every five years to strengthen the OSCE's international profile and relevance.
- ◆ High-level meetings should focus on providing guidance and promoting the Organization's agenda. More opportunities should be given for high-level officials (Ambassadors, Ministers and Heads of State and Government) to talk and negotiate behind closed doors – where written statements are not needed and there is room for direct exchange.

- ◆ The MC should focus on just a few controversial topics that have not yet reached consensus in Vienna. Starting in February or March, ministerial decisions/declarations should be adopted throughout the year, in coordination with the three committees.
- ◆ High-level retreats with Ministers could be organized with the aim of preparing the annual MC or a Summit.

### **CONCLUSION**

Reforming the OSCE's decision-making bodies could definitely help to revive the initial Helsinki spirit of constructive dialogue and consensus. However, it is important to underline that such measures cannot be entirely effective without the engagement of the key players in the pSs. In this regard, recurrent calls from some leading Western countries to limit the annual OSCE budget to zero nominal growth and their attempts to revise the scale of contributions (thereby reducing their shares) reveals the fragility of the current situation and the inconsistency of some positions.

Besides its decision-making structures in Vienna, however, the OSCE has another great comparative added value: its field activities. Its strong presence on the ground, with a relatively weak Secretariat in Vienna, makes this unique organization invaluable. To complete its current transition and get back on track, the OSCE must build on this acquis and figure out how to improve the efficiency of its field operations and stay connected to the Secretariat.

# OSCE FIELD OPERATIONS AFTER THE UKRAINE CRISIS: IN SEARCH OF A NEW STRATEGY?

BY ANASTASIA RYBACHENKO

The long-standing disagreements between NATO and Russia have been left unresolved for decades. In 2014 they finally escalated into an outright confrontation on the European continent, in which most European countries are now involved. Armed conflict in Eastern Ukraine, information warfare, along with a military buildup – these developments signalize clearly that European security is in danger today.

If the OSCE is to resolve this crisis, there needs to be more than a high-level dialogue among OSCE participating States (pSs) on the future of European security. It could be years before such dialogue would bring results and a way out of this dangerous confrontation would be found. Until then, this dialogue must be accompanied by the OSCE's work on the ground through its field operations targeted to prevent outbreaks of new conflicts similar to that in Ukraine.

This work is particularly needed in the countries of Eastern Europe and the South Caucasus, where the lines of geopolitical contest are drawn today. Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan – over the fate of these six states a particularly intense struggle has unfolded. While they have been developing closer relations with NATO and the EU, the example of Georgia in 2008 showed clearly that Russia will oppose increasing Western influence in its neighbourhood. The recent example of Ukraine not only proved this once again, but has also demonstrated that in the time of increasing instability in Europe, even states without 'frozen conflicts' on their territories are vulnerable to

outbreaks of armed clashes that could lead to civil war and partition.

The OSCE and its field operations have been slow to respond strategically to these new challenges. In contrast to the OSCE field operations in the Western Balkans, the OSCE operations in Eastern Europe and the South Caucasus are much smaller and have lower budgets. Unlike the OSCE field operations in Central Asia, they do not have explicit conflict prevention mandates, focusing instead on the resolution of already existing 'frozen conflicts'. Moreover, in three of the six countries of Eastern Europe and the South Caucasus – Azerbaijan, Belarus and Georgia – there is no OSCE field operations at all.

The following analysis first elaborates on the risk of violent conflicts in Eastern Europe and the South Caucasus. It then argues that the OSCE should take action by first enlarging its field operations in Moldova and Armenia before re-suming establishing field operations in Georgia, Azerbaijan and Belarus. Finally, it should task all field operations in Eastern Europe and the South Caucasus with conflict prevention.

## CAN THE CONFLICT IN UKRAINE TRIGGER A DOMINO EFFECT? THE CASE OF MOLDOVA

When the protests in Chişinău gained momentum in September 2015 and 100,000 people took to the streets, many warned that Moldova would suffer the same fate as Ukraine. Indeed, many of the factors which triggered the crisis in Ukraine were also evident in Moldova.

