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OSCE Yearbook 2014

Yearbook on the Organization for Security and
Co-operation in Europe (OSCE)



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Preface

The OSCE grew significantly in prominence during 2014, achieving a level of international recognition it had not known for years – though the circumstances under which this occurred were dramatic, to say the least. Maidan, the Crimea, Donetsk and Luhansk – these are the names that stand for Europe’s greatest crisis since the end of the Cold War. “What started as a national political crisis in Ukraine has developed into a crisis that threatens European security. [...] The risks of further escalation and of misjudgements represent the greatest danger for European security for more than 20 years.”¹

The OSCE, which, during the course of the conflict, became the “most important multilateral actor”,² owes this status upgrade primarily to its rapid reaction – under the Chairmanship of Switzerland – to events in Ukraine. However, it already possessed the necessary prerequisites: its character as a forum for dialogue, and particularly for security dialogue; its inclusive set of participants; its comprehensive concept of security; not to mention the fact that the OSCE – in contrast to other actors – was not seen as directly or indirectly involved in the conflict. Moreover, particularly since 2011, the OSCE has expanded its instruments for systematic early warning and rapid crisis reaction, dialogue facilitation, mediation, and mediation support.³

The OSCE commenced intensive monitoring and mediation efforts as early as February.⁴ On 24 February, the Chairperson-in-Office (CiO), Didier Burkhalter, appointed the Swiss diplomat Tim Guldemann as his Personal Envoy. Ambassador Guldemann was charged with leading and co-ordinating the Organization’s activities in Ukraine and visited Kyiv for the first time in February and Crimea in early March. Also in March, the OSCE High Commissioner on National Minorities (HCNM), Astrid Thors, and the OSCE Representative on Freedom of the Media (RFOM), Dunja Mijatović, made their first visits to Kyiv and Crimea to see the situation in person. At the end of

1 Wolfgang Ischinger, Die Ukraine-Krise und die Sicherheit Europas [The Ukraine Crisis and the Security of Europe], in: *FAZ.NET*, 31 August 2014, at: <http://www.faz.net/aktuell/politik/die-gegenwart/ukraine-die-ukraine-krise-und-die-sicherheit-europas-13128147.html> (author’s translation).

2 Zentrum für internationale Friedenseinsätze, *Die OSZE und der Waffenstillstand in der Ukraine: Vermitteln, Beobachten, Überwachen* [The OSCE and the Ceasefire in Ukraine: Mediation, Observation, Monitoring], at: http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_kompakt_OSZE_Ukraine_Waffenstillstand.pdf.

3 Cf. Claus Neukirch, Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 123-133.

4 Regularly updated reports, fact sheets, and a timeline of the OSCE’s response to the crisis can be found at: <http://www.osce.org>.

March, the OSCE dispatched 15 international experts for four weeks to Odessa, Kharkiv/Luhansk, Dnepropetrovsk, Donetsk, and Lviv as part of a special “National Dialogue Project” organized by the OSCE Project Coordinator in Ukraine. They were tasked with holding discussions with representatives of state institutions, local authorities, and NGOs to determine where further measures should be undertaken for mediation and confidence-building between the various population groups, and to gather information on political, humanitarian, and minority-related questions, in particular.

Several OSCE States sent unarmed military observers to Ukraine as early as 5 March 2014. They worked in small teams to monitor and report on military activities in the south and east of the country. They were, however, refused entry to Crimea. While the activities of these military observers were formally governed by bilateral arrangements – they acted in the name of their country of origin and on invitation of Ukraine – Ukraine requested OSCE participating States, OSCE Partners for Co-operation, and the OSCE Conflict Prevention Centre (CPC) with reference to Chapter III of the Vienna Document. Chapter III is entitled “Risk Reduction” and authorizes “voluntary hosting of visits to dispel concerns about military activities” (Article 18) on invitation of the affected state. By 20 March, a total of 30 participating States had dispatched 56 unarmed military and civilian observers to Ukraine. Since then, smaller inspection teams consisting of unarmed military experts have also been present in the country to continue verification measures under the Vienna Document in both Ukraine and Russia.

The heart of the OSCE’s observation activity in Ukraine is the OSCE Special Monitoring Mission to Ukraine (SMM), whose deployment was agreed by all 57 participating States in the Permanent Council on 21 March 2014⁵ – a decision that CiO Burkhalter called a “milestone”.⁶ The first advance groups arrived in Ukraine on 22 March. The SMM, which initially consisted of 100 civilian monitors, currently numbers around 380 observers from over 40 OSCE States, and has the option of expansion to 500 monitors. In collaboration with the OSCE executive structures, including the HCNM, the Office for Democratic Institutions and Human Rights (ODIHR), and the RFOM, as well as the United Nations, the Council of Europe, and other relevant actors of the international community, the mission’s aims are to gather information and report on the security situation in the area of operation, report on specific incidents or reports of incidents and determine the facts, monitor respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, establish contacts with

5 Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014.

6 Schweizerische Eidgenossenschaft/OSCE Switzerland 2014, *A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine*, Bern, 12 May 2014 – Brussels, 12 May 2014, *Speech by the President of the Swiss Confederation, Mr Didier Burkhalter, at the Foreign Affairs Council of the European Union*, CIO.GAL/78/14, 12 May 2014, p. 1.

local, regional, and national authorities, civil society, ethnic and religious groups, local communities, and the local population, and facilitate dialogue on the ground.⁷ The mission's original six-month mandate, which covered the territory of Ukraine as a whole, was extended in July 2014 beyond September to March 2015. Since September 2014, the mission's tasks have also included monitoring the ceasefire.

On 30 July 2014, a mission consisting of 16 unarmed observers began its work at the Russian checkpoints at Donetsk (not to be confused with the Ukrainian city of the same name) and Gukovo. Their deployment was agreed by the Permanent Council on 24 July 2014 on the basis of a joint declaration ("Berlin Declaration") by the foreign ministers of Ukraine, Russia, France, and Germany of 2 July⁸ and on invitation of the Russian foreign minister. The mission is tasked, while upholding the principles of impartiality and transparency, with round-the-clock monitoring and reporting on the situation at the checkpoints and movements across the border.⁹ The mandate of the mission was most recently extended in December 2014 until 23 March 2015.

On 7 May, the OSCE Chairperson-in-Office appointed the Swiss diplomat Heidi Tagliavini as his Special Representative in the Trilateral Contact Group – one of the most important mediation instruments, which was established in May and is composed of high-level representatives of Ukraine, Russia, and the OSCE. As of June, representatives of the pro-Russian separatists also participated in the talks. The Trilateral Contact Group is to meet regularly to enable dialogue between the Ukrainian and Russian governments and seek diplomatic means for resolving the conflict. A second important mediation instrument, a series of high-level Round Tables in the run-up to the presidential elections in May, was part of a roadmap drafted by the Swiss Chairmanship, which aimed at implementing the "Geneva Declaration"¹⁰ published by the representatives of the EU, the USA, Ukraine, and Russia at the Geneva crisis meeting on 17 April. The roadmap stipulated the immediate commencement of high-level dialogue, to include representatives of the Ukrainian government and the Ukrainian parliament as well as representatives of the regions. The Round Tables were moderated by former Ukrainian

7 Cf. *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, cited above (Note 5).

8 Cf. Auswärtiges Amt, *Joint Declaration by the Foreign Ministers of Ukraine, Russia, France and Germany*, 2 July 2014, press release, at: http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2014/140702_Statement.html.

9 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1130, Deployment of OSCE Observers to two Russian Checkpoints on the Russian-Ukrainian Border*, PC.DEC/1130, 24 July 2014.

10 The Geneva Statement contains the first concrete steps for the de-escalation of tension and the restoration of the security of the population in eastern Ukraine. These include the renunciation of violence by all sides, the disarmament of all illegal armed groups, and the immediate commencement of a broad national dialogue that should reach all regions and political constituencies of Ukraine, cf. European Union External Action, Joint Statement, *Geneva Statement on Ukraine*, Genf, 17 April 2014, at: http://www.eeas.europa.eu/statements/docs/2014/140417_01_en.pdf.

presidents Leonid Kuchma and Leonid Kravchuk. Wolfgang Ischinger was named co-moderator as the representative of the OSCE.¹¹ Topics covered in the talks should include the status of the Russian language and the federalization of Ukraine. Three Round Tables were held in Kyiv, Kharkiv, and Mykolaiv in May.

At a meeting in Minsk on 5 September, the Trilateral Contact Group agreed on a twelve-point protocol, which was also signed by the representatives of the separatists, and which called for, among other things, an immediate ceasefire by both sides, decentralization of power in the form of temporary local self-government in certain districts of Donetsk and Luhansk, and the removal of illegal military formations, military equipment, and militants and mercenaries from the territory of Ukraine. In addition, the OSCE was given the task of monitoring the ceasefire.¹² On September 19, the protocol was given more specific detail by the Trilateral Contact Group's "Minsk Memorandum", whose key provision was the establishment of a 15-kilometre no-fire and security zone on either side of the – as yet unclearly defined – "line of contact" between the conflict parties; this is also to be monitored by the OSCE.¹³

Further measures taken by the OSCE to deal with the Ukraine crisis include a Human Rights Assessment Mission, which was carried out by ODIHR and the HCNM in eastern Ukraine and Crimea in March and April 2014.¹⁴

In addition, both ODIHR and the OSCE Parliamentary Assembly (PA) sent election observation missions to monitor the presidential elections on 25 May (with 100 long-term observers deployed in March who were joined by 900 short-term observers a week before polling day, this was ODIHR's largest election observation mission in its history) and the parliamentary elections on 26 October 2014.¹⁵ In each case, the observers from ODIHR and the PA worked together with observers from the parliamentary assemblies of the

11 Cf. *A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine*, cited above (Note 6), pp. 2-3.

12 The Russian-language original of the protocol is available at: <http://www.osce.org/home/123257>; a detailed description of the contents in English can be found at: <http://www.bbc.com/news/world-europe-29162903>.

13 The original Russian text of the Memorandum can be found at: <http://www.osce.org/home/123806>; details in English are available at: <http://www.bbc.com/news/world-europe-29290246>.

14 The final report of this mission was published on 12 May. OSCE HCNM/OSCE ODIHR, *Human Rights Assessment Mission in Ukraine, Human Rights and Minority Rights Situation, ODIHR HRAM: 6 March – 1 April 2014, HCNM HRAM: 8 March – 17 April*, The Hague/Warsaw, 12 May 2014, at: <http://www.osce.org/odihr/118454>.

15 Cf. OSCE Office for Democratic Institutions and Human Rights, *Ukraine, Early Presidential Election, 25 May 2014, OSCE/ODIHR Election Observation Mission, Final Report*, Warsaw, 30 June 2014, at: www.osce.org/odihr/elections/ukraine/120549, and OSCE Office for Democratic Institutions and Human Rights, *Ukraine, Early Parliamentary Elections, 26 October 2014, OSCE/ODIHR Election Observation Mission, Final Report*, Warsaw, 19 December 2014, at: www.osce.org/odihr/elections/ukraine/132556.

Council of Europe and NATO and the representatives of the European Parliament on election day.

Finally, special attention should be paid to the constant tireless and intensive personal engagement of the Chairperson-in-Office and the OSCE Secretary General, Ambassador Lamberto Zannier, who traveled extensively and participated in many discussions in parallel to the measures detailed above.

The Helsinki +40 Process, which was launched with high expectations, was originally supposed to be the only special focus section of this year's OSCE Yearbook. The aim of the process was, in view of the 40th anniversary in 2015 of the signing of the Helsinki Final Act "to take stock, define priorities, and generate momentum for future work towards a vision of a security community. In broader terms, the Helsinki +40 Process can be considered as an opportunity to demonstrate the relevance of the Organization's basic values and principles in the 21st century."¹⁶ There can currently be no thought of forging a visionary security community; against the background of the war in Ukraine, the Helsinki Process has come to a virtual standstill. In its place, the conflict itself has come to occupy the centre not only of international attention, but also of political debate within the OSCE. However, it is precisely with regard to the Ukraine conflict that the OSCE has proved its relevance. We have therefore chosen to retain the original special focus on Helsinki +40 and to discuss it in view of the Ukraine crisis. In addition, we have created a second special focus section to deal with the Ukraine conflict itself. The conflict is also reflected in nearly every contribution in the Yearbook.

Prior to this, Reinhard Mutz and Götz Neuneck remember Jonathan Dean, a long-serving member of the OSCE Yearbook's international editorial board. Ambassador Dean, who died in January 2014, was respected by all who knew him as not only a competent expert, witness to historical events, and active shaper of international relations, but a warm and reliable friend.

The special focus section on "The OSCE and European Security: Focus on Helsinki +40 against the Background of the Ukraine Conflict" opens with a contribution that describes vividly both the enormous challenges of 2014 from the point of view of the Swiss Chairmanship and the OSCE's reaction to them. We are deeply grateful to Ambassador Heidi Grau for this. While the 40th anniversary of the Helsinki Final Act provides a natural milestone for a historical retrospective, Marianne von Grünigen and Hans-Jörg Renk, who together have witnessed all the key events in the Helsinki Process down the years, ask whether forty years of the Helsinki Final Act is something we should be celebrating. As if by way of an answer, former Russian Foreign

16 Marcel Peško, The Helsinki +40 Process: A Chance to Assess the Relevance of the OSCE's Comprehensive Security Model in the 21st Century, in: *OSCE Yearbook 2013*, cited above (Note 3), pp. 23-36, here: p. 24.

Minister Igor Ivanov argues that the OSCE remains as vital for Europe now as it was 40 years ago, while next year's Chairperson-in-Office, Ivica Dačić, lays out the Serbian Chairmanship's intentions for 2015. Fred Tanner brings together the Yearbook's two key topics for this year, considering the repercussions of the Ukraine crisis for the Helsinki +40 Process in detail. Jafar Usmanov undertakes a case study of Helsinki +40's approach to fieldwork with respect to the OSCE Presence in Tajikistan and the structural transformation of the OSCE field operations in recent years and concludes with a call to continue investigating the form of a potential "fourth generation" of OSCE field operations. In the final contribution to the special focus section, Lamberto Zannier, the OSCE's Secretary General, then discusses the OSCE's role as a regional arrangement under Chapter VIII of the UN Charter. Also in the chapter on the OSCE and European Security, Steven Pifer reviews recent developments in US-Russia relations, continuing the discussion that began in the OSCE Yearbook 2013.¹⁷ In his cautiously optimistic contribution, Pifer sounds out areas where the two countries' interests may converge so that communication and co-operation remain possible in the future.

Most of the section on conflict prevention and dispute settlement is dedicated to the Ukraine crisis as the second key focus of the 2014 OSCE Yearbook. In his contribution, Claus Neukirch, Deputy Director of the Conflict Prevention Centre for Operations Service of the OSCE Secretariat and therefore largely responsible for planning the Special Monitoring Mission to Ukraine, looks into the operational challenges the OSCE faced when deploying the mission, as well as the new horizons this operation opened up for the Organization, with a particular emphasis on the preparedness, flexibility, and high motivation of all the staff involved. Graeme P. Herd provides a detailed analysis of the strategic struggle between Russia and Ukraine. With the annexation of Crimea and the covert interference in the armed conflict in eastern Ukraine at the latest, the Russian leadership must face the accusation of having breached international norms. Though there can be no excuses for this, there are explanations for Moscow's behaviour, which can be found in several cases of unilateral action on the part of the West perceived by Russia as humiliating.¹⁸ Tatyana Parkhalina considers explanations of this kind, laying out Russia's motivations and sensitivities. Iryna Solonenko then outlines the development of Ukrainian civil society since the Orange Revolution and its role in the crisis. And finally, Pál Dunay asks why the OSCE experienced such a rise in prominence during the Ukraine crisis and what lessons can be learned for European and Euro-Atlantic Security.

Outside the special focus section, P. Terrence Hopmann also concentrates on the OSCE's practical activities in conflict prevention and dispute

17 See Victor Mizin, Russian-US Relations: Beyond the Reset Policy, in: *OSCE Yearbook 2013*, cited above (Note 3), pp. 37-51.

18 Cf. e.g. Reinhard Mutz, Die Krimkrise und der Wortbruch des Westens [The Crimea Crisis and the West's Broken Promises], in: *Blätter für deutsche und internationale Politik* 4/2014, pp. 5-10.

settlement, considering the recent work of the Minsk Group on the Nagorno-Karabakh conflict.

In the section on developments in specific participating States and the states' commitment to multilateralism, Hendrik Meurs analyses how the government in Turkmenistan frames its legitimacy to maintain power, and Graeme Currie considers why the referendum on Scottish independence failed. Finally, Adiyasuren Jamiyandagva outlines the desires and expectations of Mongolia, the OSCE's newest participating State.

With regard to the OSCE's human dimension, Francesco Marchesano looks at the bone of contention between the Russian Federation and ODIHR over election observation. In the politico-military dimension, consideration of the likely consequences of the Ukraine conflict led initially to resignation and fear that progress or a revival of arms control had receded into the distance; yet a different perspective soon emerged: In this regard, Rüdiger Lüdeking writes that "in the crisis, the OSCE has proven that it is able to act" and that "the use of the Organization's arms-control instruments for the co-operative creation of an objective overview of the situation and for de-escalation has played a central role", and concludes that "in view of the growing tensions in East-West relations and the elevated risk [...] that conflicts will again be resolved by military means, it is all the more urgent that arms-control policy efforts are strengthened at precisely this time."

In the section on organizational aspects of the OSCE, Shairbek Juraev discusses the contribution of the OSCE Academy in Bishkek to comprehensive security in Central Asia.

Finally, turning to the OSCE's relations with external organizations and the wider world, Sebastian Schiek asks whether the Afghanistan conflict can be considered a power resource for Central Asia, while Loïc Simonet looks at the OSCE Mediterranean Partnership four years after the "Arab Spring". Last but not least, Dimitar Paunov assesses the success of co-operation between the EU and the OSCE.

The brief overview above of the OSCE's mediation and observation efforts since February 2014 not only demonstrates the OSCE's ability to act in a grave crisis, but also show what a rich variety of conflict-management instruments the Organization currently has in its repertoire. Whether the OSCE can, in the long run, fulfil the expectations placed in it as a result of its rapid response nonetheless remains uncertain. The Ukraine crisis underlines the Organization's relevance and strengths, but it also reveals its limits. The ceasefire agreed in September remains highly fragile. Fierce fighting continues to break out regularly in the affected regions. According to a report by the Office of the UN High Commissioner for Human Rights, between 6 September and 31 October, in the first eight weeks following the cessation of fighting, an average of 13 people were killed each day, and grave human-

rights violations continue to be committed.¹⁹ The OSCE observers themselves also face danger, while key elements of the Minsk agreements remain unclear, including the issues of the line of contact and the precise nature of the special status of the breakaway regions.

That the OSCE is only as strong and can only achieve so much as its participating States allow is a commonplace. With a few exceptions, it can only apply even its tried-and-tested mechanisms and instruments for monitoring and political mediation when all the participating States are in agreement. The OSCE has few if any effective means of exerting pressure or providing economic incentives to tangibly influence heavily armed conflict parties unwilling to compromise. However, it is precisely the need for unanimity among the participating States that raises the OSCE's legitimacy as a multilateral and international actor. Thus, Russia's agreement to the deployment of the SMM and the stationing of a monitoring mission at two Russian checkpoints signals that Moscow's interest in common European security, in co-operation, and finally in maintaining dialogue on security issues has not been totally extinguished.

Perhaps it will take a combination of demonstrations of politico-military resolve, economic sanctions, and political dialogue to finally achieve a breakthrough. But even if a sustainable political resolution remains a distant prospect under a fragile ceasefire, "there is no alternative to the policy of resolving the Ukraine crisis by means of negotiations, even if this requires reserves of perseverance".²⁰

19 Cf. Office of the United Nations High Commissioner for Human Rights, *Report on the human rights situation in Ukraine*, 15 November 2014, executive summary, pp. 4-7, at: http://www.ohchr.org/Documents/Countries/UA/OHCHR_seventh_reportUkraine20.11.14.pdf.

20 Ambassador Hansjörg Eiff, cited in: Boris Georgievski, Eiff: "Russland will seine Position in Südosteuropa stärken" [Eiff: "Russia Wants to Strengthen Its Position in South-Eastern Europe"], *Deutsche Welle*, 23 November 2014, at: <http://www.dw.de/eiff-russland-will-seine-position-in-s%C3%BCdosteuropa-st%C3%A4rken/a-18078920>.

Guiding Spirit and Man of the First Hour. In Memoriam: Jonathan Dean

On 14 January 2014, five months short of his 90th birthday, Ambassador Jonathan Dean died in his home city of Mesa, Arizona. Dean, who had scaled the heights of the US diplomatic service, was one of the founding fathers of the OSCE Yearbook. Without his commitment, it would have been far harder to turn the Yearbook into the successful publication it is today. With his 1995 contribution on US policy towards the OSCE,¹ he was also represented as an author in the Yearbook's very first (German-only) issue. When English and Russian editions were launched in 1996, he became a member of the international editorial board. From then on, he provided the editors and board members with proposals of topics and authors, knowledgeable commentaries, and a wealth of expertise.

In the mid-1990s, the OSCE found itself in a complicated situation. High expectations of a post-confrontational security policy had still not been realized. In the Caucasus and the Balkans, it was the guns that were doing the talking. The role of the OSCE as a place to forge ideas for a new Europe was being viewed with increasing scepticism. Some initiatives fell at the first hurdle. A striking example is the Code of Conduct on Politico-Military Aspects of Security, on which Jonathan Dean wrote a penetrating analysis in the 1996 OSCE Yearbook. It remains a key text to this day.²

On the prehistory of this document he wrote: "In 1992, France, always desirous to consolidate post-cold war security arrangements and to prevent backsliding, proposed that CSCE security obligations be codified in treaty form. The United States was already nervous at that time about the post-cold war future of NATO and about potential competition to NATO from French actions to build up the WEU. It reacted sourly to the French proposal for a new treaty, believing that carrying out the French project could augment the status of OSCE and make it a more dangerous competitor to NATO. Once again caught between its two major allies, France and the USA, Germany proposed as a compromise the idea of a politically binding code of conduct for the armed forces of OSCE participating States. This proposal was ap-

1 Jonathan Dean, Die Vereinigten Staaten und die OSZE – Im Wechsel von Förderung und "wohlwollender Vernachlässigung" [The United States and the OSCE – Alternating between Support and "Benign Neglect"], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (ed.), *OSZE-Jahrbuch 1995*, Baden-Baden 1995, pp. 99-108.