Like Ukraine in the fall of 2013, Moldova has been facing a severe political crisis since early 2015. Enormous levels of corruption, which caused the International Monetary Fund (IMF), the World Bank and the EU to suspend their financial support to this country, and the deteriorating economic situation of ordinary people led to numerous mass protests, which began in March 2015 and have forced three governments to resign in less than a year.

As in Ukraine, in Moldova a tug of war between Russia and the West also took place. However, in Moldova the prevalent sentiment was not pro-Western but increasingly pro-Russian. According to the International Republican Institute's Moldova Poll, the majority of the population of Moldova, which had signed an Association Agreement with the EU only two years earlier, now prefers 'Eurasian' integration with Russia to continuing on the EU path.<sup>24</sup> While the current Moldovan government remains pro-European, pro-Russian sentiment is often exploited by the opposition in order to win popular support.

These similarities lead many to compare the protests in Moldova with Ukraine's Euromaidan. However, in contrast to Ukraine, the government of Moldova did not use brutal force against demonstrators, while demonstrators did not use weapons against the police. And while the political crisis in Ukraine resulted in the deaths of more than 100 people, no deadly incidents have been reported in Moldova so far.<sup>25</sup>

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<sup>24</sup> Respondents were asked the question "If Moldova could only join one international economic union, which one should it be?". 38% chose the EU and 45% the Customs Union/Eurasian Union. For more details see: IRI, Public Opinion Survey Residents of Moldova, 29 September - 21 October, 2015: [27 iri.org/sites/default/files/wysiwyg/2015-11-09\\_survey\\_of\\_moldovan\\_public\\_opinion\\_september\\_29-october\\_21\\_2015.pdf](http://iri.org/sites/default/files/wysiwyg/2015-11-09_survey_of_moldovan_public_opinion_september_29-october_21_2015.pdf) (last accessed 24 April 2016).

<sup>25</sup> However, ten people, among them seven policemen, were injured on January 20, 2016, when the protesters stormed the Parliament building. For more details see: Imogen Calderwood, Hundreds of protesters storm Moldovan parliament in anger after country appoints third prime minister in less than a year, Daily Mail, 20 January 2016 [dailymail.co.uk/news/article-3408774/Hundreds-protesters-storm-Moldovan-parliament-country-appoints-prime-minister-year.html#ixzz44wJuYmbc](http://dailymail.co.uk/news/article-3408774/Hundreds-protesters-storm-Moldovan-parliament-country-appoints-prime-minister-year.html#ixzz44wJuYmbc) (last accessed 24 April 2016).

The situation in Moldova is further complicated by regional transborder threats, which now emanate primarily from Eastern Ukraine. According to Moldova's Prosecutor General, dozens of Moldovan citizens are fighting in Eastern Ukraine - on the side of the Donetsk and Luhansk militias. Several Moldovans were also reported to be serving in the battalions fighting on the side of the Ukrainian government.<sup>26</sup> Moldovan citizens who fight in Eastern Ukraine constitute an imminent threat to Moldova itself because after returning to their home country they might apply their military experience there.

Furthermore, weapons can easily spread from the conflict areas in Eastern Ukraine, destabilizing the rest of the country, neighbouring states and the region as a whole. Both the Ukrainian authorities and the militias in Donetsk and Luhansk regularly call upon those armed groups and battalions, which neither of them can control, to lay down their arms or join the 'official' armed forces.<sup>27</sup> Numerous disarmament operations have been carried out since 2015, but some groups refuse to disarm.<sup>28</sup> As to the fighters who had agreed to lay down arms, there is no independent verification that they have actually declared and relinquished all their weaponry. Moldova is not the only state facing such challenges. Other countries in Eastern Europe and the South

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<sup>26</sup> Among them, the case of 24 years old Cristian Jereghi was the most resonant. For more details see: Leonid Rjabkov, Kristian, syn moldavskogo kinorežissera Valerija Žeregi: Sveči u posol'stva Rossii - èto sočuvstvie agressoru! Komsomolskaya Pravda, 2 November 2014 [kp.md/daily/26453.5/3323702](http://kp.md/daily/26453.5/3323702) (last accessed 24 April 2016).