2 Cf. Jonathan Dean, The OSCE "Code of Conduct on Politico-Military Aspects of Security": A Good Idea, Imperfectly Executed, Weakly Followed-up, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 291-298.

proved by the 1992 Helsinki Review Conference and referred for implementation to the Forum for Security Cooperation established by the same Review Conference. A text was negotiated between 1992 and 1994, and only barely completed in December 1994 in the last hours of the Budapest Review Conference.”³

There can be no doubt that, measured against the original intention, the adoption of merely a non-legally binding set of guidelines was disappointing. Dean brought a touch of sarcasm to his summary, in which he wrote that the Codex “joins other OSCE concepts and projects in waiting for the day when OSCE gains sufficient weight to put more energy and authority behind implementing its own decisions and principles”.⁴ This has not changed in the subsequent two decades. Only now we can more clearly see the price of this failure.

Jonathan Dean had his first contact with the world of warfare and the military as a 20-year-old, when he participated as an infantry officer in the Normandy Landings, later joining the US Army on its advance to the Elbe. Back home, he attended Harvard and Columbia universities, taking his PhD in Political Science at George Washington University. His diplomatic career began in 1950 in Bonn, where he served as liaison officer between the US High Commission and the West German government. He assisted in the creation of the new West German Federal Armed Forces (*Bundeswehr*) and the accession of the Federal Republic to NATO. From 1956 to 1960 he was the State Department Desk Officer responsible for East Germany. He later served as Political and Economic Officer at the US embassy in Prague (1961-62) and was Principal Officer at the consulate in Élisabethville, Katanga, now Lubumbashi, DRC, (1962-64) during the Tshombe secession and the UN peacekeeping operation in the Congo, and then Deputy Director of the US State Department Office of United Nations Political Affairs, where he worked on peacekeeping and economic sanctions.⁵

As a diplomat, academic, and author, Dean was unusual among his colleagues in the US foreign service. His two most prominent roles demonstrate clearly just how exceptional he was. From 1968, Dean was Political Counselor at the US embassy in Bonn, later serving as Ambassador Kenneth Rush’s deputy in the negotiations on the Berlin Agreement. Together with Egon Bahr and Valentin Falin, Rush formed a kind of behind-the-scenes steering committee in the quadripartite negotiations over Berlin. Jonathan Dean took charge of the day-to-day co-ordination of this informal three-way body, whose task was to compare notes on priority negotiating goals before

3 Ibid., p. 292.

4 Ibid., p. 298.

5 Biographical details, key texts, and photographs are collected in the outstanding volume by Hans Günter Brauch and Teri Grimwood (eds), *Jonathan Dean – Pioneer in Détente in Europe, Global Cooperative Security, Arms Control and Disarmament*, Cham 2014.

they landed on the conference table, to recognize incompatibilities, and to remove barriers to agreement in good time.⁶

If the resulting Berlin Agreement was perhaps the seminal accord of the détente era, it also illustrates how Jonathan Dean understood his work as a diplomat on the front-line of the Cold War. Security, the most urgent political concern on both sides of the East-West divide at the time, can be acquired by various means. One can take shelter behind ever greater stockpiles of weapons. Or one can attempt to defuse conflicts with a high potential for violence by balancing competing interests and achieving a compromise. The consensus reached by the four powers on Berlin on 3 September 1971 is an exemplary case of the latter, to which Dean regularly referred.

From 1978 to 1981, with the rank of full ambassador, he led the US delegation to the Vienna talks on Mutual and Balanced Force Reductions (MBFR). The aim of these was to reverse the grotesquely excessive build-up of arms on the European continent – gradually, in a controlled manner, verifiably and mutually. Had the talks succeeded, they, like the Berlin Agreement, would have brought security benefits to both sides. Yet a number of key powers had no interest in bringing the negotiations to a speedy conclusion and producing concrete results. Dean's dedication to this cause went unrewarded. Nonetheless, the unsuccessful MBFR talks fed into the Conventional Armed Forces in Europe (CFE) process in 1989, which was broader in both scope and geographical extent.

Dean left his country's diplomatic service after Ronald Reagan's election as president. He pursued activities in a number of institutional frameworks, including the United Nations Association, the Carnegie Endowment for International Peace, the Council for a Livable World, and the Global Action to Prevent War project at Rutgers University School of Law. From 1984 until 2007 he acted as global security adviser to the Union of Concerned Scientists in Washington, DC, where he worked on analytical and conceptual aspects of the era of détente in Europe, nuclear and conventional disarmament, and the implications of co-operative security. Within a short time, he earned a reputation as one of the leading experts in the areas of conflict reduction, crisis prevention, and arms control. This was facilitated by the greater freedom he now enjoyed to publish on his own account. His key publications include the books *Watershed in Europe: Dismantling the East-West Military Confrontation* (1986), *Meeting Gorbachev's Challenge: How to Build Down the NATO-Warsaw Pact Confrontation* (1989), and *Ending Europe's Wars: The Continuing Search for Peace and Security* (1994).⁷

It is almost unnecessary to explain how easily the IFSH and Jonathan Dean fell into conversation: His questions and ours were so close as to be in-

6 For details, see the interview with Jonathan Dean from 8 July 1997 undertaken as part of the Foreign Affairs Oral History Project of the Association for Diplomatic Studies and Training, at: http://www.adst.org/OH_TOCs/Dean_Jonathan.toc.pdf.

7 The compendium edited by Hans Günter Brauch and Teri Grimwood includes a bibliography, see Note 5, pp. 25-33.

distinguishable. During the 1980s and 1990s, his finely honed interventions enriched numerous workshops at the IFSH and international conferences held at Hamburg's town hall. Our common conviction was that Europe in transition needed new directions and different instruments to create peace more securely and security more peacefully.

Jonathan Dean will be remembered as an experienced and ever-helpful colleague. Far more than an occasional guest, he was a constant companion to us in our work down the years. His advice was regularly sought, despite or precisely because of his critical approach. Only he possessed such profound insights into the patterns of perception and cognitive styles specific to various national and international security apparatuses. A foreword by Dean in an IFSH publication was considered a particular seal of quality. And IFSH staff on their first visit to the USA often benefited from his expert introduction to life within the Beltway. This is to remember him, but also to encourage future generations to continue his work.

I.

States of Affairs – Affairs of State

The OSCE and European Security: Focus on
Helsinki +40 against the Background
of the Ukraine Crisis

The 2014 Swiss OSCE Chairmanship: Between “Routine” and “Crisis”

Switzerland and the OSCE – A Special Relationship

The Conference on Security and Co-operation in Europe (CSCE) and its successor organization, the Organization for Security and Co-operation in Europe (OSCE), have a special place in Switzerland’s foreign policy. On the one hand, the OSCE is the only European regional security platform in which Switzerland is a full participating State (since it is not a member either of NATO or the EU).

On the other hand, historically, Switzerland played a prominent bridge-building role within the group of neutral and non-aligned states in the CSCE¹ and contributed to building trust between the Cold War blocs.

For these reasons, Switzerland was open to the idea of assuming the OSCE Chairmanship in 2014 for the second time in the Organization’s history. Switzerland is the first participating State to have chaired the Organization twice, having already done so in 1996.

The process that led to Switzerland’s nomination for the 2014 Chairmanship was the first time that the participating States of the OSCE agreed to consecutive Chairmanships, with Serbia being simultaneously nominated for 2015. Through this arrangement, Switzerland and Serbia aimed to ensure more continuity and predictability at the helm of the Organization. This continuity was institutionalized by the drafting and presentation of a joint work-plan, which sets overall priorities for the two Chairmanships.

During the preparations for its Chairmanship, Switzerland defined ten specific priorities under the general leitmotif of “Creating a Security Community for the Benefit of Everyone”. The processes and the objectives of these priorities established the framework for what will be referred to in this article as the “routine Chairmanship”.

However, the events in and around Ukraine, which had already started to unfold at the end of 2013, also created the conditions of what will be referred to as the “crisis Chairmanship”,² which focused from the very begin-

Note: The opinions expressed in this article do not necessarily reflect the position of the Swiss Federal Department of Foreign Affairs. The author writes in her own capacity. Thanks to Jean-Marc Flükiger and the members of the Task Force for their support.

1 This group was composed of Austria, Cyprus, Finland, Liechtenstein, Malta, San Marino, Sweden, and Yugoslavia.

2 The distinction between “routine Chairmanship” and “crisis Chairmanship” is set out in: Janne Taalas/Kari Möttölä, *The Spirit of Helsinki 2.0 – The Finnish OSCE Chairmanship 2008*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2009*, Baden-Baden, 2010, pp. 319-332.

ning on the management of this crisis and the attempt to find solutions. By 25 December 2014, the crisis had claimed the lives of 4,771 people (including 298 from flight MH17), wounded 10,360, internally displaced 610,413 people, and provoked the flight of 593,609 people to neighbouring countries.³

This article aims to present these two facets of the 2014 Swiss OSCE Chairmanship, the successes, and remaining challenges.

The Crisis Chairmanship: Using the “OSCE Toolbox”

In compliance with Ministerial Council Decision 3/11 on the conflict cycle, which asks the OSCE Chairmanship, the executive structures, and the participating States “to use, swiftly and to the greatest extent possible, all available tools and procedures as applicable to a particular crisis or conflict situation”, the response to the crisis in Ukraine made full use of the “OSCE toolbox”, involving efforts by the Chairmanship as well as by the Institutions, the Secretariat, and other instruments. The various instruments used during the crisis Chairmanship are presented in the following sections.

The Chairperson-in-Office (CiO), Didier Burkhalter, focused on direct diplomatic action, intervening frequently at presidential and ministerial level to facilitate a diplomatic solution. The fact that the CiO also held the presidency of the Swiss Confederation in 2014 can be considered a stroke of luck for the OSCE, as it enabled him to establish relationships not only with foreign ministers but also with heads of state. The CiO also nominated several special envoys and representatives to act on behalf of the Chairmanship in various negotiations, such as the Trilateral Contact Group of senior representatives of Ukraine, the Russian Federation, and the OSCE.

Moreover, the Chairmanship made large-scale use of media statements. With 69 CiO statements; seven Trilateral Contact Group statements; one Personal Envoy of the CiO statement; one joint statement by the Personal Envoy of the CiO, the High Commissioner on National Minorities (HCNM), and the OSCE Representative on Freedom of the Media (RFOM); and one statement by the Chair of the Permanent Council, as of 31 December 2014, Switzerland maintained high visibility and a strong presence in the context of the crisis throughout the year.

3 Figures from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Ukraine Situation report No. 22 as of 26 December 2014*, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Sitrep_22_-_Ukraine_-_26_December_FINAL.pdf.

First Phase of the Crisis: “Euromaidan”

In November 2013, the then Ukrainian president, Viktor Yanukovych, refused to sign an association agreement with the European Union, which triggered a wave of protests, known as the “Euromaidan”, in the capital, Kyiv, and other Ukrainian cities.

Switzerland thus started its Chairmanship in a tense context: Kyiv’s city hall had been occupied by protesters since 1 December 2013. The protests were marked by the first human rights violations committed by the police and security forces in this context at the time when the OSCE was holding its 20th Ministerial Council, on 5-6 December 2013, in Kyiv.

In mid-January, the Ukrainian parliament passed restrictive anti-protest laws. Following the death of two demonstrators and the discovery of the dead body of a high-profile activist, protesters began storming regional government offices in western Ukraine.

On 24 January, CiO Burkhalter met then Prime Minister Mykola Azarov on the margins of the World Economic Forum in Davos and discussed measures that the OSCE could take to help resolve the crisis. The CiO offered the expertise of the OSCE to facilitate a dialogue between the government and opposition and proposed a range of possible activities over the mid to long term, including election support. A few days later, Prime Minister Azarov resigned and the Ukrainian parliament rescinded the anti-protest laws.

On the margins of the opening ceremony of the Winter Olympics in Sochi on 7 February, the CiO discussed the situation in Ukraine with President Yanukovych and confirmed the OSCE’s readiness to assist the country in settling the crisis. A few days earlier, the CiO had met acting minister of foreign affairs, Leonid Kozhara, and opposition leaders on the margins of the Munich Security Conference.

In mid-February, the situation seemed to improve: All 234 protesters who had been arrested since December were released, and Kyiv City Hall, which had been occupied since 1 December, along with other public buildings in the regions, were abandoned by the demonstrators. The Swiss Chairmanship, represented by the Swiss Ambassador to Ukraine, acted as a guarantor and impartial witness of the handover ceremony.

But the respite was short-lived: On 18 February, violent clashes erupted again, leaving 18 people dead and hundreds injured. They came to a head two days later, when 88 people were killed in violence involving snipers firing at unprotected protesters. The CiO, in a phone call with acting Minister of Foreign Affairs Kozhara, urged the Ukrainian authorities to do their utmost to defuse the dangerous situation in the country and offered a set of measures in a bid to end the violence and revive political talks. The package of potential

measures offered by the CiO included the nomination of an impartial international facilitator, possibly working in tandem with a respected Ukrainian figure, and the dispatch of an international expert team to establish facts on violent incidents and human rights violations.

On 21 February, President Yanukovich and the opposition signed a compromise deal that had been brokered by the foreign ministers of Germany, Poland, and France and a Special Envoy of the Russian Federation.

The situation radically changed the following day: President Yanukovich disappeared, while protesters took control of the presidential administration buildings. Parliament then voted to remove President Yanukovich from power and set presidential elections for 25 May. Yulia Tymoshenko, a long-time opponent of President Yanukovich, was released from prison.

Three days later, the CiO, committed to finding a solution to the crisis, addressed the United Nations Security Council and proposed the establishment of an international contact group to ensure the co-ordination and sharing of information with regard to the crisis in and around Ukraine. For the first time, the CiO also referred to the idea of setting up a monitoring mission to Ukraine.⁴ In the same speech he announced the appointment of the Swiss Ambassador to Germany, Tim Guldemann, as his Personal Envoy to Ukraine, with the mandate to co-ordinate ongoing and planned OSCE activities.

Second Phase of the Crisis: Annexation of Crimea

On 28 February, unidentified gunmen appeared in combat uniform outside Crimea's main airports. Together with Ambassador Guldemann, the OSCE HCNM, Astrid Thors, visited Crimea at the beginning of March. They had extensive talks with representatives of the Crimean parliament and of the public administration and civil society, including from the community of Crimean Tatars. In a press statement, Guldemann described the situation as "calm, but very tense."

Meanwhile, the CiO pursued his direct diplomatic efforts to set up an international monitoring mission in Ukraine in a phone call with the president of the Russian Federation, Vladimir Putin. Negotiations on a monitoring mission had already started in Vienna but were stalled. In their conversation, the CiO and President Putin focused on an OSCE monitoring mission, with the CiO stressing the importance of an early consensus on its deployment in order to improve the security situation. They also exchanged views on the creation of an international contact group on Ukraine and potential modalities for its establishment. This discussion significantly contributed to unblocking the negotiations in Vienna.

4 For an account of the establishment of the Special Monitoring Mission, see Thomas Greminger, *Wie die OSZE-Beobachtermission in der Ukraine zustande kam* [How the OSCE Monitoring Mission in Ukraine Came about], in: *Swiss Peace Supporter*, June 2014, pp.24-25, at: http://www.vtg.admin.ch/internet/vtg/de/tools/webarchiv/archiv_2010/swiss.parsys.38978.downloadList.92820.DownloadFile.tmp/20142swisspeacesupporter.pdf.

On 16 March, the referendum on the status of Crimea was backed by 97 per cent of voters, according to the organizers. The CiO had condemned the referendum beforehand, saying it was in violation of the Ukrainian constitution and therefore had to be considered illegal. On 18 March, the Russian president signed a bill to integrate Crimea into the Russian Federation. The CiO declared this step “a breach of fundamental OSCE commitments and not compatible with international law” adding that such “unilateral actions contradict the Helsinki Final Act”.

The annexation was almost universally condemned, and tensions in Vienna rose to an unprecedented level. However, despite this very difficult situation, on 21 March, the Permanent Council was able to adopt a consensus decision on the establishment of a “Special Monitoring Mission to Ukraine” (SMM). Its mandate was to include information gathering and reporting on the security situation, the establishment of facts in response to incidents, and the establishment of contacts and the facilitation of dialogue on the ground to reduce tensions and promote normalization of the situation. Within four days of the Permanent Council decision, 32 “first responders” from nine other OSCE field operations and the Secretariat had been deployed to Ukraine. By the end of 2014, 358 monitors had been deployed.⁵ The original six-month mandate of the SMM was extended for the first time in July 2014 and currently runs until March 2015.

Third Phase of the Crisis: Destabilization of the Eastern Part of Ukraine

Two weeks after Crimea’s annexation by the Russian Federation, demonstrators, in opposition to the authorities in Kyiv, started seizing government buildings in several cities in Ukraine’s east, including Donetsk and Luhansk. In light of the continuing escalation, the foreign ministers of Ukraine, the Russian Federation, and the US, and the High Representative of the EU met in Geneva on 17 April and issued what became to be known as the “Geneva Statement”, in which the SMM was called to play a key role in assisting the Ukrainian authorities in the implementation of the agreed measures.

The CiO’s roadmap on OSCE support for the implementation of the Geneva Statement was presented on 6 May after extensive discussions with various partners, including Ukraine. The roadmap was also on the agenda of a meeting between the CiO and President Putin in Moscow on 7 May. After the exchange with the CiO, President Putin called on illegally armed groups in eastern Ukraine to postpone the “referendum on self-determination” they had announced for 11 May in order to give national dialogue a chance. He also called the Ukrainian presidential elections of 25 May “a step in the right direction”.

An important element of the CiO’s roadmap was the call for a Ukrainian-led and Ukrainian-owned inclusive dialogue on national unity. To

5 As of 30 December 2014.

support this dialogue, the CiO announced the appointment of German Ambassador Wolfgang Ischinger as his representative to the National Dialogue Roundtables. Three roundtable meetings were organized in the run-up to the early presidential elections held on 25 May. The usefulness of the roundtable meetings as open forums for dialogue was also acknowledged by the Ukrainian authorities. A proposal for constitutional reform presented at one of the meetings served as a basis of a Memorandum of Understanding and Peace later adopted by the Ukrainian parliament.

One of the first measures carried out by newly elected President Petro Poroshenko after his inauguration on 7 June was to set up a group of senior representatives of Ukraine, the Russian Federation, and the OSCE, the “Trilateral Contact Group” (TCG), to address the crisis in eastern Ukraine and to find a political settlement to the conflict there. The establishment of the TCG was agreed upon at a meeting of the heads of state of Ukraine, the Russian Federation, and France and the German chancellor in Normandy in early June.

The CiO appointed Swiss Ambassador Heidi Tagliavini as his representative to the TCG. Just a few days later, President Poroshenko presented his Peace Plan for Eastern Ukraine. On 23 June, the TCG met for the first time with representatives of illegally armed groups in Donetsk. On 24 June, the CiO met the newly appointed foreign minister of Ukraine, Pavlo Klimkin, and President Putin on the margins of the OSCE’s Annual Security Review Conference in Vienna to discuss the next steps to support the implementation of President Poroshenko’s Peace Plan and the work of the TCG.

“Multitasking SMM”: Hostages and the MH17 Crash

In addition to its original responsibilities, the SMM had to face unforeseen tasks and challenges when illegally armed groups started to abduct international observers on the ground. The SMM had had a foretaste of this at the beginning of May with the abduction of unarmed military experts who had been sent to eastern Ukraine to carry out inspections under the Vienna Document. Through the facilitation of the SMM and the involvement of the participating States concerned it was possible to free the military observers only a week after their illegal detention. At the end of May, the nerves and negotiation skills of the SMM were once again put to the test when the illegally armed groups targeted the SMM itself by abducting two groups of four monitors deployed in Donetsk and Luhansk. After tireless efforts, the CiO was able to announce at the end of June their safe, unconditional, and unharmed release.

One of the most tragic moments of 2014 was undoubtedly the crash, on 17 July, of a Malaysian Airlines plane (flight MH17) over rebel-held territory, killing 298 people. The SMM and the TCG were deeply involved in negotiating the modalities of access to the crash site with representatives of illegally armed groups. Experts from the countries of origin of the victims

were sent to the site to investigate the causes, but had to withdraw because of worsening security conditions. A Dutch preliminary report, published in early September, stated that flight MH17 had been hit by “a large number of high energy objects”, but did not apportion blame.

Fourth Phase of the Crisis: The Minsk Process

While the OSCE and the Chairmanship are engaged in direct efforts to provide solutions to the crisis in Ukraine, the OSCE has also been involved in implementing the decisions and carrying out the work of other formats. This was to be seen first with the “Geneva format” between the foreign ministers of the Russian Federation, the United States, and Ukraine and the High Representative of the EU.

Another example of the OSCE’s implementing role in the context of other initiatives is the “Normandy format” in which the presidents of France, the Russian Federation, and Ukraine and the German chancellor met at the ceremony to mark the 70th anniversary of D-Day in Normandy. This meeting was followed up by a meeting of their foreign ministers in Berlin on 2 July, at which they called for the deployment of OSCE observers to the Russian side of the Ukrainian-Russian international border.

This call was answered by the OSCE when, in a consensus decision on 24 July, all 57 participating States agreed on sending OSCE observers to the border between the Russian Federation and Ukraine at the Russian checkpoints at Gukovo and Donetsk. After the deployment of SMM, and despite a deepening rift among some participating States, this was the second time in less than six months that the 57 OSCE participating States agreed to deploy a field presence.

On 5 September, the TCG met representatives of the Donbas region and agreed on the “Minsk Protocol”, which contains twelve points on facilitating implementation of President Poroshenko’s Peace Plan and President Putin’s initiatives. Among these are a ceasefire, which was put into effect on the same day, decentralization efforts, local elections, the release of detainees, and a political dialogue.

The Minsk Memorandum, which was signed two weeks later, specified the modalities for the implementation of the ceasefire regime, including the establishment of a demilitarized security zone along a jointly defined contact-line.

At the Ministerial Council in Basel, the participating States expressed strong support for the Minsk arrangements. The TCG continued its consultations aimed at reconfirming and strengthening the full implementation of the arrangements, notably the ceasefire, the release of hostages, the delivery of humanitarian aid, securing the border, and the withdrawal of illegal armed formations from Ukrainian territory.