<sup>27</sup> In 2015 the Security Service of Ukraine (SBU) called upon the armed formations which do not want to join the Ukrainian official armed forces to forfeit their arms. At the same time Donetsk and Luhansk issued 'decrees', which obliged all persons not belonging to the 'official' military to forfeit their weaponry. For more details see: Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine, 16 February to 15 May 2015: [7.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf](http://7.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf) (last accessed 24 April 2016).

<sup>28</sup> TASS, Ukrainian military prosecutor considers Right Sector illegal armed formation, 2 February 2016 [tass.ru/en/world/853999](http://tass.ru/en/world/853999) (last accessed 24 April 2016). Kyiv Post, Far-right group says it aims to 'open second front' against government, 21 February 2016 [kyivpost.com/article/content/ukraine-politics/far-right-group-says-it-aims-to-open-second-front-against-government-408583.html](http://kyivpost.com/article/content/ukraine-politics/far-right-group-says-it-aims-to-open-second-front-against-government-408583.html) (last accessed 24 April 2016).



Caucasus are also suffering from the ongoing geopolitical contest for influence in these regions, the transborder threats emanating from Ukraine, and have been experiencing economic hardship after the downturn in Russia and the fall of oil prices in 2015.<sup>29</sup> If these risk factors are not contained, internal political instability and new armed conflicts are possible here.

In their host countries, OSCE field operations perform various conflict prevention activities – from countering propaganda for war to fighting illicit trade in small arms and light weapons ('SALW'). All these activities are urgently needed in Eastern Europe and the South Caucasus, where the risk that a domino effect might follow the Ukraine conflict is particularly high.

### **ENLARGING OSCE FIELD OPERATIONS IN MOLDOVA AND ARMENIA**

The current staff of the OSCE Mission to Moldova comprises 52 people; in Armenia, the OSCE Office has roughly the same number of posts. In these two countries of 3.5 and 3 million people, respectively, OSCE field operations are one-tenth the size of the OSCE Mission in Kosovo, the population of which is less than two million people. In Bosnia and Herzegovina, whose population is only slightly larger than that of Moldova and Armenia, the OSCE Mission has 321 posts.

On the one hand, in the Western Balkans, which went through a decade of devastating civil wars, an international presence is a key to stabilization. On the other hand, most of the states in this region have already achieved some degree of stability. For instance, the United Nations Mission in Bosnia Herzegovina ('UNMIBH'), which comprised 1,414 posts, was closed in 2002 'following the successful conclusion of its mandate'.<sup>30</sup> The EU Police Mission in Bosnia and

Herzegovina (EUPM), launched in 2002 with an initial size of 774 posts, was ended in 2012 as it had 'achieved significant progress in all areas of its mandate and [...] the exit strategy should be implemented'.<sup>31</sup>

As with regard to Kosovo, the situation there remains tense as this territory lacks international recognition and hence the issue of North Kosovo's status remains severe. However, there are many other IOs, besides the OSCE, which operate in Kosovo. In addition to the OSCE Mission with 567 staff members, the UN Mission has more than 360 people, the EU Rule of Law Mission (EULEX) has more than 150 staff members and NATO's Kosovo Force (KFOR) has about 5,000 soldiers.

In contrast to the Western Balkans, in Eastern Europe and the South Caucasus the IOs such as NATO, the EU and the UN are not heavily involved. Moreover, a stronger presence of the EU or NATO here would only spark geopolitical tension. Strengthening OSCE field operations in these regions could compensate for the lack of presence of other IOs.

The OSCE field operations in Eastern Europe and the South Caucasus should be enlarged, with the possibility of relocating some international OSCE experts from the Western Balkans to those regions. In particular, the capacities of the OSCE Mission to Moldova and the Office in Yerevan should be increased.

In Moldova, the OSCE Mission's long-term programme to combat illicit accumulation and trafficking of SALW could contribute to preventing the spread of arms from neighbouring Ukraine and it would be reasonable to increase funding to this programme.

With regard to the Office in Yerevan, providing it with additional resources would enable it to engage more people in the Office's long-term community policing model. Increasing public confidence in the police and promoting respect for human rights among policemen helps prevent violence during mass demonstrations.