As outlined at the beginning of this section, the OSCE made use of the whole range of its toolbox. In addition to the diplomatic work of the Chairmanship, the Institutions (RFOM, HCNM, Office for Democratic Institutions and Human Rights/ODIHR) and the Secretariat took initiatives to resolve the crisis. These are presented briefly in the following.⁶

OSCE Institutions

The HCNM, Astrid Thors, and the RFOM, Dunja Mijatović, likewise made a number of visits to Ukraine, including to Crimea from 4 to 6 March 2014, to gather first-hand information and to meet key stakeholders. The RFOM and her office have been following the situation in the country closely, raising the issues of grave violations of media freedom, particularly in relation to attacks on journalists and restrictions to media plurality. Both institutions have made numerous statements to the Permanent Council, stating their concerns and recommendations to remedy issues in the areas of national minorities and media freedom.

Human Rights Assessment Mission

From 18 March to 12 May 2014, ODIHR and the HCNM conducted a human rights assessment mission at the request of the Ukrainian government. A report on the mission's findings and recommendations was released on 12 May 2014.⁷

Election Observation Mission (EOM)

Following an invitation by Ukraine, ODIHR deployed 100 long-term observers and 900 short-term observers to monitor the 25 May 2014 presidential elections in what is considered the "largest election observation mission in the organization's history".⁸ The election was assessed positively and declared "largely in line with international commitments and fundamental freedoms".⁹ In the autumn, ODIHR deployed yet another mission to observe the snap parliamentary elections held on 26 October. The mission consisted of 80 long-term and 630 short-term observers as well as 75 members of the OSCE Parliamentary Assembly.

6 This list is adapted from the "Food-for-thought Paper on lessons identified from recent OSCE crisis response and implementation of the Ministerial Council Decision No. 3/11", circulated under the reference SEC.GAL/118/14 on 15 July 2014.

7 Cf. *Ukraine, Human Rights Assessment Mission: Report on the Human Rights and Minority Rights Situation, March-April 2014*, at: <http://www.osce.org/odihr/118476>.

8 Tana de Zulueta, *Monitoring Ukraine's presidential election*, 11 July 2014, updated: 16 September 2014, at: <http://www.osce.org/odihr/elections/ukraine/121163>.

9 Ibid.

National Dialogue Project

From 20 March to 19 April 2014, following a request by the Ukrainian government, the OSCE deployed a team of 15 international experts to Ukraine as part of a “National Dialogue Project” run by the OSCE Project Co-ordinator in Ukraine to identify areas for further OSCE activities to support confidence-building between different parts of Ukrainian society. The project’s recommendations for future OSCE engagement to foster social cohesion and dialogue in Ukraine were presented to all participating States at the Permanent Council in Vienna on 30 April 2014.

OSCE Project Co-ordinator in Ukraine

The Project Co-ordinator, operating under its 1999 mandate, implemented the National Dialogue Project and developed proposals for continued support for the dialogue process. It also functioned as a crucial initial logistical bridge-head for staff from the OSCE Secretariat, Institutions, and first-responders during the build-up of the SMM. The Project Co-ordinator was essential in overcoming administrative limitations that the SMM faced during the first weeks of its deployment.

Vienna Document

From 5 to 20 March 2014, 30 participating States sent 56 unarmed military and civilian personnel to take part in verification visits to Ukraine under the Vienna Document 2011. Ukraine requested the visits by invoking Chapter III, which allows for the voluntary hosting of visits to dispel concerns about military activities. Since 20 March, several smaller inspection teams of unarmed military experts had been on the ground in Ukraine. In addition, requests for consultation and co-operation as regards unusual military activities have been made under the Vienna Document, which led to three joint Permanent Council/Forum for Security Co-operation meetings.

Reconsolidating European Security as a Common Project

The OSCE’s engagement in the Ukraine crisis demonstrated the relevance of the Organization as a forum for dialogue and as an operational responder. At the same time, the crisis in and around Ukraine has shown the importance of addressing the crisis of Euro-Atlantic and Eurasian security. For this reason, at the Basel Ministerial Council the CiO launched a high-level “Panel of Eminent Persons on European Security as a Common Project”, in close co-operation with the incoming Serbian Chair and the 2016 German Chairmanship.

Chaired by former German diplomat Wolfgang Ischinger, this independent panel is designed to complement and support efforts by the OSCE participating States for an inclusive and constructive security dialogue across

the Euro-Atlantic and Eurasian regions, taking into consideration the recent Ukraine crisis in its broader perspective.

Achievements of the “Crisis Chairmanship”

One of the main achievements of the Chairmanship is the positioning of the OSCE as the main operational responder to the crisis in and around Ukraine. In this regard, it has not only received tasks from the participating States but has also been referred to to implement actions by other international formats such as the Geneva and the Normandy formats.

Moreover, despite this time of crisis and severe tensions, the 57 participating States were able to agree on the creation of the SMM. Through its independent reporting and field contacts, the mission has become one of the most-trusted sources of information on the situation on the ground. In addition and despite the same difficult context, another achievement is the creation of the Border Observation Mission, which monitors and reports on the situation as well as on the movements at the Russian checkpoints of Donetsk and Gukovo on the international Russian-Ukrainian border. Since the adoption of its initial mandate in July 2014, it has already been extended three times, most recently until 23 March 2015.

Another achievement is the contribution made by Swiss Ambassador Heidi Tagliavini in the TCG consisting of senior representatives of Ukraine, the Russian Federation, and the OSCE Chairperson-in-Office. Ambassador Tagliavini contributed to facilitating the agreement and signature of the Minsk Protocol and Memorandum, which remain the key documents for the de-escalation and stabilization of the situation in certain areas of eastern Ukraine.

While the OSCE played a significant role in the 1990s and helped many countries in their transition period, the Organization has increasingly suffered from a certain loss of relevance and strategic orientation in the last decade. For many observers, as well as for specialists, the crisis in and around Ukraine has been a game changer. In this regard, the OSCE has attracted a lot of international public attention, which has led some commentators to speak about a “renaissance of the OSCE”.

The fact that two committed countries, namely Germany and Austria, will take on the Chairmanship of the OSCE in 2016 and 2017, respectively, can be considered another achievement for the Organization. In this regard, the explanation of the German cabinet is worth mentioning, the German authorities declaring that “the role of the OSCE has undergone a re-evaluation since the Ukraine conflict”. In the current situation, the Organization “has a really important role to play and a genuinely important function”.¹⁰

10 See the website of the German Federal Government, *OSCE Chairmanship, More responsibility for Germany*, 1 October, 2014, at: http://www.bundesregierung.de/Content/EN/Artikel/2014/10_en/2014-10-01-osze-vorsitz.html.

The “Routine Chairmanship”

The ten priorities defined ahead of 2014 were structured around the following three main thematic clusters: “Fostering security and stability”, “Improving people’s lives” and “Strengthening the OSCE’s capacity to act”.

Despite the overall difficult and tense climate among the participating States, the Swiss Chairmanship succeeded in achieving its objectives in several of its priority areas. In addition, the Ministerial Council adopted eight decisions, eight declarations, two commemorative declarations, and one ministerial statement in Basel.

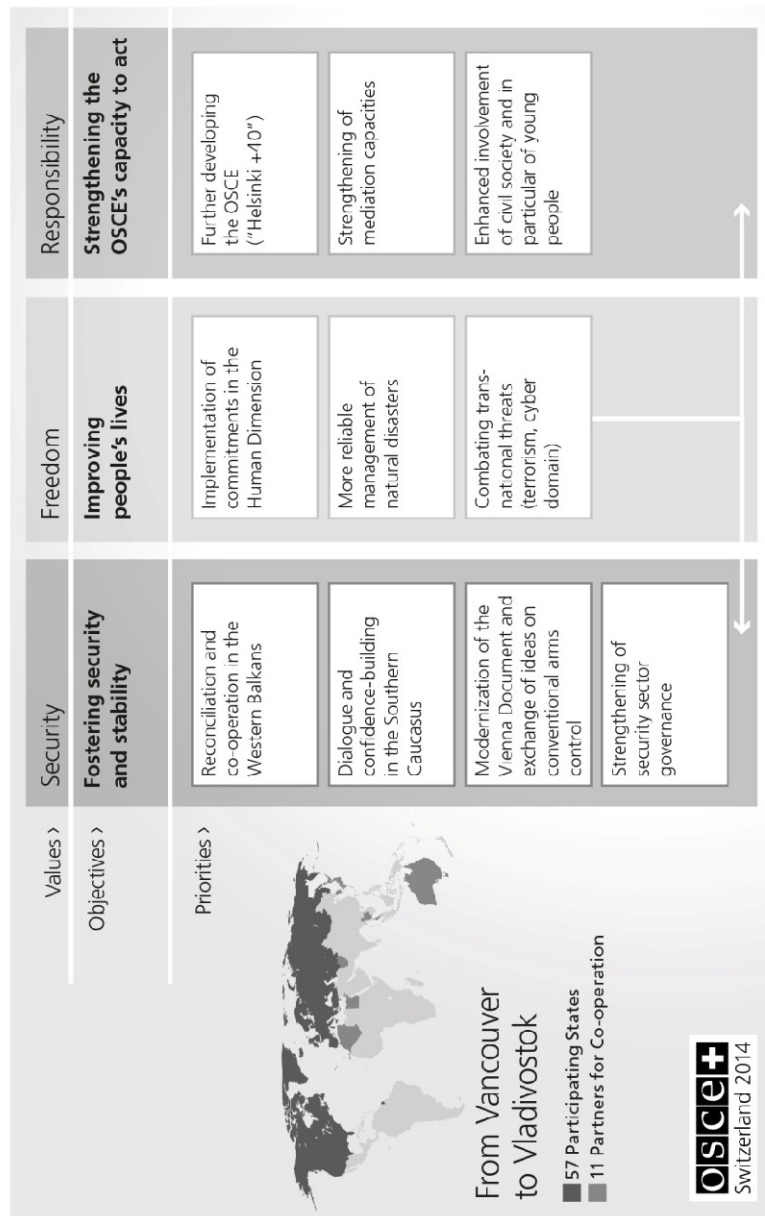
Fostering Security and Stability

The deployment of the OSCE in northern Kosovo was one of the successes of the 2014 Swiss Chairmanship. It was facilitated in consultation with the European Union, Serbia, and Kosovo in support of the implementation of the historic agreement on the normalization of relations between Belgrade and Pristina of April 2013. The Swiss Chairmanship also supported local and parliamentary elections, which were organized for the first time throughout the entire territory of Kosovo, thereby contributing to the integration of four new municipalities into Kosovo’s legal structure.

At the broader regional level, the Chairmanship, with the support of its Special Representative for the Western Balkans, Swiss Ambassador Gérard Stoudmann, facilitated the signing of the “Declaration on the role of the State in addressing the issue of persons missing as a consequence of armed conflict and human rights abuses” of the International Commission on Missing Persons by the presidents of Croatia, Montenegro, and Serbia and the Chairman of the Presidency of Bosnia and Herzegovina on 29 August 2014 in Mostar. The signing of this declaration paves the way for further improving relations among states and citizens in the Balkans, including, most importantly, among younger generations. It is hoped that more countries in the region and beyond will sign this declaration.

In the South Caucasus, the Special Representative of the Chairperson-in-Office, Ambassador Angelo Gnädinger, chaired, together with the representatives of the EU and the UN, the Geneva International Discussions. The monthly meetings of the Incident Prevention and Response Mechanism (IPRM), which are co-facilitated by the Special Representative and the Head of the EU Monitoring Mission in Georgia, contributed to stabilizing the situation in this region. In the second half of the year, the Chairmanship witnessed more frequent direct co-operation between the IPRM participants, particularly in relation to detention and law enforcement, and a significant improvement in the working atmosphere. The Chairmanship facilitated numerous people-to-people contacts between artists, students, experts, and officials. Moreover, it was possible to launch a regional “OSCE youth network”

“Creating a Security Community for the Benefit of Everyone”



to deepen links between civil society actors. The current Minsk Process dealing with the Nagorno-Karabakh conflict mainly consists of a series of ad hoc high-level meetings. The CiO therefore promoted the launch of a more structured and intense negotiation process towards a peace agreement when he visited the region in early June 2014. This idea was welcomed by the Minsk Co-Chairs and discussed by US Secretary of State John Kerry in his meeting with the presidents of Armenia and Azerbaijan in September 2014 in Wales and at the end of October 2014 by the French president, François Hollande, and the two presidents. The Minsk Co-Chairs issued a statement on the Nagorno-Karabakh conflict at the Ministerial Council in Basel.

The priority on strengthening security sector governance (SSG) had two aspects: On the one hand, activities linked with the Code of Conduct on Politico-Military Aspects of Security (CoC) and, on the other hand, activities seeking to strengthen the capacities of the Secretariat and the field mission on SSG. During the Swiss Chairmanship, strong emphasis was laid on continuous awareness-raising and progressive improvements to the implementation of the CoC, and, for the first time, outreach activities towards OSCE Mediterranean and Asian Partners for Co-operation were planned and conducted. A highlight was the celebration of the 20th anniversary of the CoC. In this regard, a “Commemorative Declaration on the Occasion of the Twentieth Anniversary of the OSCE Code of Conduct on Politico-Military Aspects of Security” recalling the CoC as a unique norm-setting document was adopted by the Ministerial Council 2014 in Basel. A commemorative publication on 20 years of the OSCE CoC was also edited and published by the Swiss Chairmanship and solemnly handed by the CiO to the OSCE Secretary General at the Ministerial Council. Furthermore, the Swiss Chairmanship, together with the Swiss delegation to the OSCE Parliamentary Assembly, prepared a parliamentary resolution on the Code.

To strengthen the capacities of the Secretariat and the field operations, the Swiss and Serbian Chairmanships tasked the Secretariat with developing internal guidelines on SSG. A network of focal points on SSG within the Secretariat and the field operations was also created. In order to gather support for this topic, a Group of Friends was established. It is led by Slovakia.

No progress could be made, however, on conventional arms control and the modernization of the Vienna Document. The influence of the crisis in and around Ukraine was such that it proved impossible to move forward in this area. Since 2009, participating States have been discussing a possible mandate for future negotiations to modernize the conventional arms control regime in Europe. In this regard, informal discussions took place.

Concerning the Vienna Document, the Swiss Chairmanship was able to maintain the accomplishments of the 2011 document and its content, even if it will be difficult to update it in the near future. The need for a functioning regime of conventional arms control as a cornerstone of European security

will remain. The Helsinki +40 Process and the Panel of Eminent Persons are potential platforms to search for ways to unblock the current stalemate.

Improving People's Lives

In the economic and environmental dimension, enhancing disaster risk reduction has been prominently discussed throughout the “Prague Forum Cycle”, i.e. the cycle consisting of the Prague Economic and Environmental Forum and its two preparatory meetings. The Ministerial Council in Basel adopted a decision emphasizing the importance of co-operation among participating States in disaster risk management as a way to diminish tensions within a broader effort to prevent conflict, and where appropriate, build mutual confidence and promote neighbourly relations. During the second preparatory meeting of the 2014 Economic and Environmental Forum, the Swiss Chairmanship organized a field visit for experts and OSCE delegates to Switzerland, which focused on trans-boundary co-operation between the Swiss and Italian authorities in the prevention of natural disasters. In Basel, the Ministers also adopted a decision on the prevention of corruption, recognizing corruption as a potential source of political tension that undermines the stability and security of participating States.

In the human dimension, the Swiss Chairmanship achieved many of its objectives. It facilitated the nomination of Michael Georg Link, a former German minister of state and parliamentarian, as the new director of ODIHR; he began his tenure in July. The Chairmanship restored the topic of torture prevention to the top of the OSCE agenda through civil society regional workshops and Vienna-based discussions with participating States, ODIHR, and other international organizations. For the first time in a decade, the protection of human rights defenders was at the focus of attention at the Chairmanship conference held on 10-11 June 2014 in Bern. The commemorative high-level conference on anti-Semitism in Berlin on 12-13 November 2014 and related conclusions of the Chairmanship paved the way for a ministerial declaration on anti-Semitism at the Ministerial Council. The Swiss Chairmanship also organized the first ever OSCE Gender Equality Review Conference, which led to the adoption of two Ministerial Council decisions and opened the way for holding this conference on a biennial basis in the future. These decisions contribute to preventing and combating violence against women and paved the way for the elaboration of an addendum to the 2004 OSCE action plan for the promotion of the gender equality.

The Swiss Chairmanship also achieved significant successes in placing new topics on the Organization's agenda. The topics of “kidnapping for ransom” and “foreign terrorist fighters” were discussed on several occasions, reflecting the efforts of other forums and organizations on these issues. Both issues were central topics of the OSCE-wide counter-terrorism conference that took place in Interlaken in April. The efforts of the Swiss Chairmanship

were reflected in the two declarations on “foreign terrorist fighters” and “kidnapping for ransom” adopted by the Ministerial Council in Basel.

After the adoption of the first set of confidence-building measures in the field of information and communication technology (known as “cyber CBMs”) at the end of the previous year, 2014 was dedicated to their implementation. To that end, the exchange of information is a central element. For this reason, three meetings and an end-of-year conference were convened to exchange information on matters including cyber-strategies, national organizational arrangements, and cyber-capacities.

Strengthening the Organization’s Capacity to Act

At the end of 2013, the Ukrainian, Swiss, and Serbian Chairmanships launched a roadmap for Helsinki +40 that identified eight thematic clusters in all dimensions of the OSCE, as well as cross-dimensional topics. The work in the clusters was launched in February and co-ordinators for each cluster were nominated.

The events in Ukraine affected their work from the start. In this regard, one co-ordinator accurately described the impact of the crisis on the work of all co-ordinators: “The crisis in and around Ukraine took most of our time and attention on ways to diffuse the tension and de-escalate the crisis; therefore the Helsinki +40 process was not at the forefront of our deliberations. Nevertheless, the ongoing crisis also has given us the chance to see the relevance of our organization with its ability to make contributions to address the challenges emanating from this crisis.”¹¹

Owing to the lack of trust between participating States, only modest progress was made in the Helsinki +40 Process. However, the Ministerial Council adopted a declaration on this topic, which gave the Serbian Chairmanship the task of pursuing it in 2015.

Despite tensions, the situation in and around Ukraine convinced participating States of the importance of strengthening the mediation capacities of the OSCE. Thus, Switzerland’s efforts in this regard, which included providing training for OSCE personnel and coaching for mediators, strengthening relations with the mediation support unit of the United Nations, received wide support from participating States. These enhanced capacities were also helpful in the context of the situation in and around Ukraine, with the OSCE mediation support unit being involved in the roundtables on national dialogue.

While civil society plays an important role within the human dimension, one of Switzerland’s objectives was to strengthen the overall participation of civil society from all the regions of the OSCE in all three dimensions of the Organization’s activities throughout the year. Four regional workshops, gath-

11 This quote is from the *Report on Progress Made Under the Helsinki +40 Process*, circulated on July 22 under the reference CIO.GAL/129/14

ering more than 150 participants from over 40 countries, were organized to discuss the prevention of torture, tolerance, the rule of law, and region-specific concerns such as hate crime in the Balkans, the independence of the judiciary in South Caucasus, and freedom of association in Central Asia. These workshops also contributed to the recommendations adopted by the parallel civil society conference in Basel and were handed to the CiO.¹² The “Basel declaration on tolerance and non-discrimination” elaborated by civil society was another result of this process.

The Chairmanship also sought to integrate young people more closely into the work of the OSCE and with this in mind created a “model OSCE” for young people from the OSCE participating States. The youth ambassadors negotiated a “Youth Action Plan” with 144 recommendations reflecting their priorities for action and concerns regarding OSCE structures and the participating States. The model OSCE simulated the whole OSCE negotiation cycle and benefited from the considerable support provided by the participating States. In Basel, the ministers adopted a declaration on youth, acknowledging young people as an active force in supporting participating States in the implementation of OSCE commitments.

Despite the difficult situation in and around Ukraine, the 21st OSCE Ministerial Council, which took place on 4-5 December in Basel, can be considered a success. The Ministerial Council attracted no less than 53 Ministers and 1,300 participants. Moreover, under the Swiss Chairmanship, the participating States agreed in Basel on no less than eight decisions, eight declarations, two commemorative declarations and one ministerial statement in all three dimensions of the OSCE, as well as on cross-dimensional issues. The participating States agreed on decisions or declarations in the majority of the ten priority issues defined at the outset of the Chairmanship.

12 Cf. *Civic Solidarity, Civil society recommendations to the participants of the OSCE Ministerial Council meeting in Basel, 4-5 December 2014*, available at: http://civicsolidarity.org/sites/default/files/civil_society_recommendations_to_the_mcm_in_basel_december_2014_final.pdf.

Forty Years of the Helsinki Final Act – A Cause for Celebration?

From Helsinki to the Fall of the Berlin Wall

When one looks back, as someone who was involved in the drafting of the Final Act, over the 40 years that have passed since it was signed, one has to admit that the ambitions entertained then by the delegates in Helsinki and Geneva regarding the developments that this document could trigger – whether directly or indirectly – appear rather modest. Even the younger diplomats, those between the ages of 30 and 40 at the time, could not in their wildest dreams have imagined that they would live to see German reunification, the end of the communist regimes in Europe, the break-up of the Soviet Union, the disintegration of Yugoslavia, the restoration of the Baltic states, the dissolution of the Warsaw Pact, and the bulk of its former members going over to join the EU and NATO. Depending on their political views, they had either hoped or feared that some of these developments might have come about, but none of them would have wagered that change would come to Europe so rapidly and comprehensively. Not even the keenest “cold warriors” among them were seeking to bring about “system change”, let alone revolution; with their diplomatic street smarts, they were too realistic, too attached to the idea of politics as the art of the possible. The delegates from the Western and Neutral and Non-Aligned (N+N) states were rather thinking of evolution in the sense of a slow and gradual liberalization within existing structures, perhaps along the lines of the “Prague Spring”, which did not lie so very far in the past. Its achievements, such as freedom of the press, freedom of opinion, and the freedom to travel to the West, though they proved ephemeral at the time, served as blueprints for many proposals, including a Swiss initiative on the dissemination of information. After lengthy and hard-fought negotiations, co-ordinated by the Neutral states, many of those proposals were included in the “third basket” of the Final Act. Incidentally, the use of the word “basket” for the various sections of the Final Act was also a Swiss innovation. For its part, the suppression of the Prague Spring by troops from the Soviet Union and other Warsaw Pact countries in August 1968 gave the impulse for the inclusion of Confidence-Building Measures (CBMs) within the Final Act. By requiring the notification of military manoeuvres, the CBMs sought to ensure that troop exercises could never again develop overnight into a crisis of this kind. Many of the relevant proposals were made by the group of N+N states, three of which (Finland, Austria, and Yugoslavia),

Note: The views contained in this contribution are the authors' own.

shared borders with Warsaw Pact countries. The “Brezhnev Doctrine” of limited sovereignty for members of this military alliance, which Moscow invented retrospectively to justify the invasion of the Czechoslovak Socialist Republic, was countered by the West, which insisted that all CSCE participating States had the right “to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality.”¹ The final clause was based on a Swiss proposal, introduced independently of the right to belong or not belong to an alliance, which sought to inscribe Switzerland’s neutrality in a multilateral document at the highest level for the first time since the Congress of Vienna in 1814-15. It was also Switzerland’s desire that neutrality would thus be recognized as “a specific instrument of European security and co-operation”.² Together with the clause on the freedom of states to belong or not to belong to an alliance, which was included word for word in the first principle of the Final Act’s Decalogue, the mention of neutrality could be interpreted as a veiled nod of encouragement to individual Warsaw Pact member states to leave that alliance at some point and declare their neutrality. Romania, which had refused to take part in the invasion of Czechoslovakia and had tried to take a line independently of Moscow in the CSCE, had expressed this, if quite indirectly, yet even in Bucharest, the possibility of leaving the Eastern military alliance appeared to be a wish for the very distant future.

The West and the N+N were only able to get their way on such far-reaching issues as the freedom of a state to belong or not to belong to an alliance because the Soviet Union was so deeply interested in the success of the CSCE that it was willing to pay a major price in the form of concessions. Moscow’s key motivation was to ensure that the principle of the inviolability of frontiers (the word used in Russian, “*nerushimost*”, is closer to “untouchable” in meaning) would be included in the Final Act, although the borders of Central Europe were already recognized in practice thanks to the treaties signed by the Federal Republic of Germany with Moscow and Warsaw (and later Prague) as part of its policy of rapprochement with the East (*Ostpolitik*) and the Basic Treaty signed by the two German states. Nevertheless, Moscow wanted this principle to be confirmed in a multilateral ceremony at the highest political level, as a kind of substitute for the peace conference that was never held in the 30 years following the end of the Second World War. Yet the West was unable to accept an absolute proscription of all changes of bor-

1 Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, Principle I.

2 Speech by President of the Confederation Pierre Graber, Helsinki, 30 July 1975, in: *Bundesblatt Nr. 35*, 5 September 1975, p. 919 (author’s translation). For a detailed insight into Switzerland’s role at the CSCE, see Philip Rosin, *Die Schweiz im KSZE-Prozess 1972-1983 – Einfluss durch Neutralität* [Switzerland in the CSCE Process 1972-1983 – Influence through Neutrality], Munich 2014.

ders, as the European Economic Community (EEC) wished to retain the option of abolishing its internal borders one day, and the Federal Republic of Germany was obliged by its constitution to reject anything that would stand in the way of reunification. After lengthy and intense negotiations, a compromise was found in the following wording: "They [the participating States] consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement."³ The compromise also meant that this clause was not included in the third principle on the inviolability of frontiers, where it naturally belonged, but in the first principle, immediately prior to the above-cited clause on the freedom to belong or not belong to an alliance.

This example illustrates the two contradictory approaches to European security that came face to face within the CSCE: on the one side, the static approach of the Soviet Union and its allies, which aimed to preserve the status quo of Europe as it had been since 1945 not only in territorial terms, but also politically and ideologically, and, on the other, the dynamic approach of the Western and Neutral states, which saw not only borders, but also political systems, as modifiable, though, of course, only by peaceful means in both cases. This approach was kind of a multilateral extrapolation of the German *Ostpolitik*, which was based on "change through rapprochement", and its core idea of recognizing current borders yet making them permeable and ultimately superfluous. While the Eastern approach concentrated on the problems of the past, the Western one made it possible to deal with those of the future. The CSCE, which, as the first pan-European assembly in 160 years, relished the comparison with the Congress of Vienna, nonetheless avoided the key mistake made by its "predecessor", which, though it granted Europe a 30-year peace, did so at the cost of suppressing any and all changes within and between the states, until the urge for domestic reform led to the revolutions of 1848 and the desire for external change to the equally dramatic rise of the nation state.

The compromise between these two approaches was reflected throughout the Final Act, most clearly in the catalogue of principles. Most of the ten principles were inspired to a greater or lesser degree by the Charter of the United Nations (UN) and the UN Declaration on Friendly Relations among States, which had been adopted shortly before the start of the CSCE negotiations. These principles tended to underline the static approach – as did the principle on the inviolability of frontiers – while the clauses on the peaceful change of borders and the freedom to choose alliances represented the dynamic approach, particularly the seventh principle, on respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief. While UN precursors also existed in this area – from the 1948 Universal Declaration of Human Rights and the twin Coven-

3 Helsinki Final Act, cited above (Note 1).

ants of 1966⁴ – the CSCE decided not to reiterate them, but rather to innovate, by declaring for the first time that respect for human rights is “an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves [the participating States] as among all States”.⁵

By raising human rights to the level of the principles that guide relations between states, the Final Act made a connection, for the first time, between the domestic and foreign conduct of states, and made human rights the yardstick by which their reliability could be measured. The ninth principle, on co-operation among states, though it received far less publicity at the time, included a clause that later came to assume major significance: “They [the participating States] confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation.”⁶

This served to legitimize the activity of groups now generally referred to as “civil society”, and provided a foundation for the “Helsinki Groups” that spontaneously emerged in many countries in the wake of the signing of the Final Act. The first was founded in the Soviet Union in 1976, followed by others in Eastern European states. Helsinki Groups were also established outside the Eastern Bloc, with Switzerland becoming the first non-communist country to see a group created in February 1977. Together with other citizens’ movements, and despite repression and arrests, the Helsinki Groups in Central and Eastern Europe called upon their governments to implement the commitments they had ceremonially undertaken in Helsinki, and specifically those in the area of human rights and the provisions relating to their implementation in the areas of human contacts, information, culture, and education in the “third basket”. Most of these countries, even the USSR and the German Democratic Republic (GDR), had, to the astonishment of Western observers, distributed millions of copies of the full text of the Final Act, shortly after it was signed, as supplements in party and government newspapers. They completely misread the mood of the people by failing to predict that they would seize the opportunity this represented. For instance, the number of requests for permission to leave the GDR jumped rapidly in 1976 as a result of the provisions on the reunification of families. In Czechoslovakia, a year later, “Charter 77” made explicit reference to the CSCE, as, later still, did the Polish trade union “Solidarity” and the East German opposition. The Final Act took on a dynamism of its own and ultimately, alongside many other factors – not least the CSCE follow-up conferences and expert meetings – contributed to the holding of the first more or less free elections in a communist country in Poland in 1989, and the fall of the Berlin Wall, which, in

4 The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

5 Helsinki Final Act, cited above (Note 1), Principle VII.

6 Ibid., Principle IX.

the same year, marked the beginning of the end of the GDR and the other communist regimes in the Soviet satellite states, and finally led to German reunification. The provisions of the Final Act on the peaceful change of borders and the free choice of alliance played a key role in this regard, as they legitimized the removal of the interior German frontier and gave the Federal Republic of Germany an argument it could use in the “Two Plus Four” negotiations in favour of continued German membership of NATO after reunification. The Final Act was thus a kind of “umbrella” that allowed the transformation of Europe in 1989-90 to take place in a peaceful and orderly fashion.

From 1989 to the Present Day

The fall of the Berlin Wall on 9 November 1989 now stands as the symbol of the transformation of Europe. This is correct to the extent that Berlin, the divided city of the Cold War, was always the barometer of East-West relations, and had more than one crisis to overcome during the time of its division. Yet anyone who had been involved in the Helsinki Process had experienced at first hand the shifting relations between the US and Soviet superpowers during the negotiations and their effects on Europe as a whole. The signs of possible changes to come could already be seen in that context. Following the death of Leonid Brezhnev in 1982, the world waited expectantly for a signal from Moscow. However, the first indications of a change in the political climate would have to wait for Mikhail Gorbachev, who introduced the policies of *glasnost* and *perestroika* following his election as Secretary General of the Communist Party of the Soviet Union in March 1985; the first summit with US President Ronald Reagan was held in Geneva in November that year, and the “*esprit de Genève*” gave a new lease of life to both multilateral diplomacy, especially in the UN and, of course, CSCE contexts, as well as bilateral disarmament talks between the two superpowers.

Nevertheless, the dismantling of the Wall that had cut through the heart of Berlin is considered the start of a new chapter in European history – one that has not yet been concluded. The people of Eastern Europe had great expectations of what the new Europe would bring them in political and economic terms. However, after decades of oppression, many first had to recover the powers of agency and autonomy. The strength of a democratic system under the rule of law to create a balance between competing interests had to be grasped and explored. Alongside all the positive developments, there have been many setbacks along the way. Nor are established democracies free from danger, if they do not take care of their democratic institutions and processes.

Those responsible for creating the new Europe were aware from the outset that this needed to be achieved within the framework of multilateral

structures. Yet there was no agreement on which organization should take the leading role in this process. This also signifies a failure to recognize at the start that each organization has its particular strengths, and that their co-operation would ensure the best results.

Immediately after the fall of the Wall, the CSCE assumed leadership, though there was a brief discussion of whether the Organization had fulfilled its role and should dissolve itself or could act as the forum for this new chapter in European history. All the states of Europe (with the exception at that time of Albania and Andorra) together with the USA and Canada had participated in the CSCE since 1973, and it had consistently conceived of security in comprehensive terms – understanding it to include not only external security via military means but also security in the domestic sphere via democracy, the rule of law, economic and social security, and respect for human rights.

At the same time, the Council of Europe, NATO, and the EU (then still the EEC) were reconsidering their various roles in the new Europe. Their contrasting ambitions led to rivalries – sometimes bitter – in the years to come, which were not exactly conducive to the performance of the work of rebuilding the continent politically and economically and avoiding potential conflicts. It was not until 1999, against the backdrop of the Kosovo War, that a document was adopted at the OSCE Istanbul Summit on security co-operation between the existing organizations.⁷

The CSCE set to work immediately in 1990, holding an economic conference in Bonn and a human rights conference in Copenhagen that very year. It was in Copenhagen that, for the first time, a negotiating group, which was chaired by Switzerland, put together a wide-ranging catalogue of rights of persons belonging to national minorities. To this day, minorities tend to suffer most in any conflict. In November 1990, a CSCE Summit meeting was held in Paris at which the Heads of State or Government of NATO and the Warsaw Pact states first signed the Treaty on Conventional Armed Forces in Europe (CFE Treaty), then the Heads of State or Government of all participating States adopted the Vienna Document on military confidence- and security-building measures (CSBMs), and finally – in a particularly solemn ceremony – signed the Charter of Paris for a New Europe. This charter had been negotiated between July and November in Vienna in an entirely different political climate than had prevailed during the negotiations on the Final Act in the 1970s. It was thought of as a follow-up to the Helsinki Final Act, taking stock of political events by drawing up guidelines for the future of the united Europe that was emerging, and creating instruments for their implementation. This was the last time that the ambassadors of the Neutral

7 Charter for European Security, Istanbul, November 1999, in: OSCE, *Istanbul Summit 1999, Istanbul Document 1999*, January 2000/Corr., pp. 1-45, especially: Operational Document – the Platform for Co-operative Security, pp. 43-45; at: <http://www.osce.org/mc/17502>.

states were called upon to play a co-ordinating role by chairing the discussions and finalizing the texts. Switzerland was responsible for the chapter on the future programme of the CSCE (“Guidelines for the future”).

The negotiations were carried out in an atmosphere of incredible optimism. Many Eastern European countries had sent young diplomats whose thinking was not coloured by the ideology that had recently been overthrown, but whose desire was rather to contribute to the creation of an open and peaceful Europe. In many regards, the EU/EEC was a hesitant partner, as Brussels was already thinking about its own political instruments and did not want to place any barriers in its own way. The USA was reluctant to pursue institutionalization and to move on issues that could have placed restrictions on its own autonomy of action. Yet there was a unanimous desire to celebrate the end of the divided Europe and the united future whose dawn it heralded. No one wanted to think about smouldering crises and conflicts. A Swiss proposal to prepare for future conflicts that might break out in Europe following the fall of totalitarian regimes fell on deaf ears. In retrospect, this refusal to even acknowledge the reality of such threats demonstrates a short-sightedness on the part of both individual governments and the international community that is hard to understand in view of the armed conflicts that shook Europe so soon after this short period of euphoria – and continue to do so – and given how poorly Europe was prepared to deal with them, and how limited its capacities are as soon as a crisis widens to become a major threat for a whole region.

Nonetheless, the Charter united all participating States around a set of shared values, drew up a rich programme for future activities, and began a process of (consciously decentralized) institutionalization. A small Secretariat was established in Prague. Following the founding of the OSCE, whose headquarters – and hence the Office of the Secretary General – are in Vienna, the Prague Secretariat now functions as the Organization’s archive. The Office for Democratic Institutions and Human Rights (ODIHR), which was established in Warsaw, originally as the Office for Free Elections, has become one of the OSCE’s key pillars for field missions, election observation, and human-dimension meetings of all kinds. The annual rotation of the Chairmanship among the participating States can also be traced back to the Charter of Paris. However, it proved impossible to realize the intention of holding a Summit meeting every two years. After a positive initial phase that lasted until the 1999 Istanbul Summit (Helsinki 1992, Budapest 1994, Lisbon 1996), so far only one Summit has occurred in the 21st century, namely in Astana, Kazakhstan, in 2010. The Committee of Senior Officials (replaced by the Senior Council in 1994 in Budapest effective from 1 January 1995), which was supposed to meet in Prague to deal with crisis situations, was overwhelmed by the crises and even military conflicts that rapidly emerged. Only months after the Paris Summit, there were clear signs of the bloody war that would break out in Yugoslavia, tearing the country apart. The break-up

of the Soviet Union was also unavoidable and led to numerous conflicts that remain unresolved to this day. Since 1995, the Permanent Council of OSCE ambassadors in Vienna has assumed responsibility for the political functions of the Senior Council.

The CSCE was not strong enough to effectively counter the sometimes brutal events of the 1990s. The same is incidentally true of Europe's other organizations. However, all of them, including the CSCE, were seeking – preferably peaceful – ways and means of avoiding violent conflict. At the 1992 Helsinki Summit, with intensive Swiss participation, the CSCE was at least able to put together a programme for military peacekeeping, also declaring itself – with New York's agreement – to be a regional arrangement in the sense of Chapter VIII of the UN Charter. At the same time, it created the office of the High Commissioner on National Minorities (HCNM). Based in the Hague, the HCNM's cautious and discrete brand of diplomacy has proved indispensable to this day. Helsinki also laid the foundations for short-term fact-finding missions in conflict areas and long-term missions for conflict prevention or post-conflict rehabilitation. Both the creation of the HCNM and the establishment of the foundation for the deployment of missions were key priorities of Switzerland. Alongside its election monitoring activities, these field missions have become one of the trademarks of the OSCE, which, under Hungarian Chairmanship, was finally transformed into an organization in 1995, with its headquarters and an effective Secretariat located in Vienna.

The fact that the OSCE still has no founding treaty – an oddity of international law, yet one which suits the Organization's flexible character, allowing it to adapt to any situation, and to maintain a relatively inexpensive infrastructure – means that each Chairmanship is required to establish the infrastructure it needs and to assume more political responsibility than is the case in other organizations. This is something Switzerland experienced at first hand when it assumed the Chairmanship in 1996 and was faced with major challenges arising out of the war in Bosnia and Herzegovina. During the same year, the Swiss-led OSCE mission to Chechnya had to mediate in the conflict between Chechnyan separatists and Moscow, the conflict between Armenia and Azerbaijan over Nagorno-Karabakh escalated, and the lack of political will on the part of Moscow – which remains the case even now – to withdraw its forces from the pro-Moscow Moldovan province of Transdnistria, which lies on the border to Ukraine, became increasingly evident. For its second Chairmanship in 2014, which it co-ordinated closely with Serbia, its successor in 2015, Switzerland also had to establish a fully staffed task force in Bern, tailored to the challenges it faced, and to suitably strengthen the Swiss delegation in Vienna. In addition, Switzerland has created numerous Special Representatives and Personal Envoys to deal with, for instance, specific crisis regions, such as the Western Balkans and now Ukraine.

The lack of a treaty is felt most keenly in the organization of the field missions, whose mandates must be continually re-established on an ad hoc basis. The OSCE's largest missions so far were set up in Bosnia and Herzegovina under the Swiss Chairmanship in 1996 and in Kosovo in 1999, shortly after the NATO bombing campaign. Both are still in operation today, alongside various mid-sized and small missions in Serbia, Montenegro, Macedonia, Albania, the Caucasus, and Central Asia. Switzerland has a tradition of supplying large numbers of staff to these missions, including, not infrequently, heads of missions. The Mission to Serbia is presently led by a Swiss diplomat, Ambassador Peter Burkhard. Switzerland's current ambassador in Berlin, Tim Guldemann, was the head of the missions to Chechnya, Croatia, and Kosovo. At the beginning of the crisis, he was also involved in Ukraine. Ambassador Heidi Tagliavini was a member of the OSCE's mission to Chechnya as well and a Personal Representative of the Chairperson-in-Office for the Caucasus before she took over the UN Observer Mission in Georgia (UNOMIG) in 2002. In 2014, she was appointed OSCE mediator in Kyiv and as such was instrumental in bringing about the armistice between the Ukrainian government and the separatist movements signed on 5 September 2014 in Minsk. Her mandate was prolonged beyond the duration of the Swiss OSCE Chairmanship into 2015.

In most cases, the key task of an international presence in a crisis region is to encourage local authorities and citizens to undertake their own reconstruction activities and to help build a sense of ownership. In parts of the Western Balkans, as well as in the Caucasus and Central Asia, this can be a protracted process. Nevertheless, it is crucial that the duration of international missions is not extended beyond necessity, as the non-violent status quo that this can produce can lead to an apparent stability that is only skin deep. The danger is that the dependency on the international community that can develop over years in such cases does not promote the development of a genuine democracy and indeed works against it.

In 2014, it was again a Swiss Chairmanship, under Didier Burkhalter, President of the Confederation and Foreign Minister, that was called to deal with a crisis, this time in Ukraine, which is more difficult and alarming than any crisis or conflict seen so far, not just for the OSCE but for the whole of Europe and far beyond. An attempt is being made to reverse an entire process from which many people consider there could be no way back. The annexation of Crimea was contrary to international law and breached fundamental principles of the Helsinki Final Act, particularly on the inviolability of frontiers – except by mutual agreement; furthermore, the conflict represents a direct provocation to a confrontation between Russia and the USA through NATO, whose members now include countries such as Poland and the Baltic states. Europe, the USA, and Canada need to react, but have to be careful that their reaction does not itself amount to a provocation. Instead they must seek to keep the peace and find non-violent ways out of the crisis.

Reading the speech given by Vladimir Putin after the annexation of Crimea, it is clear that its content could refer not just to Crimea and Ukraine, but also to other territories. There is a clear long-term plan behind everything that is happening now; this is not a situation that is inadvertently running out of control. The suspicion may also sometimes arise that Ukraine represents a tit-for-tat response for Kosovo, though the two cases are not really comparable in terms of international law.

As always, the OSCE has “only” political means for dealing with the Ukraine crisis – those of conflict prevention and peaceful conflict resolution. Yet it has to use the tools that are available if it wants to counteract the emergence of a new split in Europe and a new confrontation between Russia and the USA.

While the CSCE wrote European history with the 1975 Final Act of Helsinki, which is, incidentally, once more being cited frequently, and, following the end of the Cold War in 1989-90, carried the hopes of a “new Europe”, less has been heard from the OSCE in recent years. The states of Eastern Europe, which had initially believed that the CSCE would play a leading role after the fall of the Berlin Wall, were ultimately more interested in membership of the European Union and NATO. While their key motivations were economic and military, this was also a result of the OSCE’s failure to secure its position in international law by adopting a basic treaty. If it finds itself on the front line once again with regard to Ukraine, this is partly because it is still the East-West forum par excellence, while other organizations, despite their enlargement to the East, continue to be seen by Moscow as “Western” and as – to some extent – taking the side of the Ukrainian government. The Swiss Chairmanship experienced at first hand that the OSCE continues to have an important role to play, and it was vital to make the most of this.

Conclusion

Today, the Final Act of Helsinki may appear superannuated in several regards. Yet this does not mean that it has failed. On the contrary, its current apparent redundancy has come about precisely because it has essentially achieved its main goal of overcoming the division of Europe into two “blocs”, thanks to the transformations of 1989-90. Considerable progress has been made in conventional arms control, military CSBMs, and, above all, in the former “third basket”, the current “human dimension” of the OSCE. Yet it would also be wrong to conclude that the Final Act has become the victim of its own success. For despite all the satisfaction at the results it has achieved, it should not be forgotten that the goals of the Final Act – and the Charter of Paris, which reinforced and extended them – are far from having been realized in all the OSCE States. Although the commitments undertaken

by the participating States have often been expanded in subsequent documents, many countries still display major shortcomings in the protection of human rights, fundamental freedoms, and national minorities. Consequently, it is still crucial that the balance between the OSCE's three dimensions is upheld, and that further progress is made in every area of its work, despite the fact that events in and around Ukraine have placed questions of political and military security very much in the foreground at present. Above all, these events have created a renewed awareness of just how vital the ten principles of the Final Act and the Charter of Paris are, as they have gained an unexpected relevance as guidelines for resolving the current problems. The same is true of the CSBMs, which have taken on a new significance as diplomatic "tools" far beyond the purely military sphere. In other words: The Final Act of Helsinki and the Charter of Paris, together with all the more recent documents that build on them, are more important now than ever. The relevant decision-makers in the OSCE participating States would be well advised to renew their acquaintance with the commitments contained in these documents, to which their governments unanimously gave their assent, and to implement them accordingly.