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<sup>29</sup> World Bank, Europe and Central Asia: Modest Recovery in the West, but Sharp Slowdown in the East, 26 October 2015 [worldbank.org/en/news/press-release/2015/10/26/europe-and-central-asia-modest-recovery-in-west-but-sharp-slowdown-in-east](http://worldbank.org/en/news/press-release/2015/10/26/europe-and-central-asia-modest-recovery-in-west-but-sharp-slowdown-in-east) (last accessed 24 April 2016).

<sup>30</sup> UN, Bosnia and Herzegovina – UNMIBH – Mandate (2003) [un.org/en/peacekeeping/missions/past/unmibh/mandate.html](http://un.org/en/peacekeeping/missions/past/unmibh/mandate.html) (last accessed 24 April 2016).

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<sup>31</sup> EEAS, European Union Police Mission in Bosnia and Herzegovina (EUPM) (2012) [eeas.europa.eu/archives/csdp/missions-and-operations/eupm-bih/pdf/25062012\\_factsheet\\_eupm-bih\\_en.pdf](http://eeas.europa.eu/archives/csdp/missions-and-operations/eupm-bih/pdf/25062012_factsheet_eupm-bih_en.pdf) (last accessed 24 April 2016).

**OSCE FIELD OPERATIONS IN GEORGIA,  
BELARUS AND AZERBAIJAN AT A GLANCE**

The OSCE Mission to Georgia dealt primarily with the 'frozen conflicts' in Abkhazia and South Ossetia, two Georgian regions, which had been seeking independence since the early 1990s. In 2008, following the Georgia-Russia conflict, Russia insisted on modifications in the Mission's mandate, including exclusion of the provisions on Abkhazia and South Ossetia, which it no longer recognized as parts of Georgia. This demand met with opposition from Tbilisi. Since the parties failed to reach a compromise, no prolongation of the mandate of the OSCE Mission could be agreed in the end of 2008.

Belarus hosted an OSCE Advisory and Monitoring Group in Minsk from 1997 to 2002. In 2002, the Group was closed and the OSCE Office in Minsk came into existence instead. In contrast to the Group, the Office was not mandated to promote democracy. Despite the removal of this sensitive for Belarus issue, the Belarusian authorities repeatedly sought to get rid of the OSCE's local presence completely. In 2010, they did not prolong the Office's mandate. This decision was announced soon after the presidential election of December 2010, which the ODIHR sharply criticized for falling short of international standards.

Azerbaijan hosted the OSCE Office in Baku from 2001 until 2013, when it was transformed into the OSCE Project Co-ordinator in Baku and the mandate was downgraded. In 2015, in reaction to the OSCE's suspension of the mandate of OSCE Project Co-ordinator Alexis Shakhtakhtinsky, who allegedly was maintaining close relationships with the Azeri government while downgrading relationships with civil society, Azerbaijan did not prolong the mandate of the OSCE field operation.

This is particularly crucial in times of political instability, when police brutality can make a crisis even more severe.

And given that the OSCE currently maintains field operations in only three of the six countries of the Eastern Europe and the South Caucasus regions, expanding at least the existing operations could

positively contribute to the stability of these regions at large.

**RE-ESTABLISHING OSCE FIELD OPERATIONS  
IN GEORGIA, AZERBAIJAN AND BELARUS**

The OSCE field operations in Georgia, Belarus and Azerbaijan were closed in 2008, 2010 and 2015, respectively.

In the case of Georgia, it is in the country's best interest to host an OSCE field operation even if it would not deal with the issue over Abkhazia and South Ossetia. An OSCE field operation here should first assist the country in addressing the terrorist threat in the Pankisi Gorge. As Russia is also concerned with the growing terrorist threat on its southern border but hardly cooperates with Georgia in the area of security due to worsened bilateral relations after the 2008 conflict, it hence could also be convinced to support deployment of an OSCE field operation to Georgia to counter terrorism.

As with regard to Azerbaijan and Belarus, both countries are now reluctant to re-open OSCE field operations. OSCE representatives should regularly visit these countries in order to keep abreast of current developments. The role of the OSCE High Commissioner on National Minorities (HCNM) is particularly important here, as the Commissioner mostly works through quiet diplomacy, which could mitigate the problem of sensitivity of Belarus and Azerbaijan to public criticism.