From the Swiss point of view, the last 40 years are a positive story overall. For Switzerland, whose deep-rooted policy of neutrality – exemplified by the lengthy debates it held over UN membership – had previously led it to co-operate in negotiations on "technical" matters while absenting itself from "political" negotiations, the CSCE was a key means of participating in negotiations on security policy and human rights in an East-West framework, and of bringing its own views to bear, from the very beginning. The mediating role of the N+N states, in particular, provided Switzerland with an entry into European political co-operation. However, the desired breakthrough on the country's two key goals was not achieved in 1975: Neutrality did not become, as hoped, a factor in European security, as, with the exception of Turkmenistan in 1995, not a single additional country declared its neutrality, and Switzerland's closest "allies" in the CSCE, Austria, Sweden, and Finland, though still neutral, are now integrated in the framework of EU political co-operation. After the end of the Cold War, the dissolution of the Warsaw Pact, and the increasing rapprochement between East and West, there was no more need for "neutral" mediation between the blocs. After the Charter of Paris was signed, the group of N+N states was dissolved. Shortly thereafter, both non-aligned Yugoslavia and the Soviet Union disintegrated. The reshaping of Europe in the era of globalization led to the emergence of new actors, and the increasingly dense networks of relations between states became more important than "remaining aloof". The Swiss answer to these challenges from the 1980s to the present day has been a policy of "active" neutrality, which once again showed its strength in Switzerland's second OSCE Chairmanship: A reasonable measure of political independence strengthens the ability to mediate.

Switzerland's second major CSCE-related goal, the system it proposed for the peaceful settlement of disputes, resulted after a tireless diplomatic effort in the creation of a Court of Conciliation and Arbitration in 1992. To this day, however, the Geneva-based Court has not once yet been convened, though there is certainly no shortage of conflicts in Europe. Its powers are extremely limited; furthermore, the International Criminal Court (ICC) and various other tribunals have since been established. Political conflict resolution has also undergone a revival.

After the transformations of 1989-90, Switzerland combined with other participating States to present its own proposals for the operational future of the OSCE. It decided early on to favour conflict management by means of civic engagement with local populations (i.e. what became the field missions), and election monitoring. In 1992, Switzerland co-operated with Finland, Sweden, and Norway in drawing up the outlines for CSCE/OSCE military peacekeeping missions. As a result of the geographical enlargement and the internal strengthening of the European Union and NATO during the 1990s, Switzerland strikes a more lonely figure than it did 40 years ago, yet it is not out of the picture. On the contrary, precisely thanks to its unique situation, it enjoys a particularly high degree of independence and credibility that made it easier to live up to the great responsibility of the OSCE Chairmanship.

Our answer to the question posed at the start, whether 40 years of the Helsinki Final Act is a cause for celebration, is a strong yes. Nevertheless, it is not enough to look back with nostalgia at the pioneers whose signatures in 1975 created the first bridge between East and West, and thereby set the course that led to the transformations of 1989-90. While the OSCE has not become the central organization of pan-European co-operation that many hoped it would in 1989, it remains the comprehensive forum, stretching from Vancouver to Vladivostok, with many committed participating States, that seeks, by means of political strategies and permanent co-operation, to preserve and promote peace and security on our continent, in the belief that political, economic, and social development are all equally important, and that democracy, the rule of law, and human rights are inseparable. In the absence of serious conflicts, it may seem, at least in the public perception, that things have been quieter around the OSCE. Yet Ukraine shows just how important this comprehensive forum is for stopping violence, providing protection, and launching negotiations. It is our hope that the double anniversary of the Final Act and the Charter of Paris in 2015 may serve to accelerate the implementation of the commitments undertaken by the participating States in OSCE documents, while raising awareness that this can prevent new conflicts from arising, thereby helping Europe to achieve its goal of becoming a peaceful continent.

Europe Needs the OSCE, Just As It Did 40 Years Ago

When discussing European problems today, we unfortunately have to consider them through the prism of developments in Ukraine. Everything that has happened and is happening in Ukraine and its vicinity in recent months cannot but arouse feelings of profound regret and concern. One can assume, with a high degree of probability, that, regardless of how the crisis in Ukraine is resolved, it has knocked us a long way back in our attempts to create, within Europe, a common humanitarian and economic space, and a common space of security. The negative consequences of this crisis will remain with us for a long time. Overcoming them and restoring mutual trust and stability will require years, if not decades.

Of course, the roots of the Ukraine crisis are above all deep and internal. More than 20 years of mistakes in public administration, 20 years of corruption, cynicism among politicians, and neglect of the country's basic social and economic needs all made the crisis practically inevitable. The reality is that, even before the crisis, Ukraine was a fragile state with weak political institutions, and profound social and regional differences. Political leaders and the so-called business elite were characterized by extreme selfishness and short-sightedness. Every Ukrainian leader has to take part of the responsibility and blame for the dramatic and tragic events that began in the autumn of 2013.

However, it would hardly be fair to ignore the external dimension of the Ukraine crisis. The inability of Russia and the European Union to co-ordinate their approaches to Ukraine and the outbreak of hostile rhetoric from both sides as the crisis unfurled are clear evidence that Cold War attitudes continue to exist in the Euro-Atlantic space. Ukraine's future was, and still is, perceived by many as a zero-sum game, while events in Ukraine appear as a struggle between pro-European and pro-Russian political forces. Such attitudes obscure our view of the real picture, impede our understanding of our strategic interests, and severely limit our ability to help Ukrainian society overcome the most serious crisis in the entire history of modern Ukrainian statehood.

Although it is still difficult today to assess all of the potential consequences of the crisis in Ukraine, it is nonetheless already clear that Russia, the European Union, the United States and, first and foremost, Ukraine itself will be among the losers, not the winners. Each of these participants is going to have to pay the full price for this crisis, and that price is going to be high.

Following the end of the Cold War, we started hearing statements coming out of the West to the effect that, in 21st-century Europe, unlike the Middle East and certain other parts of the world, traditional security issues were no longer important. Therefore, they said, there was no need to invest time, money, or intellectual and political capital into creating new or improving existing institutions, regimes, and mechanisms in the area of security. Today, we all have to pay a very high price for our joint reluctance or inability to seriously address the modernization of the European security architecture.

The Ukraine crisis has become a sort of catalyst that has exposed, in a very dramatic way, the totality of problems between Russia and the West, which they have often tried to hide or downplay. As a result of this crisis, today we are faced with the full-blown threat of a new division of Europe.

Against this general background of “institutional paralysis”, the Organization for Security and Co-operation in Europe has performed well.

Yet even the OSCE has come under harsh criticism during the crisis: for its slowness to react, for its unnecessary diffidence in setting objectives, and for its alleged political bias. And nonetheless, it was indeed the OSCE that turned out to be the only multilateral European platform to succeed, albeit not without difficulty, in reaching an agreement on co-ordinated measures aimed at resolving the crisis. It was the OSCE that deployed a special monitoring mission to Ukraine. The contact group created under the auspices of the OSCE has become the main mechanism for resolving the crisis. And it is the OSCE on which we have pinned our main hopes concerning the monitoring and verification of the conflict parties’ compliance with the agreements that have been reached.

This is yet another response to those politicians and experts who talk and write about “the fundamental crisis of the OSCE”, about the “archaism” of the Organization, and even about European security in an era “after the OSCE”. The OSCE, of course, is not a panacea for all of the problems on our continent. It is also clear that we should not give up on other European security mechanisms that are capable of resolving some of our common problems in this sphere. However, we must not forget that the OSCE has been and remains the most representative and, consequently, the most legitimate organization with regard to European security. The OSCE can draw upon not only the 1975 Helsinki Final Act, but also the 1990 Charter of Paris for a New Europe, the 1999 Charter for European Security, and the 2010 Astana Commemorative Declaration. The OSCE can draw upon a huge amount of experience in the prevention, monitoring, and de-escalation of conflict situations in a great variety of locations on the European continent.

2015 marks the 40th anniversary of the signing of the Helsinki Final Act. This is a major milestone in the life of Europe. First and foremost, the OSCE participating States are faced with the responsible task of adopting consensus decisions that would make it possible to significantly expand the

role of the Organization in contemporary international political developments.

In this context, the following tasks have the highest priority.

(1) In the interest of promoting dialogue in the spheres of security and co-operation in Europe, it is important that the OSCE participating States confirm the continued relevance and equivalence of the fundamental principles of the 1975 Helsinki Final Act, the 1990 Charter of Paris for a New Europe, and the 1999 Charter for European Security, as well as their commitment to these principles and to implementing all of the commitments undertaken in accordance with OSCE documents.

(2) At the OSCE Summit in Astana in December 2010, the OSCE Heads of State or Government agreed that overcoming the threat of a new division of Europe required strict adherence to “the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals”.¹

The Astana Declaration further develops the concept of comprehensive, co-operative, equal, and indivisible security, which “relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations”.² It also states that the OSCE security community “should be aimed at meeting the challenges of the 21st century”,³ be based on “full adherence to common OSCE norms, principles and commitments across all three dimensions”,⁴ and “should unite all OSCE participating States across the Euro-Atlantic and Eurasian region, free of dividing lines, conflicts, spheres of influence and zones with different levels of security”.⁵

Confirmation of the participating States’ commitment to the formation of such a security community is no less important than their reaffirmation of the principles and commitments stemming from OSCE documents.

(3) Over the past five years, there have been informal discussions in the OSCE about a draft constituent document. The adoption of such a document would be an important step towards transforming the OSCE from a regional arrangement into a fully-fledged regional organization in the sense of Chapter VIII of the UN Charter. An OSCE Charter would reaffirm, in a legally binding form, the Organization’s existing procedures, structures, and institutions. While working on the Charter (constituent document), it makes sense to come back to the question of precisely defining the powers, roles, and functions of the Chairman-in-Office and the Secretary General, as well as to the

1 Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010, para. 1, at: <http://www.osce.org/cio/74985>.

2 Ibid. para. 2.

3 Ibid. para. 11.

4 Ibid.

5 Ibid.

long-debated question of establishing a post of OSCE Deputy Secretary-General.

Reaching an agreement in principle on the expediency of drafting such a Charter in the near future could be one of the most important decisions taken as part of the Helsinki + 40 Process.

(4) Along with an agreement on an OSCE Charter (constituent document), it will be necessary to resolve the issue of the adoption of a convention on international legal personality, legal capacity, and privileges and immunities of the OSCE, the text of which was agreed by the participating States long ago.

(5) The OSCE is called on to make a significant contribution to the settlement of both old and new conflicts and the management of crises in Europe. For this purpose, the Organization could make greater use of its existing instruments, including its stabilizing measures for localized crisis situations.

Proposals to significantly enhance the human and financial resources provided to the OSCE Conflict Prevention Centre (CPC), to expand its activities in terms of monitoring ongoing situations, and to prepare proposals regarding the settlement of conflicts are worthy of careful consideration.

It is also expedient to consider the question of the practical implementation under current conditions of the decisions adopted in Helsinki in 1992 on the deployment of peacekeeping operations and peace-building missions, either by the OSCE itself or under an OSCE mandate.

(6) The OSCE is the optimal platform for dialogue on politico-military aspects of security in Europe with a view to agreeing on possible parameters for a future conventional arms control regime in Europe, as well as building confidence in the politico-military sphere in the interest of ensuring military stability, predictability, and transparency (2010 Astana Declaration).

The key role in discussing these issues is played by the OSCE's Forum for Security Co-operation (FSC), and, in particular, the Security Dialogue conducted by the FSC. The OSCE's Security Days, which bring together prominent political figures, scholars, and non-governmental experts to discuss, among other things, issues related to conventional arms control in Europe, attract constant interest.

It would be expedient to begin military-technical expert consultations under the auspices of the OSCE dedicated to the creation of a "security matrix" that would determine the interconnections between – and degree of influence of – various types of weapons in combat missions. Such consultations could be held in Vienna with the participation of delegations of interested participating States as well as representatives of defence ministries.

(7) In the last four years, the OSCE has adopted a number of decisions on updating the Vienna Document on Confidence- and Security-Building Measures. The majority of these decisions were, however, "technical" in nature.

It would be advisable to focus attention on measures that could improve the effectiveness of the verification activities being carried out under the Vienna Document: increasing the number of inspection teams and evaluation teams, as well as the duration of verification activities and the timing of the demonstration of new types of major weapons and equipment systems (to once every five years).

Alongside negotiations on updating the Vienna Document, it would be useful, within the framework of the FSC, to conduct a systematic review of the practice and effectiveness of the application of agreed confidence- and security-building measures and, in particular, their application in crisis situations.

(8) The OSCE can and should promote agreed measures to counter transnational challenges and threats to security, primarily terrorism, drug trafficking, and trafficking in human beings. It should also advance the implementation of confidence-building measures already agreed in the field of information and communication technologies, as well as the creation of new measures.

The Organization should actively facilitate the harmonization of policies in response to new challenges and threats, including through the participating States' ratification of key universal instruments, particularly those related to anti-terrorism activities and the strengthening of regimes aimed at preventing the proliferation of weapons of mass destruction. Furthermore, where necessary, the Organization should provide states with support in implementing their commitments.

In the context of a joint response to transnational challenges and threats, OSCE states should, first of all, establish the practice of holding regular consultations and co-ordinating joint responses on a broad range of issues that extend beyond the geographic scope of the OSCE region. The result of such consultations might be the adoption of decisions on joint measures to combat new threats and challenges, including the implementation of joint project activities outside the OSCE region.

(9) As an umbrella organization for the Euro-Atlantic and Eurasian communities, the OSCE can contribute to greater compatibility with respect to economic integration processes in the region in order to minimize contradictions between these processes and, ultimately, to form a common economic space including both the Euro-Atlantic and Eurasian areas and to create a common free-trade zone with free movement of goods, services, and people.

To this end, the OSCE, in co-operation with the UN Economic Commission for Europe (UNECE), could become a platform for a broad expert and policy dialogue on a variety of issues:

- creating favourable conditions for trade and investment, including the protection of investments, in order to ensure the sustainable develop-

- ment of the OSCE States on the basis of the principles of non-discrimination, transparency, and good governance;
- removing barriers to trade and to the movement of labour;
- creating new opportunities for economic actors through the establishment of common, harmonized, or compatible rules and regulatory systems, and also through the development of interconnected infrastructure networks;
- increasing and maintaining the global competitiveness of the economies of OSCE countries.

10. The human dimension was, is, and will remain an inalienable part of the Helsinki Process and the most important element of the OSCE's identity and mandate. "Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights."⁶

The OSCE can contribute to overcoming the disagreements around the human dimension of the Helsinki Process by depoliticizing problems and questions that arise in this sphere, by creating a mechanism for dialogue that is based on co-operation rather than empty rhetoric, while avoiding duplication of the successful multilateral instruments for the protection of human rights and fundamental freedoms that already exist in Europe.

The creation of such a mechanism will make it possible to optimize the review of how participating States are implementing their human dimension commitments. In particular, this might mean shortening the length of the annual Human Dimension Implementation Meeting, as was suggested in the 2005 report of the OSCE Panel of Eminent Persons,⁷ as well as in 2012 in the report *Towards a Euro-Atlantic and Eurasian Security Community*, which was drafted by research institutions from four countries: Germany, France, Russia, and Poland.⁸

This, of course, is not a complete list of the tasks that lie ahead for the OSCE. Each of the Organization's participating States has its own priorities,

6 Organization for Security and Co-operation in Europe, Charter for European Security, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, p. 430, also available at: <http://www.osce.org/mc/17502>.

7 Common Purpose – Towards a More Effective OSCE. Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379, also available at: <http://www.osce.org/cio/15805>.

8 Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)/Fondation pour la Recherche Stratégique/Moscow State Institute of International Relations (MGIMO University)/ Polish Institute of International Affairs (PISM), *Towards a Euro-Atlantic and Eurasian Security Community. From Vision to Reality*, Hamburg, Paris, Moscow, Warsaw 2012, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2012*, Baden-Baden 2013, pp. 409-433.

its own views as to how to resolve existing problems. One can hardly expect consensus on every issue. The important thing, however, is to understand that the agreements reached 40 years ago that were embodied in the Helsinki Final Act remain relevant and necessary. It is in our common interest to bring these agreements into line with the realities of the 21st century, to breathe new life into the Organization for Security and Co-operation in Europe so that it may even more effectively serve the interests of those on whose behalf it was created.

Approaching Four Decades – What the Serbian Chairmanship Wishes to Achieve in the OSCE's Jubilee Year

In December 2011, a unique Ministerial Council decision was adopted, paving the way for two countries, Switzerland and Serbia, to lead the OSCE in 2014 and 2015 in a concerted manner. It would be fair to say that this unprecedented bid aroused curiosity, or even concern, among many about how the two states, usually perceived as different in many regards, would function throughout consecutive Chairmanships. On the one hand, Switzerland, which has already held the Organization's Chairmanship, is widely known as an influential country with abundant resources and expertise, and longstanding experience and an excellent reputation in international affairs. By contrast, Serbia is a country with a difficult and painful recent history that has implemented reform processes with substantial assistance from the OSCE. Nevertheless, a decision was taken to respond to the challenges involved and, through joint engagement and close co-operation, to invest the necessary effort for the benefit of the Organization. The solid partnership established by Switzerland and Serbia could serve as an example and perhaps a model for the future. In the spirit of constructive partnership, the two countries developed a two-year Joint Workplan, another novelty that will bring much-needed continuity to the OSCE activities.

For Serbia, the Chairmanship is probably the most demanding multilateral exercise it has ever undertaken. The Organization and its agenda are extremely complex. Throughout its four decades, the CSCE/OSCE has served as an arena where the interests of participating States have clashed in an effort to build a more secure and friendly environment in the vast area from Vancouver to Vladivostok. Solutions have always had to be found through painstaking negotiations aimed at reaching consensus. At this point in time, the complexities are enormous, and Serbia and its diplomatic abilities will be seriously tested.

During 2014 and 2015, important anniversaries will be marked of historic events whose origins lay in the heart of Europe, and which had unprecedented consequences for the destiny of humankind. This year is the centennial of the First World War, while 2015 marks the 70th anniversary of the end of the Second World War. The past should never be forgotten, particularly the victims of the wars; we should draw lessons from it for the future so as to overcome misperceptions, dispel illusions, and avoid mistakes, while aiming to achieve greater stability, security, and prosperity, both within our societies and states, but also collectively among states and within international organizations, including the OSCE.

Next year will also mark 40 years since the adoption of the Helsinki Final Act – a document which, after the Charter of the United Nations, is perhaps the most significant in modern political history. This anniversary should be used as an opportunity to reform the Organization through the Helsinki +40 Process.

Switzerland and Serbia placed this process and its successful completion at the top of their priorities for their 2014/2015 consecutive Chairmanships. In the Helsinki +40 Road Map, which the two countries presented together with Ukraine during the Kyiv Ministerial Council in December 2013, the following overall goals of the process were detailed:

- To reaffirm and move closer to the vision of a free, democratic, common, and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments, and common goals, as expressed at the Astana Summit;
- To maximize the OSCE's role as the world's largest and most inclusive regional security organization under Chapter VIII of the UN Charter;
- To contribute to enhancing trust and confidence, to achieve progress in solving the protracted conflicts in the OSCE area, and to promote reconciliation among participating States, thereby seeking to achieve the goal of equal and indivisible security for all participating States;
- To enhance the visibility and effectiveness of the OSCE as a unique platform for co-operation, comprehensive dialogue, and transparency, as well as a framework for common action to effectively meet the challenges of the 21st century and increase the security of the OSCE area;
- To achieve tangible progress in the implementation of OSCE commitments in all three dimensions.

During its Chairmanship, Serbia will strive to promote an open and sincere dialogue on problems and challenges that we are facing, with a view to agreeing on common framework that could guide the Organization in the future. That, however, will be very difficult under the present circumstances.

The OSCE is currently confronted with one of the biggest crises in its history. The Ukrainian situation has opened up a number of vital questions for wider European security. It is necessary to invest all possible efforts in addressing it, with a view to reconsolidating relations within the entire OSCE region.

Comprehensive activities carried out by all OSCE executive structures and the Swiss Chairmanship in Ukraine proved the relevance of the OSCE. These steps could provide a starting point for discussions about the future role of the Organization. It is also obvious that the decision to establish and dispatch the Special Monitoring Mission (SMM) to Ukraine is the most important step towards the de-escalation of this crisis. Despite many serious

problems, including the taking of SMM members hostage, the presence of international monitors on the ground is of paramount importance. The very fact that consensus was achieved on the deployment of the SMM is the best example of a constructive role the OSCE can play in crisis situations.

As the incoming Chairmanship, we will invest all our efforts in strengthening the OSCE's role in this regard. In view of its own experience, Serbia is a firm proponent of stronger OSCE presences on the ground. The OSCE field presences continue to provide exceptional added value, and have a significant potential to assist participating States in fulfilling their commitments.

Serbia will naturally pay particular attention to its own region, the Western Balkans, during its Chairmanship. This part of Europe faced serious problems for many years, including wars, ethnic conflict, sanctions, foreign intervention, human suffering, and serious violations of human rights. Today, the situation has fundamentally changed for the better, and Serbia and the other Western Balkans countries are dedicated to further accelerating their European integration processes and to substantive regional co-operation. Because of the painful legacy, additional efforts are required to improve stability and prosperity in the region. In a way, the entrusting of the OSCE Chairmanship to Serbia is also a tribute to the region and its future. Particular attention will be devoted to reconciliation as part of the conflict rehabilitation phase in terms defined by OSCE documents and as a concept advanced by the Swiss and Serbian Chairmanships.

Our Organization still has an important role to play in the Western Balkans. Despite the improved situation in the region, we are convinced that there are more opportunities for enhanced horizontal co-operation among OSCE missions on the ground. We also believe that lessons we have learned could be of assistance to other regions in the OSCE area, and we would be ready to establish region-to-region co-operation, including possible exchange of experience to improve practical performances on the ground.

Unfortunately, there are still a number of unresolved questions in the OSCE area. The Serbian Chairmanship will continue to support all agreed formats established to resolve the protracted conflicts. It is obvious that the current Ukrainian crisis has an impact on some of these. In this context, our intention is to make additional efforts to keep regular sessions of the various negotiating formats on track and to remove impediments to their functioning. In carrying out these tasks, we attach particular importance to the work of the Special Representatives of the Chairman-in-Office. It is obvious, however, that regardless of our Organization's efforts, ideas, or proposals, the main responsibility lies with the parties involved. From our own experience, we can amply confirm this. Given the prevailing circumstances, we believe that perhaps some smaller but concrete steps could improve trust and confidence among parties, thus opening the way to tackle substantive problems.

We will continue to work on strengthening the OSCE's capacities and mechanisms to actively respond in all phases of the conflict cycle, from early warning to post-conflict rehabilitation and reconciliation, and to achieve concrete results in terms of stabilizing situations on the ground. In view of the experiences of the Western Balkans, it is evident that concrete and sustainable solutions can only be reached through constructive political action and dialogue. Hence, the OSCE needs to renew and systematize its efforts to strengthen mediation activities. In this regard, the significance of political will as a factor in the success of mediation efforts cannot be emphasized enough.