The OSCE should also intensify its work in the form of OSCE expert groups and explore the options where they could benefit Azerbaijan and Belarus the most, as dispatching such groups requires a request by host countries. Such expert groups should deal with the matters that are not especially sensitive for Azerbaijan and Belarus – such as providing recommendations for the improvement of regulations in the areas of media, elections and protection of national minorities. It can be permanent expert groups of the OSCE, such as the Core Group of Experts on Political Parties of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). It can also be ad-hoc expert groups and assessment



missions like the ODIHR's and HCNM's Human Rights Assessment Missions on Crimea that were first sent to Ukraine in 2014.

### **TASKING OSCE FIELD OPERATIONS IN EASTERN EUROPE AND THE SOUTH CAUCASUS WITH CONFLICT PREVENTION**

When the political crisis in Ukraine began in November 2013, the OSCE Mission to Ukraine had already been closed 15 years earlier on the initiative of the Ukrainian government of that time. Instead, the Project Co-ordinator in Ukraine (PCU) was sent to this country in 1998, but, unlike the Mission, the mandate of the PCU was non-political.

In 2013 the PCU had a large office of 40 staff members, but the Co-ordinator was neither authorized to brief the OSCE and its Conflict Prevention Centre (CPC) about political developments in Ukraine nor to engage in negotiations with the warring government and the opposition. Hence, the OSCE had little leverage to help prevent a further escalation of the crisis.

In contrast to Ukraine, in the Central Asian countries of Kyrgyzstan, Tajikistan and Turkmenistan, OSCE field operations are given clear mandates for conflict prevention and crisis management. Hence, when a crisis broke out in Kyrgyzstan in 2005,<sup>32</sup> the OSCE Centre in Bishkek briefed the OSCE CPC and pSs on developments on the ground, which was key to developing a timely and effective crisis response. As the Centre had already maintained relationships with the main stakeholders in the country for years, this enabled the OSCE to efficiently facilitate dialogue between the government and the opposition and dissuade them from using force against each other. Furthermore, implementation of the OSCE's decisions targeted at averting further escalation of the crisis, on the ground depended almost entirely on the work of the OSCE Centre in Bishkek.

The OSCE field operations in all six countries of Eastern Europe and the South Caucasus should be tasked with conflict prevention and crisis management. This should be clearly specified in their mandates. First and foremost, these operations should be able to prevent an unmanaged and violent transfer of power such as the one that took place in Ukraine in 2013–2014. For this purpose, they should combat the circulation and trafficking of SALW, which can easily make even a moderate political crisis escalate into a large-scale armed conflict, as happened in Ukraine, including the incident of the 'unidentified snipers'<sup>33</sup>.

A strategy for stopping the recruitment of mercenaries to fight in Eastern Ukraine and dealing with those who return to their home countries is urgently needed: Educating people, including youth, about the risks and legal consequences of serving as a mercenary, falls squarely within the OSCE's remit. OSCE field operations should support the efforts of the OSCE Representative on Freedom of the Media (RFOM) to promote media literacy and pluralism as a way to counter propaganda. Disinformation and hatred spread through the media can easily fuel grievances among different communities, particularly those with opposing views on their country's 'pro-Western' or 'pro-Russian' stand. Through workshops and other events organized in the host countries, OSCE field operations should support the media in developing their editorial guidelines on reporting on the events of high sensitivity, which would encourage journalists to draw clear lines between facts and opinions and to avoid spreading disinformation.

Overall, enlarging OSCE field operations in Eastern Europe and the South Caucasus and directing their focus towards conflict prevention and crisis management would ensure that the OSCE not only responds to crisis situations but also can and will systematically put in place a network of preventive measures, making a crisis like that in and around Ukraine impossible in Europe.

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<sup>32</sup> OSCE Secretariat, 2005 Annual Report on OSCE activities (2006): 21, 98–99 [osce.org/secretariat/18847?download=true](http://osce.org/secretariat/18847?download=true) (last accessed 24 April 2016).

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<sup>33</sup> Gabriel Gatehouse, The untold story of the Maidan massacre, BBC, 12 February 2015 [bbc.com/news/magazine-31359021](http://bbc.com/news/magazine-31359021) (last accessed 24 April 2016).

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