The OSCE's comprehensive and co-operative approach to security is one of its major assets, and its cross-dimensionality is its key strength and comparative advantage. In that regard, far more attention should be devoted to our youth, their needs and desires. During 2015, therefore, Serbia will propose to work on an Action Plan on Youth and Security from a cross-dimensional perspective, thus putting the "youth dimension" high on the OSCE agenda in a more systematic and creative way.

Serbia's Chairmanship also intends to continue to promote policies aimed at combating trafficking in human beings and to pursue the development of an OSCE gender equality implementation strategy with the goal of further enhancing gender mainstreaming and the implementation of all relevant gender-related commitments, including UN Security Council Resolution 1325. The concept of good governance goes beyond the second dimension and needs to be extended and considered from the cross-dimensional perspective.

The Swiss-Serbian Joint Workplan places the Organization's relations with civil society high on the OSCE agenda for 2014 and 2015. The aim is to strengthen and improve co-operation with civil society and think-tanks in each of dimensions. The activities already carried out by the recently established OSCE Academic Network are commendable, and Serbia's Chairmanship will support their contribution to the work of the Organization as a whole.

In the Astana Commemorative Declaration, the participating States recalled their common vision that comprehensive and lasting security is not possible without respect for human rights and democratic standards. Recognizing that the inherent dignity of the individual is at the core of the OSCE's comprehensive approach to security, Serbia and Switzerland agreed in the Joint Workplan to further update and strengthen the implementation of all OSCE human dimension commitments, enhancing links with civil society and promoting its active involvement, and following up the process of reviewing human dimension events and strengthening OSCE monitoring instruments in this area. At the same time, numerous challenges in implementation of our common commitments still exist.

Consequently, additional efforts should be invested in the implementation of human dimension commitments in many areas, such as the rule of law, freedom of expression, and freedom of the media. Specific issues include the protection of journalists, freedom of assembly, the protection of rights of persons belonging to national minorities, and tolerance and non-discrimination. We also see the value in strengthening national institutions for the protection of human rights, thus ensuring progress towards better implementation of our commitments.

In this context, it is important to emphasize the role that OSCE institutions play in assisting participating States to implement their commitments. The role of these institutions is indispensable, and the necessary conditions should therefore be created for them to carry out their functions. In these times of constant and rapid change in our societies, when many participating States are facing a range of new challenges, only strong, independent, and professional institutions with sound financial and human resources can help us properly address these issues. We must jointly work towards overcoming divisions and mistrust, despite the existence of divergent views on the work of some OSCE institutions. As the incoming Chairmanship, Serbia will continue the work of reviewing human dimension events, believing that these issues should be addressed within the Helsinki +40 Process, with the clear aim of improving the efficiency and effectiveness of the Organization, as well as strengthening the human dimension.

In pursuing these goals, the 2015 Chairmanship will co-operate with other international organizations. The Council of Europe (CoE) is one of the OSCE's main partners in the human dimension. We will therefore proceed with the practice introduced by our Swiss colleagues and establish close co-operation with Belgium and Bosnia and Herzegovina as the countries that will chair the CoE Committee of Ministers in 2015. We will also invest additional efforts in broadening co-operation with our Asian and Mediterranean Partners for Co-operation.

Traditional topics pertaining to the second dimension, such as transport and labour migration, will remain on the agenda and in the daily work of the relevant OSCE structures in 2015. The same applies to other issues, such as efforts to combat corruption and money laundering, which are priorities of the Serbian government as well. We also believe that advancing co-operation in water governance would contribute to addressing other environmental issues and represent an effective follow-up to the OSCE's efforts in the area of disaster risk reduction with respect to water management. This topic will have strategic importance for the Organization in the years to come, and deserves serious consideration from a range of perspectives.

The implementation of commitments undertaken within the framework of the politico-military dimension is a key means of ensuring stability, transparency, and confidence among the OSCE participating States.

Arms control and confidence- and security-building measures (CSBMs) remain vital means of improving security in the OSCE area. Compliance with the principles and obligations stemming from relevant documents and their consistent implementation remains essential.

Serbia is committed to continuing a comprehensive dialogue within the OSCE in order to maintain military stability, predictability, and transparency, by updating and modernizing the Vienna Document, strengthening and implementing the Code of Conduct on Politico-Military Aspects of Security and the OSCE Documents on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition.

Although the current situation is not conducive to moving forward on many of these issues, we believe that we have to continue with our deliberations, including by creating opportunities for the exchange of views on conventional arms control and CSBMs. Such discussions should be co-ordinated with related activities and possibly Helsinki +40 developments; they should seek to create added value and avoid duplication with other formats. As a platform for dialogue, the OSCE should be used as a framework for discussions on many different issues, including those where no agreement currently exists.

Serbia will also pursue discussions on Security Sector Governance/Reform (SSG/R). The establishment of the Group of Friends of SSG/R in the OSCE is a key first step towards more structured debate. In that regard, Serbia and other members of the Group will gradually develop a more systematic approach, taking into account lessons learned and sharing experiences and best practices.

The world today is characterized by new challenges, risks, and threats of a transnational character. These threats, which include terrorism, organized crime, and drug trafficking, require co-ordinated action from the participating States. In this regard, the Organization, realizing the importance of countering transnational threats, undertook significant steps in recent years through the adoption of relevant decisions, the exchange of experiences and best practices, and the establishment of co-operation between competent institutions of the participating States, as well as academic institutions.

Given the evolving nature of these threats and the need for constant monitoring and adjustment of responses, the Serbian Chairmanship is planning to carry out a number of activities in this field. We intend to deal with transnational challenges and threats from a cross-dimensional perspective. It is not possible to treat negative phenomena such as corruption and illegal migration in isolation. The best strategy for countering them also includes activities such as strengthening democratic institutions.

We will continue the practice of previous Chairmanships by organizing regular events in the field of transnational threats. This is an area where the cross-dimensional approach of the OSCE shows its full potential. Countering organized crime, terrorism, and drug trafficking is of paramount importance

for the entire OSCE region. With our focus on the youth of the OSCE area, we intend to address these issues in part from the perspective of prevention and the protection of our young population.

In the context of transnational threats, but also in many other areas, it is particularly important to co-operate with other relevant international organizations in a co-ordinated and complementary manner. The OSCE should find a niche in which it can act and continue to develop its capacities to respond to new challenges and threats. A good example in this regard is the OSCE's pioneering work on confidence-building measures in the field of cyber-security.

If we wish to achieve our goals and move closer to the vision of a free, democratic, common, and indivisible Euro-Atlantic and Euro-Asian security community while also improving the role of the OSCE as the largest and most inclusive regional security organization under Chapter VIII of the Charter of the United Nations, we have to work on rebuilding trust and confidence among participating States. This process is equally important on the ground, where devoted representatives of the OSCE implement their mandates with dedication and courage; in the Permanent Council in Vienna, where key decisions have to be adopted; and in the capitals of participating States, where the political will needs to be generated. That is the foundation on which Serbia wishes to carry out its Chairmanship activities and perhaps the recipe for success. It is also the essence of the Helsinki +40 Process, which depends on all 57 participating States. The incoming Serbian Chairmanship is ready to lead this process in order to strengthen the visibility and effectiveness of the OSCE and to increase security and stability from Vancouver to Vladivostok.

Helsinki +40 and the Crisis in Ukraine

The Search for Renewal

The Helsinki +40 Process (Helsinki +40) is the latest in a series of efforts to review the OSCE's work and performance in the hope of increasing the Organization's effectiveness and relevance. At the same time, it also seeks to address the growing mistrust and divergent security perceptions that exist among some participating States.

The OSCE, like any other international organization, is continuously struggling to keep up with and adjust to changing international parameters. Being a guardian of peace and stability in the Euro-Atlantic and Eurasian area, the Organization has had to respond to numerous "*ruptures stratégiques*" in international security since the beginning of the new millennium – namely, the armed conflicts and communal violence in the Balkans and the Caucasus, international terrorism in the aftermath of 9/11, and the renewed rivalry between Russia and the West, first over Georgia and then over Ukraine. Both conflicts have called into question the participating States' commitment to and interpretation of the very principles of the Helsinki Decalogue. Furthermore, the crisis in and around Ukraine has led to a paradigm shift within European security arrangements and therefore represents an existential challenge to the OSCE.

Over almost 40 years of existence, initially as the Conference on Security and Co-operation in Europe (CSCE), the OSCE has had to refashion and renew itself vis-à-vis other regional and international actors, such as NATO, the EU, the Council of Europe (CoE), and the United Nations. The enlargement of the EU and NATO deep into the Eastern and South-eastern OSCE area over the last 20 years has presented a particular challenge to the Organization's work, as it was increasingly confronted with competing engagements and policies. The relative loss of importance and effectiveness of the OSCE¹ has led to numerous calls for reform and renewal. Observers and practitioners alike have identified a need for a more clearly defined vision and greater strategic guidance.

The first calls for reform came in the aftermath of 9/11 with the search for a strategic response to international terrorism. In 2003, the OSCE foreign ministers meeting in Maastricht adopted the "OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century".² This strategy

1 Cf. Daniel Trachsler, *The OSCE: Fighting for Renewed Relevance*, Zurich 2012, p.2, available at: <http://www.css.ethz.ch/publications/pdfs/CSS-Analysis-110-EN.pdf>.

2 Cf. *OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century*, at: <http://www.osce.org/mc/17504>.

was based on a cross-dimensional approach, responding primarily to transnational security threats. A comprehensive review of the OSCE's role came a year later when the OSCE foreign ministers created a Panel of Eminent Persons, whose task was to "review the effectiveness of the Organization, its bodies and structures and provide an assessment in view of the challenges ahead".³ The final report "Common purpose: Towards a More Effective OSCE" recommended enhancing the OSCE's advantage of being an inclusive organization and gave priorities to promoting political dialogue and improving capabilities with regard to conflict prevention and post-conflict rehabilitation, arms control, and confidence- and security-building measures (CSBMs).⁴

The implementation of the recommendations has been hampered by differences among a number of OSCE participating States over the comprehensiveness of the three dimensions, the status of the OSCE as an international organization, the empowerment of its executive structures, and the best way to deal with protracted conflicts. The Georgian-Russian war of 2008 put an end to these reform efforts.

From Corfu to Helsinki +40: Overcoming the Georgian-Russian Conflict

With the Georgian-Russian armed conflict of 2008, the spectre that war between European states was still possible brought shock, consternation, and an urgent need for a "reality check". To overcome the political fallout from this conflict, the OSCE embarked, under its Greek Chairmanship, upon a new political process, the Corfu Process, which aimed to restore confidence and take forward the dialogue on promoting wider European security. The Corfu Process culminated in December 2010 in the OSCE's Astana Summit with the adoption of the "Astana Commemorative Declaration – Towards a Security Community".⁵

The 2010 Kazakh Chairmanship worked hard to create an action plan that would have given the OSCE a basis to take concrete steps towards building a security community. The "Shared Priorities and Objectives" action plan proposed by the Astana Commemorative Declaration covered all

3 Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2004, *Decision No. 16/04, Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE*, MC.DEC/16/04, 7 December 2004, available at: http://www.osce.si/docs/mc-dec_16-04.pdf.

4 Cf. Common Purpose – Towards a More Effective OSCE: Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379; also available at: <http://www.osce.org/cio/15805>.

5 Cf. Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration – Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010, available at: <http://www.osce.org/node/74985>.

dimensions with specific proposals on how to improve the work of the OSCE and how to push ahead the thematic clusters identified.⁶ Unfortunately, the Summit failed by a narrow margin to achieve consensus on this action plan. This was primarily due to irreconcilable differences on how to deal with the Georgian conflict.

The 2011 OSCE Lithuanian Chairmanship managed to integrate parts of the Astana action plan into their “V-to-V Dialogues” and succeeded in passing a landmark decision on the OSCE’s capabilities in early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation.⁷ This decision, a sort of equivalent to the UN Agenda for Peace, but with operational empowerment, strengthened the OSCE’s capabilities and image as an international actor in conflict prevention and conflict management. During the following years, the conflict cycle would become an important element of the Helsinki +40 Process. Its strength, but possibly also its weakness, lies in the fact that it overlaps with other areas of work within Helsinki +40, including protracted conflicts and transnational threats. This interconnectedness was highlighted at the 2014 Annual Security Review Conference (ASRC) when Walter Kemp, Director of the International Peace Institute, made a strong case for integrating the issues of organized crime and corruption into the work of the conflict cycle.⁸

After this short survey of past initiatives, we can now explore the evolution of the formal OSCE process that led to the launch of Helsinki +40. As a result of efforts to overcome the fallout of the Georgian-Russian conflict and to revive implementation of the Astana Declaration, the Helsinki +40 Process was conceived and launched under the Irish Chairmanship in 2012, continued under the Ukrainian Chairmanship in 2013, and then programmed and operationalized by the Swiss-Serbian partnership. In 2014, this process has become, like most of the OSCE’s activities, a victim of the crisis in and around Ukraine.

Launching the Helsinki +40 Process

With the 40th anniversary of the signing of the Helsinki Final Act just around the corner, the OSCE, as an inclusive, consensus-based and regional organization, found itself on the edge of irrelevance. Facing such a critical situation

6 Cf. *Shared Priorities and Objectives. Astana Framework for Action*, CIO.GAL/179/10/Rev.5, 30 November 2010.

7 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vilnius 2011, *Decision No. 3/11, Elements of the Conflict Cycle, Related to Enhancing the OSCE’s Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation*, MC.DEC/3/11, 7 December 2011, available at: <http://www.osce.org/de/mc/86623>.

8 Walter Kemp, *Intervention to ASRC panel on conflict cycle*, PC.DEL/741/14, 25 June 2014.

close to a landmark anniversary called for a review that would look at all aspects of the OSCE, both thematically and organizationally.

The first conceptualization of Helsinki +40 took place during the Irish Chairmanship. It presented a very inspiring “food-for-thought” paper in April 2012 outlining a concept of what such a process should look like. This paper advanced the notion of the “Helsinki +40 Framework”, which was intended to advance reform efforts and promote the various steps proposed under the Astana action plan. It also suggested producing a vision document that would identify the key principles governing the Security Community, and conceptualized for the first time the notion of a longer planning horizon “through shared priorities spanning the duration of several Chairmanships”.⁹

This suggestion came just two months after the Swiss-Serbian consecutive Chairmanships were accepted by the participating States, an innovation within the OSCE. Under such consecutive Chairmanships, reforms such as engaging in multi-year planning processes, including budgetary planning, would be easier to carry out. With none of the Troika members belonging to NATO, the EU, or the CSTO, it was seen as a politically opportune time to plan the Helsinki +40 Process over a three-year period and “to push forward the agenda from Astana to Belgrade (via Dublin, Kyiv and Bern).”¹⁰ Other reform suggestions included the review of the Chairmanship model and the role of the Secretary General, which should be strengthened, “while ensuring the continuing autonomy of the Institutions in accordance with their mandates.”¹¹ Finally, the paper also touched upon a sacrosanct element of the OSCE: the role of the consensus rule.

In December 2012, the OSCE Ministerial Council (MC) in Dublin initiated the Helsinki +40 Process and called on “the forthcoming Chairmanships of Ukraine, Switzerland and Serbia to pursue the Helsinki+40 process on the basis of a co-ordinated strategic approach, adding a multi-year perspective and continuity to participating States’ work towards a security community”.¹² The Irish Chairperson-in-Office (CiO), Deputy Prime Minister and Minister of Foreign Affairs and Trade Eamon Gilmore, described the successful launching of Helsinki +40 as the key achievement of the 2012 Irish Chairmanship.¹³

9 OSCE, Chairperson-in-Office, *Towards an OSCE Security Community: The “Helsinki +40” Concept*, CIO.GAL/49/12, 25 April 2012.

10 Walter Kemp/Rytis Paulauskas, *Adapt or Die: “Smart Power”, Adaptive Leadership, the Lithuanian Chairmanship, and the Evolution of the OSCE*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2012*, Baden-Baden 2013, pp. 25-41, here: p. 40.

11 *Towards an OSCE Security Community*, cited above (Note 9).

12 Organization for Security and Co-operation in Europe, Decision No. 3/12, The OSCE Helsinki Process, MC.DEC/3/12 of 7 December 2012, in: Organization for Security and Co-operation in Europe, *Nineteenth Meeting of the Ministerial Council, 6 and 7 December 2012*, Dublin, 7 December 2012, pp. 17-21, here: p. 17.

13 Cf. Eamon Gilmore, Foreword by the Chairperson-in-Office, Helsinki +40: Back to the Future, in: Institute for Peace Research and Security Policy/IFSH (ed.), *OSCE Yearbook 2012*, cited above (Note 10), pp. 9-12.

The Process was formally launched at the beginning of 2013 under the Ukrainian Chairmanship: The CiO, Foreign Minister Leonid Kozhara, confirmed the Ukrainian commitment to the Helsinki +40 Process. Following the “orientation” debate held from March to May 2013, the Ukrainian Chairmanship determined that an appropriate basis had been laid for thematic meetings of the Informal Helsinki +40 Working Group (IHWG) to address specific issues. In its paper “Launching the Thematic Discussions”, the Chairmanship announced the intention to pursue the IHWG thematic and organizational discussions across all three dimensions in the framework of specific thematic areas.¹⁴

Throughout 2013, the Ukrainian Chairmanship convened seven meetings of the IHWG, including two “orientation debates” and five thematic meetings. By the time of the Kyiv MC in December 2013, the IHWG was well advanced with its agenda. This was also apparent from two progress reports published by the Chairmanship at the end of July and the end of November 2013, respectively. According to the reports, the Process had gained momentum and was on track in terms of timeframe, modalities, and substance. A co-ordinated strategic approach had been put into practice and the thematic discussions, buoyed by the constructive and informal atmosphere that predominated in all meetings of the IHWG, had produced numerous valuable ideas. Strengthening joint ownership and common responsibility had been identified as a critical prerequisite for the ultimate success of the Process.¹⁵

Helsinki +40 under the Swiss Chairmanship

Under the heading of “Creating a Security Community for the Benefit of Everyone”, the incoming CiO, President of the Swiss Confederation and Foreign Minister Didier Burkhalter, presented the priorities of the Swiss 2014 Chairmanship to the Permanent Council on 2 July 2013. The Helsinki +40 dimension figured prominently as one of the ten priorities under the category “Strengthening the OSCE’s capacity to act”. At this same event, the Serbian Foreign Minister, Ivan Mrkić, also presented the Swiss-Serbian Joint Workplan for 2014/2015, which was elaborated entirely in the framework of Helsinki +40.

14 OSCE, Chairperson-in-Office, *Launching the Thematic Discussions within Helsinki +40 Process*, CIO.GAL/66/13, 31 May 2013.

15 Cf. OSCE, Chairperson-in-Office, *Report on Progress Made under the Helsinki +40 Process: January-July 2013*, CIO.GAL/112/13, 23 July 2013; OSCE, Chairperson-in-Office, *Report on Progress Made under the Helsinki +40 Process: July-December 2013*, CIO.GAL/167/13/Rev.1, 21 November 2013.

At the 2013 MC in Kyiv, the Troika members jointly presented the document “Helsinki+40 Process: A Roadmap towards 2015”.¹⁶ The Roadmap is a strategic document, reflecting a multi-year and cross-dimensional approach with overall goals, a process design, and presentation of thematic clusters that would yield concrete deliverables. It was based on the Joint Workplan of Switzerland and Serbia that had already identified the eight thematic clusters proposed by the Roadmap. The Roadmap identified eight heads of OSCE delegations in Vienna who would act as co-ordinators for their specific clusters. The intention was to develop a strategic document for 2015 that would take note of the progress achieved so far, provide guidance for the Organization’s future work, and allow the OSCE to adjust to current and future threats, challenges, and opportunities.

The overall goals of the Roadmap were defined as follows:

- “To reaffirm and to move closer to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals, as expressed at the Astana Summit;
- To maximize the OSCE’s role as the world’s largest and most inclusive regional security organization under Chapter VIII of the UN Charter;
- To contribute to enhancing trust and confidence, to progress in solving protracted conflicts in the OSCE area and to promote reconciliation among participating States, thus striving for equal and indivisible security for all participating States;
- To enhance the visibility and effectiveness of the OSCE as a unique platform for co-operation, comprehensive dialogue and transparency, as well as a framework for common action to efficiently meet the challenges of the 21st century and increase the security of the OSCE area;
- To achieve tangible progress in the implementation of the OSCE commitments in all three dimensions.”¹⁷

The Roadmap defined eight thematic areas for discussion covering all three dimensions and cross-dimensional issues. These included:

- “To foster military transparency by revitalizing and modernizing conventional arms control and CSBM regimes;
- To further enhance OSCE capacities in addressing transnational threats;
- To further strengthen OSCE capacities across the conflict cycle;
- To strive for tangible progress towards the settlement of the protracted conflicts in a peaceful and negotiated manner;

16 OSCE, Ministerial Council, *Helsinki+40 Process: A Roadmap towards 2015*, MC.DEL/8/13, 5 December 2013, available at: <http://www.osce.org/mc/109302>.

17 Ibid., p. 1.

- To enhance the strategic orientation of the economic and environmental dimension;
- To strengthen the human dimension;
- To enhance the effectiveness and efficiency of the OSCE; and
- To increase interaction with the Partners for Co-operation and with international and regional organisations working in similar fields.”¹⁸

Up to early 2014, the Process focused on deliberations, declarations, and planning. To position the Process at the level of policy, the Swiss Chairmanship also began to promote it at high-level meetings outside Vienna, such as the “Fondue Summit” held on the margins of the annual meeting of the World Economic Forum in Davos, where the CiO invited OSCE foreign ministers and the Secretary General to a dinner dedicated to Helsinki +40.

The two-year Process (2014/2015) was intended to draw from the “*Ge-dankengut*” of the Corfu Process, the draft Astana Framework for Action, post-Astana discussions, as well as the Security Days and other track-II initiatives. The process design allowed for flexible and informal work and provided ownership to numerous countries that were prepared to invest in specific OSCE themes that were of interest to their national agendas. The key elements were the eight thematic clusters run by co-ordinators, regular meetings of the IHWG, reinforced Permanent Council meetings, high-level retreats, and informal meetings of senior officials to engage the capitals and bring high-level attention, engagement, and impetus to the Process.

As for the process structure, the Roadmap states that the IHWG (at the level of permanent representatives) should remain the main format for Helsinki +40 discussions. The initiative is to come from the co-ordinators, who are to stimulate discussions and develop ideas and suggestions in the form of perception papers and draft decisions. These are then to be discussed in the IHWG and proposals that find sufficient support are to be passed to the Preparatory Committee, where the 57 participating States will negotiate a draft decision. The Preparatory Committee passes agreed deliverables to the Permanent Council for decision-making, and the MC meeting in Basel is to take a “*chapeau*” decision on all Helsinki +40 decisions made throughout the year.

Dialogue and Exchange Platforms to Advance the Helsinki +40 Agenda

The process design was able to fall back on a number of platforms to advance the Helsinki +40 agenda. Most of these did not formally belong to the Helsinki +40 Process. The delimitation between them was not always clear and

18 Cf. *ibid.*, pp. 2-4.

provided some ground for discussions among the 57 participating States. These platforms were:

Informal Helsinki +40 Working Group

Even though the work on Helsinki +40 was delegated to the eight co-ordinators, the IHWG remained the main forum for discussion among participating States, Partners for Co-operation, and Institutions. In the first half of 2014, two IHWG meetings were convened. The first of these, which took place before the Crimea crisis, provided the eight co-ordinators with the opportunity to present their work plans for their respective clusters as defined in the Roadmap. The second meeting provided the OSCE Network of Think Tanks and Academic Institutions with an opportunity to present the findings and recommendations of their recent study on “Threat Perceptions in the OSCE Area”.¹⁹ The third meeting of the IHWG in 2014 took place on 4 November and was devoted to the future of the OSCE field operations.

Open-ended Working Group on the Conflict Cycle (OEWG)

During 2013, there were three meetings of the OEWG. In 2014, an OEWG meeting was held on 23 June dedicated to the impact of the Ukraine crisis on the work of the OSCE in crisis management and the conflict cycle. As a basis for discussion, the Conflict Prevention Centre (CPC) had prepared a paper on lessons learned in relation to the OSCE’s response to the crisis in and around Ukraine. The meeting brought to the fore a number of recommendations on how to better structure the work in the OEWG in view of the priorities of the Helsinki +40 clusters.

Security Days

Since 2012, upon the initiative of the OSCE’s Secretary General, Lamberto Zannier, the Security Days have become the Organization’s key forum for informal dialogue and exchange on contemporary security policy challenges. The OSCE Security Days channel fresh ideas into the Helsinki +40 Process by identifying topics that are considered important. In 2013, the Security Days were dedicated to the conflict cycle and arms control, while the 2014 Security Days focused on Chapter VIII of the UN Charter (with a strong emphasis on mediation and conflict management), enhancing security through water diplomacy, and conventional arms control and CSBM.

OSCE Network of Think Tanks and Academic Institutions

The Network is a flexible and informal group of think tanks and academic institutions founded by more than a dozen research institutions during the OSCE Security Days on 18 June 2013. The Network was inspired by a pro-

19 Cf. OSCE Network of Think Tanks and Academic Institutions, *Threat Perceptions in the OSCE Area*, April 2014, available at: <http://www.osce.org/networks/118080>.

posals made by Secretary General Zannier in his inaugural speech in July 2011. The network has contributed to a number of Security Days and ran a side-event in Kyiv ahead of the opening of the MC to discuss how the academic community can assist participating States in the Helsinki +40 Process. The Network produced a major study on threat perceptions that was presented to the IHWG.

Helsinki +40 Initiative of the Parliamentary Assembly

The OSCE Parliamentary Assembly, in conjunction with a number of think tanks, also engaged in the Helsinki +40 Process. The parliamentary approach consists of three seminars, prepared and organized by think tanks from the United States, Russia, and Sweden to be held in 2014 and 2015. The project is to culminate in a final colloquium in Helsinki – at the site of the signing of the OSCE's founding document. It remains unclear whether there will be a final paper or resolution and how the various meetings will reinforce each other. For now, there is no formal link between the project of the Parliamentary Assembly and the formal Process in Vienna, which epitomizes the decentralized organizational nature of the OSCE.

Helsinki +40 and the Crisis in Ukraine: "Reconsolidating European Security as a Security Project"

On 16 March 2014, the OSCE was forcefully reminded that common and indivisible security cannot be taken for granted: By absorbing Crimea without the consent of Ukraine or the authorization of the UN Security Council, Russia undertook unilaterally to change borders in Europe, thereby violating several Helsinki principles, including those of territorial integrity, inviolability of frontiers, and non-intervention in internal affairs. This represented not just a setback to the implementation of the Astana vision and the Helsinki +40 Process, but also an existential threat to the OSCE itself.

At the operational level, the OSCE was able to overcome the first and most difficult period of the crisis by successfully responding to the outbreak of violence with the Special Monitoring Mission (SMM), which was deployed very rapidly after consensus was achieved.²⁰ In July 2014, a second OSCE mission was launched on the Russian side of two border checkpoints at the Ukrainian-Russian border. The OSCE has become a key actor in international efforts to manage this conflict. Under the leadership of the Swiss Chairmanship, the Organization has been able to gain strong political support from key participating States and the EU. It has contributed to de-escalation

20 For an inside account of the creation of the OSCE Special Monitoring Mission, see Ambassador Thomas Greminger, *Wie die OSZE-Beobachtermission in der Ukraine zustande kam* [How the OSCE Monitoring Mission Came about], in: *Swiss Peace Supporter*, 2/2014, pp. 24-25.

and stability-building in Ukraine through the work of the SMM and its various Institutions, including the High Commissioner on National Minorities, the Representative on Freedom of the Media, and the Office for Democratic Institutions and Human Rights (ODIHR). International high-level crisis meetings in Geneva (17 April 2014) and Berlin (2 July 2014) dedicated to de-escalation and conflict resolution in Ukraine provided the OSCE with additional tasks.²¹ Furthermore, the OSCE has also been part of the Trilateral Contact Group (with Ukraine and the Russian Federation) that has been dealing with the separatist leaders with the aim of achieving a ceasefire and humanitarian arrangements. These efforts materialized in the Minsk Protocol of 5 September 2014 and the Minsk Memorandum of 19 September 2014, in which all parties to the conflict agreed on a ceasefire and the launch of a political process to resolve the crisis. The agreement provided the SMM with new activities such as verification of the ceasefire and border monitoring. This led to a significant expansion of the Mission's activities, budget, and equipment, including deployment of unmanned aerial vehicles (UAVs).

At the strategic level, however, the work of the OSCE came more or less to a standstill. The Crimea crisis, the emergence of radical nationalism, revisionism, and the unfortunate return of Cold War rhetoric have clearly made Europe more insecure. The European security architecture turned out to be "dysfunctional" in the face of unfolding developments in and around Ukraine.²² The OSCE was suddenly confronted with two parallel universes of opposite narratives and interpretations of what happened in the first half of 2014 in Ukraine. The information war took hold of the OSCE, its platforms for exchange and dialogue, and the Helsinki +40 reform agenda. Paradoxically, at the same time it should be stressed that although relations among participating States were at their lowest point since the Cold War the Organization did play its greatest role. The crisis in and around Ukraine has caused OSCE capitals to re-engage with the Organization, and the political will has been found to make most out of its conflict-prevention and conflict-management tools.

The crisis and its fallout on relations between Russia, Ukraine, and Western countries absorbed much of the attention and energy of the Swiss Chairmanship, the OSCE Secretariat and Institutions, the OSCE Parliamentary Assembly, and all the delegations. Demands were made by some participating States to slow down the pace of the Helsinki +40 Process in order to

21 For details of the results of the meeting in Geneva, see: *Geneva Statement on Ukraine* released by the United States, the European Union, Ukraine, and Russia, 17 April 2014, at: <http://www.state.gov/r/pa/prs/ps/2014/04/224957.htm>. For the results of the Berlin meeting, see *Joint Declaration by the Foreign Ministers of Germany, France, Russia and Ukraine*, 2 July 2014, at: http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2014/140702_Statement.html.

22 Quote by Wolfgang Ischinger, in: *Russia's Igor Ivanov and Germany's Wolfgang Ischinger: A Dialogue on Ukraine*, Atlantic Council, 23 June 2014, at: <http://www.atlanticcouncil.org/publications/articles/a-beginning-of-dialogue-russia-s-ivanov-and-germany-s-ischinger-on-the-lessons-of-the-ukraine-crisis>.

reflect on the implications of the Ukraine crisis for the Organization as a whole, the ongoing validity of its norms and principles, and the implementation of its commitments in all three dimensions. Others would rather look for common ground in order to preserve a basic *modus vivendi*. At a crucial moment in the Ukraine crisis, following the successful presidential elections in Ukraine, CiO Burkhalter delivered a landmark speech to the OSCE on the occasion of the 2014 ASRC on 24 June.²³ He argued that, in view of the violation of international law and the unilateral change of borders in Europe, it was impossible to revert back to the “routine of previous years”. He suggested that the OSCE needed to “reconsolidate European security as a common project” and for this purpose to address the crisis on three levels:

- (1) *Norms and principles*: The future work of the OSCE needs to be conducted on the assumption that relations between OSCE participating States are still governed by the OSCE *acquis* of principles and norms.
- (2) *European security architecture*: Defining a stable pan-European security system remains a work in progress; the mechanisms need to be reviewed and strengthened.
- (3) *National policies*: Sharing national threat perceptions across the OSCE is necessary to build a common understanding of threats. In this regard, the CiO also referred to the utility of the joint threat perception study carried out by the OSCE Network of Think Tanks and Academic Institutions.

As to future activities, the CiO offered the OSCE community the positive view that, despite the Ukraine crisis, “there is still scope for progress”. He proposed a two-track approach: firstly, to strengthen the OSCE’s capacity to respond to crisis and conflict, which should include the work on the conflict cycle and mediation-support capacities; and secondly, to use Helsinki +40 to engage in discussions on reconsolidating European security as a common project.

The Road to Basel and Belgrade

The Swiss delegation in Vienna took the initiative of informally addressing the crisis with all 57 delegations; it organized an ambassadorial retreat that was entirely dedicated to the impact of the crisis in and around Ukraine on the future of Helsinki +40. The Chair then published a perception paper with

23 Cf. Address by Didier Burkhalter, Chairperson-in-Office of the OSCE, Head of the Swiss Federal Department of Foreign Affairs, *Empowering the OSCE to reconsolidate European security as a common project*, CIO/GAL/102/14/Rev.1, 24 June 2014, available at: <http://www.osce.org/pc/120119>.

key findings.²⁴ Moreover, the third “Report on Progress Made under the Helsinki +40 Process” was published on 23 July, with conclusions for the first half of 2014.²⁵ Building on key messages of the ASRC speech by the CiO, these documents advance several important conclusions.

First, the process design allows for broad, inclusive, and result-oriented consultations. Second, concrete results can be achieved before the Basel MC in certain clusters of Helsinki +40. For this purpose, the Swiss Chairmanship prepared a “food-for-thought” paper as a “framework of decisions” for the Basel Ministerial.²⁶ This document identified a set of proposed decisions or declarations in each of the three OSCE dimensions as well as cross-dimensional issues.²⁷ The Swiss intended to define a number of building blocks of consensus-based deliverables to be taken up by the MC in Basel. Next, with regard to Helsinki +40, the paper acknowledged a need for a “cooling off” period, but stressed some areas that could be highlighted in view of the OSCE’s impressive operational performance in crisis prevention and response to the Ukraine crisis. Fourth, other more organizational and technical aspects of Helsinki +40 could be considered for the Ministerial meeting, such as questions related to “efficiency and effectiveness”. Fifth, at the MC meeting in Basel, there should be a declaration on Helsinki +40 that would outline the Process until the next MC in Belgrade in late 2015. Finally, the Chairmanship expressed its intention to launch a discussion on reconsolidating European security as a common endeavour.

In addition, a reinforced ambassadorial retreat on the forthcoming Basel MC was organized in October 2014. The first of two working sessions focused entirely on the crisis in and around Ukraine and the role of the OSCE.

The road to the Basel Ministerial promised a bumpy ride in view of the disturbing return of geopolitics to the OSCE area. The crossing of a red-line drawn in Helsinki forty years ago has called into question major reform efforts and work in progress in areas such as the future of arms control in Europe, the modernization of the Vienna Document, the mitigation of the protracted conflicts, and the implementation of agreed commitments in the human dimension. The future of the OSCE remains uncertain as long as the crisis in and around Ukraine is not settled. Ukrainian Minister of Foreign Affairs Pavlo Klimkin asserted this point at the 2014 ASRC in Vienna, while referring to the fate of the Crimea and the armed conflict in the eastern part of his country: “Such actions not only violate Ukraine’s sovereignty, unity and

24 Cf. OSCE, Chairperson-in-Office, *OSCE Ambassadorial Retreat Bad Erlach, 5-6 June 2014*, CIO.GAL/121/14, 15 July 2014.

25 Cf. OSCE, Chairman-in-Office, *Report on Progress Made under the Helsinki +40 Process, January-July 2014*, CIO.GAL/129/14, 23 July 2014.

26 Cf. OSCE, Chairperson-in-Office, *On the Road to Basel and Beyond: Framework for Decisions in view of the Ministerial Council in Basel on 4 and 5 December*, CIO.GAL/140/14, 25 July 2014.

27 For instance, decisions/declarations on kidnapping for ransom, the fight against corruption, the prevention of torture, and an OSCE presence in Mongolia.

territorial integrity but undermine the very foundations of peace and stability across the OSCE space.”²⁸

The return to a zero-sum relationship and power politics amounts to a paradigm shift in European security. In view of this new reality, Wolfgang Ischinger recommended holding an OSCE Summit, similar to the one in Paris in 1990, in order to “lay[...] the foundations for a comprehensive review of Euro-Atlantic security”.²⁹ An event of this kind could cover areas including:

- the relationship between the right to self-determination and territorial integrity;
- international law and rules governing relations in a world of disorder;
- sanctions, coercion, and the threat of the use of military force;
- interventionism, the normative framework to protect civilians, including the responsibility to protect and responsibility while protecting; and
- the interrelationship between security, respect for human rights, and economic development.

As former British Ambassador Alyson Bailes stated at the 2014 ASRC meeting, “one should never waste a crisis”.³⁰ For an inclusive and comprehensive organization like the OSCE, this may provide an opportunity to reposition itself in European security, especially as the EU and NATO are considered “interested parties” and thus unable to mitigate the current crisis. As CiO Burkhalter mentioned in his ASRC address, “‘Helsinki+40’ should become the starting point for reconsolidating European security as a common project and the OSCE as a hub for the discussion of all related issues.”³¹

Indeed, reforming and strengthening the OSCE became one of Switzerland’s priorities in the run-up to the Basel MC. On the margins of the UN General Assembly in September 2014, CiO Burkhalter launched a discussion on how to overcome the current crisis of European security. He sketched out three avenues towards reconsolidating European security as a common project. The first priority would remain stabilizing the situation in Ukraine. As a second avenue, the CiO suggested that the lessons learned from the crisis regarding Ukraine should be fed into the Helsinki +40 Process. Finally, he proposed setting up a “Panel of Eminent Persons on European Security as a Common Project” with representatives of all regions of the OSCE to nourish

28 Pavlo Klimkin, *Address by Foreign Minister of Ukraine Pavlo Klimkin at the OSCE Annual Security Review Conference*, PC.DEL/738/14, 25 June 2014.

29 *Russia’s Igor Ivanov and Germany’s Wolfgang Ischinger: A Dialogue on Ukraine*, cited above (Note 22).

30 Alyson JK Bailes, *Working Session II, 25 June: Arms control and confidence- and security-building measures: Challenges and opportunities – Statement by Alyson JK Bailes, University of Iceland*, PC.NGO/1/14, 23 June 2014.

31 Address by Didier Burkhalter, cited above (Note 23), p. 10.

a reflection process on issues such as how to ensure better compliance with the Helsinki Principles and how to rebuild confidence and reduce perceptions of threat.³² These three priorities were affirmed in the CiO's speech at the Autumn Meeting of the OSCE Parliamentary Assembly in Geneva. With regard to integrating lessons learned into Helsinki +40, the CiO stressed a need to strengthen OSCE capacities in early warning and rapid reaction as well as in mediation and reconciliation. Moreover, he also called for improvements in the monitoring of the implementation of OSCE commitments, especially in the human dimension, and relevant institutional reforms, in particular simplifying the budget process.³³

Helsinki +40 has been an attempt to reinvigorate the OSCE after a number of difficult years that have paralysed the Organization. Until the Ukraine crisis, it had been an exemplary reform process strongly supported by the participating States.

Nevertheless, the prospects of Helsinki +40 remain uncertain. It may be re-energized by the work and recommendations of the Panel of Eminent Persons, which was launched during the OSCE Ministerial Council meeting in Basel by the Swiss Chair in close co-operation with the 2015 Serbian Chairmanship and the 2016 German Chairmanship. The Panel is designed to provide advice on how to (re)consolidate European security as envisaged in the Helsinki Final Act, the Paris Charter, and other OSCE documents. It consists of 15 eminent personalities from all OSCE regions, chaired by Ambassador Wolfgang Ischinger, Chairman of the Munich Security Conference. The Panel will produce two reports: An Interim Report focusing on lessons learned for the OSCE from its engagement in and around Ukraine and a Final Report on the broader issues of security in Europe and the OSCE area at large. The reports will contain recommendations for the OSCE Ministerial Council in Belgrade, which, if they find broad political support, may be able to give a new lease of life to the OSCE reform agenda and Helsinki +40.

32 Cf. OSCE, *On the road to Basel Ministerial Council, Swiss Chair launches discussion on ways to overcome the crisis of European security*, 26 September 2014, available at: <http://www.osce.org/cio/124452>.

33 Didier Burkhalter, *Reconsolidating European security with vision, determination, and a stronger OSCE*, 3 October 2014, available at <http://www.oscepa.org/publications/all-documents/autumn-meetings/2014-geneva/speeches-13/2619-speech-by-osce-chairperson-in-office-didier-burkhalter-3-oct-2014/file>.

OSCE Field Operations in the Helsinki +40 Process: A Case Study on the Presence in Tajikistan

Introduction

A basic factsheet on the Organization for Security and Co-operation in Europe (OSCE) identifies the field operations as enabling the Organization

to tackle crises as they arise, and to play a critical post-conflict role, helping to restore trust among affected communities. More broadly, they foster the capacity of their host countries through concrete projects that respond to the needs of participating States and their societies.¹

OSCE practitioners and researchers often concur that the Organization's distinctive approach to security as a comprehensive and co-operative effort is best supported by the existence of its network of 15 field presences.² The OSCE's field operations have even been called the Organization's "crown jewels".³ Some basic statistics underline the importance of field operations for the OSCE: The vast majority of people employed by the Organization are stationed in field operations. Of a total of 2,690 staff working for the OSCE in 2013, 2,119 were engaged in its 16 field operations in South-eastern Europe, Eastern Europe, the South Caucasus, and Central Asia. Field operations are funded via the Unified Budget, yet many also receive large extra-budgetary contributions to implement projects in specific areas.

Despite their significance, there is no unified understanding among the OSCE participating States of the purpose and role of a field operations. Some regard the field operations as institutions that "grew out of the need to deal with intra-State conflicts in the period of post-Communist transition".⁴ Others consider field operations to be "an important instrument of multilateral diplomacy in the areas of conflict prevention and crisis management".⁵ Many

1 OSCE, *Factsheet: What is the OSCE*, available at: <http://www.osce.org/secretariat/35775>.

2 OSCE statistics are available online, see: OSCE, *Where We Are*, at: <http://www.osce.org/node/108301>. The Special Monitoring Mission at Ukraine and the Observer Mission at the Russian Checkpoints Gukovo and Donetsk are not included in the figure of 15 field presences given above.

3 Stephanie Liechtenstein, *What is the future of OSCE field operations?* Security and Human Rights, Netherlands Helsinki Committee, 24 August 2013, at: http://www.shrblog.org/blog/What_is_the_future_of_OSCE_field_operations_.html?id=399.

4 United States Mission to the Organization for Security and Co-operation in Europe, *Field Operations*, at: http://osce.usmission.gov/archive/misc/infoosce_field.html.

5 Permanent Mission of the Federal Republic of Germany to the OSCE, Vienna, *OSCE Missions and Field Operations*, at: http://www.wien-osze.diplo.de/Vertretung/wienosce/en/03/OSCE_Missions_and_Field_Operations.html.

view field presences as institutions whose aim is to support the host countries in strengthening domestic and regional security and stability by promoting the implementation of OSCE commitments and standards. A common view of field operations that links back to the security-oriented mission of the OSCE describes them as key instruments in early warning, conflict prevention, conflict management, and post-conflict reconstruction.

The debate on OSCE field operations has been ongoing since 2002 and continues as part of the current Helsinki +40 Process. It tackles a number of dimensions of their functioning, ranging from formats and mandates to tools, modus operandi, and the results they have delivered. The fact that this debate was part of the comprehensive reform discussions of the OSCE did not lead to a significant reform of the Organization as such, but produced changes to the mandates of several field operations and introduced new managerial rules and procedures that effectively transformed the way OSCE field operations function today.

This contribution discusses the particular case of the transformation of the OSCE field operation in Tajikistan, which has gone from being a “matter of serious concern” for the government of Tajikistan⁶ to a “future role model for decision-making in other regions of the world”.⁷ It places this transformation in the broader context of OSCE reform discussions, particularly the discussions of field operation reform that took place from 2002 to 2006. It also considers the local context of the OSCE presence in Tajikistan. It concludes with a call to continue investigating the form of a potential “fourth generation” of OSCE field operations as a key means of promoting the OSCE’s relevance in the future, particularly in Central Asia.

The Chronology of the OSCE Field Operations Debate

The debate within the OSCE about the purpose and role of field operations has gone through various stages – from rather tense discussions in 2002 to a more moderate exchange of views during the current Helsinki +40 Process. At the 2002 Ministerial Council in Porto, the participating States recognized the significant contribution of the OSCE institutions and field operations in “putting into practice the goals and principles of our Organization, in co-operation with host States”.⁸ At the same time, the participating States tasked the Permanent Council “to consider, as appropriate, ways of further improv-

6 Statement of the Tajik Delegation in response to the Annual Report of the Head of OSCE Centre in Dushanbe to the Permanent Council, PC.DEL/434/06, 11 May 2006

7 Hamrokhon Zarifi, *Tajikistan – OSCE: Dialogue and Co-operation*, Dushanbe 2009, p.31.

8 Porto Ministerial Declaration, Responding to Change, in: Organization for Security and Co-operation in Europe, *Tenth Meeting of the Ministerial Council, 6 and 7 December 2002*, MC.DOC/1/02, Porto, 7 December 2002, pp. 3-5, here: p. 4, at: <http://www.osce.org/mc/40521>.

ing the functioning and effectiveness of field operations”.⁹ Following on from this Ministerial Council Declaration, discussions on improving the work of the field operations were launched in 2003 within the framework of the Informal Open-ended Group of Friends of the Chair on Improving the Functioning and Effectiveness of OSCE Field Operations (the Group was chaired by the Canadian delegation to the OSCE). The disagreements among the participating States with regard to field operations comprised the following issues: the geographic imbalance of field presences East and West of Vienna, the lack of equal partner status between the participating States, and most of all, the perceived interference of field operations in internal affairs of the host countries. The dissatisfaction over the role and purpose of field operations was led by the CIS (Commonwealth of Independent States) participating States, including the Russian Federation, which saw the root causes of the crisis in the field operations’ “efforts to influence the political processes in a number of sovereign states, which was rightly considered as interference into internal affairs of these countries”.¹⁰

The key points of contention raised by the delegations of Belarus, Kazakhstan, Kyrgyzstan, and Russia concerned the lack of transparency in budgetary and extra-budgetary procedures, the “unjustified autonomy” of heads of field operations and their appointment without the prior consent of the hosting states, and the unclear practice of political background reporting by field operations.¹¹ The debate peaked in 2005, during the work of the OSCE Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, which was tasked to “give new impetus to political dialogue and provide strategic vision for the Organization in the twenty-first century”.¹² In its final recommendations on field operations, the Panel re-confirmed, perhaps to the dissatisfaction of some participating States that the “field operations remain an innovative and operational aspect of the OSCE’s work and [...] where possible should be even further improved”.¹³ The Panel’s recommendations presented the conclusions, reached by consensus, of the discussions on the role and functioning of field operations, where the relative autonomy of the heads of field missions was balanced by strengthened accountability and political oversight by the Permanent Council.

9 Ibid.

10 Delegations of Belarus, Kazakhstan, Kyrgyzstan, and Russia, *On the Issue of Reform of the OSCE Field Activities – A Food-For-Thought Paper*, PC.DEL/986/03, 4 September 2003.

11 Cf. *ibid.*

12 Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2004, Decision No. 16/04, Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, MC.DEC/16/04, 7 December 2004, in: *Common Purpose – Towards a more effective OSCE. Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE*, 27 June 2005, Annex II: The Panel’s Mandate, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379, pp. 377-379, here: p. 378, also available at: <http://www.osce.org/cio/15805>.

13 *Common Purpose – Towards a More Effective OSCE*, cited above (Note 12), p. 372.

The acuteness of the debate on field operations already fell significantly in 2006, as key participants became increasingly unenthusiastic about pushing for another round of contentious discussions. In Brussels that year, the participating States decided rather to pursue efforts to strengthen the effectiveness of the OSCE.¹⁴ The field operations continued to be addressed beyond 2006, though with less tension and confrontation than had previously been the case.

The topic of OSCE field presences was addressed by the thematic groups within the OSCE Corfu Process in 2009; however, the matter was not singled out for a specific dialogue format or group. Except for a few food-for-thought papers produced by participating States during the Corfu Process and a short session devoted to discussion of the field operations in 2010, the issue has not received much attention in recent years. During the preparations for the 2010 Astana Summit, the EU members of the OSCE pledged their full support to the existing format and functioning of field operations. In its Statement on Executive Structures presented at the OSCE Review Conference in 2010, the EU, joined by a number of states hosting OSCE field operations in the Balkans and Eastern Europe, held that:

For the last 18 years, the OSCE Field Operations have been instrumental in assisting the OSCE and its participating States in translating political agreements into operational activities. Let us underline here that we see no need for a major overhaul of the system of Field Operations, particularly their reporting lines or working methods. However, certain adjustments could be beneficial.¹⁵

At the same time, the issues related to the OSCE field operations raised by the CIS states in 2003 were reiterated during the Corfu discussions. In a food-for-thought paper on Enhancing Effectiveness of the OSCE Field Operations produced by the delegations of Belarus, Kyrgyzstan, the Russian Federation, and Tajikistan, criticism was again raised concerning the field operations' monitoring of the internal political situation in host countries, cases of failed conflict management, spending not in line with the mandate, and geographical imbalance in field-operation staffing.¹⁶ Furthermore, the Russian Federation proposed the adoption of guidelines for OSCE field activities that would regulate the activities of a field operation, its relationship with the host country, the freedom of state authorities to host or discontinue the field pres-

14 Decision No. 19/06, Strengthening the Effectiveness of the OSCE, MC.DEC/19/06 of 5 December 2006, in: Organization for Security and Co-operation in Europe, *Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006*, Brussels, 5 December 2006, pp. 58-62, at: <http://www.osce.org/mc/25065>.

15 *EU Statement on Executive Structures*, OSCE Review Conference, Vienna, 21 October 2010.

16 Cf. Delegations of Belarus, Kyrgyzstan, Russia, and Tajikistan, *Enhancing Effectiveness of the OSCE Field Operations*, Food-for-Thought Paper, PC.DEL/406/10, 2 July 2010.

ence, the functions it is allowed to perform, and the evaluation of its performance.¹⁷ The format and formulas proposed by the Russian Federation and other CIS states did not find support among the rest of the OSCE participating States; however, there did not appear to be serious objections to the idea of guidelines for field operations as such.

In the run up to the Astana Summit, a simple majority of OSCE participating States were apparently in favour of continuing the field operations without any radical changes in their role and functions. After 2010, discussions on the future of OSCE field operations remained relatively low key. These discussions continue today in the framework of the Helsinki +40 Process, though with less enthusiasm and energy than before, and focus on a few key issues.

The Core of the Issue

The fundamental fault line between the proponents and opponents of the OSCE field operations concerns the dilemma of whether a field operation should be seen as a service provider or a political actor on its own account. As mentioned above, there is no unified understanding among the OSCE participating States of the purpose and role of field operations. The differing views of what a field operation should do and how it should accomplish this stem from two opposing approaches. One side argues that field operations have the task of supporting the hosting country in implementing its requests. The other sees field operations as fulfilling a political mandate and performing monitoring and advocacy for the Organization's commitments and standards.

Participating States that host field operations tend to expect a field operation to prioritize the host country's needs in designing and implementing its programmatic activity. Some of these participating States attach negative connotations to the presence of a field operation in the country – arguing that a field presence implies there are serious problems in the country. At the same time, those participating States that do not host OSCE field operations tend to insist that field operations should not only implement projects agreed with the host country, but should also undertake initiatives deemed relevant by the field operations themselves. These diverging views are often framed as a decision between *needs* and *priorities*, i.e. whether a field operation should support the host country's priorities or pursue its needs.

It has been argued that the most recent decade in the Organization's history was marked by a “steady replacement of politically mandated missions by service-providing field presences with rather apolitical mandates”.¹⁸

17 Cf. *ibid.*

18 Frank Evers, *Appropriate Ways of Developing OSCE Field Activities*, CORE Working Paper No. 22, Hamburg, April 2011, pp. 3–4.

As a result, OSCE field activities are said to “often deal with issues of secondary importance”.¹⁹ Other scholars point out that narrowing the gap between the two diverging views on the field operations will remain one of the main challenges for the Organization in the future.²⁰ A diplomatic compromise would suggest that each and every field presence should maintain a balance between encouraging the host country to meet its OSCE commitments, on the one hand, and preserving good relations with that host country, on the other.

The second dimension of the debate on field operations can be perhaps called “generational”, as it concerns the notion that field operations have evolved through a number of generations. Most OSCE field operations were originally opened in response to a certain crisis or conflict situation and were primarily mandated with crisis response, conflict management, and conflict resolution functions, such as supporting political negotiations and bargaining peace agreements, and monitoring conflict zones and ceasefire agreements. In fact, first-generation field operations were rather diplomatic missions with a political mandate and a high degree of autonomy in the host country. This type of field presence is considered to represent the first generation. However, over the years, some OSCE field presences have grown and changed their mission, with post-conflict rehabilitation becoming a major task. These are usually referred to as second-generation field operations. Since about 2001, a third generation of field operations has started to take shape, whose focus has been more on assistance, capacity-building, and development co-operation, and whose work has been based on projects.

If we consider the ongoing debate on the OSCE field operations through the generational lens, it becomes clear that the contention among the participating States is basically about the third-generation type of field presences. The functions of this type of field operation have already caused OSCE missions in a few participating States to be downsized (e.g. Uzbekistan, Ukraine) or have meant that they have had a very low political profile (e.g. Turkmenistan). It is this context of the debate on field operations that turns the case of the OSCE presence in Tajikistan into a subject worth closer examination for lessons learned and future implications.

The Transformation of the OSCE Presence in Tajikistan

The OSCE has maintained a presence in Central Asia for the last 20 years. The first OSCE field presence in the region – the OSCE Mission to Tajikistan – opened in 1994 at the time of that country’s brutal civil war. In 1995, the OSCE opened a Central Asian Liaison Office in Tashkent, Uzbekistan, and

19 Ibid., p. 4.

20 Cf. Kathleen Samuel, *Fostering relations with a host country: A case study of the OSCE and Tajikistan*, in: *Security and Human Rights* 4/2009, pp. 339-345, here. p. 344.

OSCE centers followed in three other Central Asian states – Kazakhstan, Kyrgyzstan, and Turkmenistan. Of the five OSCE field operations, only the one in Tajikistan experienced significant expansion in the scope of its work and allocated budgets. The OSCE presence in Tajikistan was deployed as a small-format mission, whose mandate was primarily to support United Nations efforts as part of the peace process and, to that end, to “facilitate dialogue and confidence-building between regionalist and political forces in the country [...] and assist in the development of legal and democratic political institutions and processes”.²¹ The field operation in Tajikistan is thus the oldest in the Central Asian region and, indeed, one of the oldest in the entire OSCE area.

By 2002, the mandate of the field operation had already changed, which was also reflected in the change of its name to the OSCE Centre in Dushanbe.²² Following the generational approach, it may be argued that the new format of the field presence in Tajikistan represented a shift from a first-generation type that dealt mainly with crisis response and conflict resolution to a second-generation type that focused more on post-conflict rehabilitation and institution-building.

The last and most recent transformation of the format took place in 2008, when the field operation was turned into the OSCE Office in Tajikistan.²³ The new mandate was widened to cover many issues pertaining to the politico-military, economic and environmental, and human dimensions and also included a few crucial points on the activities being implemented “on the basis of mutual understanding and [...] common agreement”.²⁴ It can be argued that the new mandate represented a logical continuation from a focus on post-conflict rehabilitation to one based more on development co-operation and capacity-building and hence represented the evolution of the field operation into a third-generation type. However, the background of the mandate change does not necessarily confirm this assumption. The transformation of the format was in fact a response to criticism of the OSCE Centre in Dushanbe by the host country.

In 2006, in response to the annual report of the Head of Mission of the OSCE Centre in Dushanbe to the Permanent Council in Vienna, the delegation of Tajikistan to the OSCE delivered a statement that heavily criticized the Centre in a number of regards: concern with the consistency of the field

21 CSCE, Fourth Meeting of the Council, Rome, 30 November – 1 December 1993, Decisions of the Rome Council Meeting, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe, Basic Document 1993-1995*, The Hague, 1997, pp. 195-214, here: p. 200, also available at: <http://www.osce.org/mc/40401>.

22 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 500/Corrected reissue, Mandate of the OSCE Centre in Dushanbe*, PC.DEC/500/Corr.1, 31 October 2002, at: <http://www.osce.org/pc/12764>.

23 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 852, Mandate of the OSCE Office in Tajikistan*, PC.DEC/852, 19 June 2008, at: <http://www.osce.org/pc/32467>.

24 Ibid.

operation's activities with the host country's priorities; uncertainty regarding the effectiveness and impact of activities; a marked lack of an overall concept, co-ordination, and long-term planning of activities; a failure to adapt activities over time to changing realities; and questionable transparency.²⁵

Later in 2006, the Tajik delegation to the OSCE reiterated its concerns over the transparency and accountability of the field operation in Tajikistan and repeated its belief in the need to improve both. It also referred to the unequal geographic distribution of OSCE institutions and field operations and expressed Tajikistan's willingness to host an OSCE institution. Prioritizing regional need for co-operation in trade, transportation, and the economy in Central Asia, Tajikistan proposed convening the annual OSCE Economic Forum in Dushanbe rather than Prague. It also proposed the establishment of a regional centre on either aridification or transportation issues under the auspices of the OSCE in Dushanbe. Furthermore, Tajikistan expressed its desire to change the mandate of the OSCE field presence in the country to reflect the changes that had occurred in the ten years since the signing of the 1997 peace agreement by changing the format of the field presence from the Centre in Dushanbe to a project co-ordination office to better meet the country's priorities and focus more on economic development.

Back in 2006, even against the background of ongoing tense discussions over OSCE reform, including reform of the field operations, the proposals made by the Tajik delegation to the OSCE were a "wake-up call"²⁶ for many participating States, the Chairmanship, and executive structures, and triggered internal reflection. The immediate reaction was confusion over whether the OSCE could or should implement any or all of the proposals made by Tajikistan. A round of consultations with the participating States was initiated by the 2007 Spanish Chairmanship in response. Later in the year, the Chairmanship reported that the ideas of permanently convening the OSCE Economic Forum in Dushanbe and of establishing a regional center on aridification or transportation issues did not find substantial support from the participating States.

The discussions in 2007 on the establishment of an OSCE regional body in Tajikistan and those on changing the mandate of the OSCE field operation in the country were closely interlinked. While the ideas of establishing a regional centre on aridification or transportation and moving the OSCE Economic Forum to Dushanbe were finding very little support among the participating States, attention was moving towards the ideas proposed in early 2006 by the Tajik minister of foreign affairs on establishing an institution to support border security. In 2006, Tajikistan addressed the international community, including the OSCE participating States, with a request for assistance in strengthening the security of its borders with Afghanistan. The request for

25 Cf. *Statement of the Tajik Delegation in response to the Annual Report of the Head of OSCE Centre in Dushanbe to the Permanent Council*, PC.DEL/434/06, 11 May 2006.

26 Samuel, cited above (Note 20), p. 340.

border-security assistance was also advanced in the context of discussions among the participating State on the OSCE contribution to security in Afghanistan. These discussions ultimately precipitated in the 2007 Ministerial Council Decision on OSCE Engagement with Afghanistan,²⁷ which still guides the Organization in its border security and management activities.

In view of the discussions on the OSCE's contribution to security in Afghanistan, the calls from the Tajik delegation to establish a regional institution in Dushanbe leant increasingly towards a border-security agenda. At a meeting between representatives of the OSCE Chairmanship, the OSCE Secretariat, and the Tajik authorities in Dushanbe in 2007, it was concluded that the Tajik proposal could be realized in the form of an OSCE centre on border security.²⁸ This conclusion reflected the recognition on the part of many participating States that Tajikistan faces challenges arising from its long border with Afghanistan and could play a key role in expanding OSCE efforts to contribute to security in Afghanistan. The result was a multi-year project to establish and maintain the Border Management Staff College in Dushanbe, which was opened in 2009 and continues to operate.

Discussions on changing the mandate of the OSCE presence in the country were not as simple and clear cut as those on establishing an OSCE institution in the country. The latter required enhanced engagement on the part of Tajikistan itself and closer co-operation between the Organization and the host country. However, the proposed change of mandate raised concerns among some participating States that there could be deep divergences between Tajikistan's understanding of the role of a field operation and the views of the majority of participating States. As already mentioned, the Tajik side argued that the new mandate of the field presence should be aligned to the host country's priorities and focus primarily on economic development. As a role model for revision of the mandate, the Tajik side referred to Uzbekistan, which, by the middle of 2006, had succeeded in pushing for the revision of the mandate of the OSCE Center in Tashkent, turning it into the OSCE Project Co-ordinator in Uzbekistan, which has limited autonomy and an agenda driven mostly by projects on request. For some participating States, transforming the OSCE field operation in Tajikistan on the model of the Organization's presence in Uzbekistan while also requesting a new mandate that would focus more on economic activities suggested a desire to reduce the political autonomy of the field operation in relation to the host country and ultimately to turn it into a mere service provider. Furthermore, the years since the adoption of the new mandate have shown that the worries of some participating States about changing the focus of the field operation to

27 Decision No. 4/11, Strengthening OSCE Engagement with Afghanistan, MC.DEC/4/11 of 7 December 2011, in: Organization for Security and Co-operation in Europe, *Eighteenth Meeting of the Ministerial Council, Vilnius 2011, 6 and 7 December 2011*, Vilnius, 7 December 2011, at: <http://www.osce.org/mc/88839>.

28 Cf. internal report of the OSCE Office in Tajikistan.

economic development, as outlined above, were not correct, as the host country has supported expansion in all three dimensions.

Throughout 2007, negotiations and consultations between, on the one hand, the OSCE, its Chairmanship, and the participating States and, on the other, the government of Tajikistan did not produce any meaningful results. Both sides were in search of an acceptable format that could be a consensus solution for the new mandate. In 2008, the Finnish OSCE Chairmanship continued the consultations with a strong commitment to finalize the issue in that year. In spring 2008, a number of high-ranking delegations from several participating States visited Tajikistan, along with the Chairperson-in-Office. During the meetings with Tajikistan's leadership, the issue of clarity regarding the kind of field presence was raised. It was communicated that many participating States saw the field operation in Tajikistan as having a mandate to support the host country in implementing OSCE principles and commitments in all dimensions, possessing a certain autonomy vis-à-vis the host government, and reporting directly to the Permanent Council and the Chairmanship. In a way, Tajikistan was "convinced" that keeping the existing format of the field operation would represent its continued commitment to the values and principles upheld by the OSCE. At the same time, the need to retain the format was tightly connected to the then ongoing discussions on establishing a regional institution in Tajikistan.

While both second- and third-generation field operations were under discussion for Tajikistan, the OSCE Centre in Dushanbe (though operating on a 2002 mandate, which represented a drift away from a first-generation type of field operations) was still functioning in the spirit of the classical field operations launched in the early 1990s in states that had experienced civil wars and major disruption to state structures, e.g. in the Balkans, the Caucasus, and Tajikistan itself.

The challenge in negotiating the new mandate of the OSCE field presence in Tajikistan was to devise a format that could accommodate both positions – enhancing the host country's engagement in the planning and evaluation of field activities, on the one hand, and maintaining a degree of political autonomy and focus on all three dimensions, on the other. The bargain that needed to be struck over the new mandate would have to satisfy both the government of Tajikistan and at least the majority of the OSCE participating States.

The solution was found in the form of a set of instruments and mechanisms of co-operation between the field operation and the host country with the following key elements:

- a joint consultative mechanism between the OSCE and the government of Tajikistan to discuss the strategic framework of field activities in the country;

- improved transparency and accountability for the utilization of funds allocated to the field operation;
- improved strategic planning and reporting on results through the introduction of new programme-management tools.

Yet the most important ingredient of the proposed solution was the emphasis placed on mutual understanding and common agreement as a foundation for the field operation's activities, as well as a reinforced commitment to build the national capacity of the host country. The former element was quite revolutionary in the history of OSCE field presences in Central Asia, as nowhere else were mutual understanding and common agreement with the host country defined as basic principles for the work of a field mission. This compromise not only demonstrated how flexible the OSCE can be towards the demands of participating States that host field operations, it also underlined the need to raise the quality of co-operation between the OSCE and a participating State to the level where the country would be deeply engaged in processes in all three dimensions and could fully benefit from its intensified contacts with the Organization. The exact wording adopted in the text of the new mandate is as follows:

The activities of the OSCE Office in Tajikistan are conducted on the basis of mutual understanding and are carried out on the basis of common agreement. The OSCE Office in Tajikistan will perform its tasks and activities with full respect for the national legislation of Tajikistan, and report on them in a transparent manner.²⁹

The emphasis on national capacity-building serves to remind the participating States and the host country that the field operation will eventually hand over its tasks to national structures and will not stay in the country forever. It also reflects the participating States' earlier decision to "facilitate an efficient transfer of the tasks of the operation to the host country" and close the field operation.³⁰

At the same time, the solution devised for the new mandate of the OSCE field presence in Tajikistan did not exclude its political autonomy under the Organization's Permanent Council. Neither did it sacrifice any of the three dimensions for the sake of the others, as the field operation was tasked to promote "the implementation of OSCE principles and commitments" as well as "the co-operation of the Republic of Tajikistan within the

²⁹ *Mandate of the OSCE Office in Tajikistan*, cited above (Note 23), p. 2.

³⁰ Organization for Security and Co-operation in Europe, *Charter for European Security*, Article 41, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 425-443, here: p. 437, also available at: <http://www.osce.org/mc/39569>.

OSCE framework, with special emphasis on the regional context, in all OSCE dimensions [...].”³¹

The new mandate of the OSCE field operation in Tajikistan was finally approved in June 2008, and, to the surprise of those concerned that the result would be merely a scaling down, the field presence was in fact transformed into a third-generation type of field operation – the OSCE Office in Tajikistan – but with a mandate to address a wide range of issues in the politico-military, economic and environmental, and human dimensions of security. Overall, the key to solving the field operation crisis in the case of Tajikistan was to limit the political autonomy of the field mission by linking it to the co-operation of the host country, thus embedding the interests of both the host country and the OSCE at a fundamental level in the new mandate.³²

The 2014 Ukraine Crisis: Implications for the Field Presence

The solution to the field operation crisis in the case of Tajikistan has received praise from the host country and many participating States over the last six years. A former foreign minister of Tajikistan referred to the model of co-operation between OSCE and Tajikistan as a “future role model for decision-making in other regions of the world”.³³ The host country has expressed its satisfaction with the OSCE field presence each year since 2009 during annual consultations between the OSCE executive structures and the government of Tajikistan.³⁴ The merits of the principles guiding the OSCE field operation in Tajikistan have also frequently been pointed out by various OSCE delegations to have visited the country. Yet after six years of mutual understanding and common agreement, the shining accord in OSCE-Tajikistan relations currently seems somewhat strained.

Throughout 2014, the OSCE presence in the country was criticized by local partners, who questioned the Organization’s relevance to a certain extent. Critical comments are indeed welcome and critique per se is regarded as a normal and useful practice. However, two elements in the most recent criticism of the OSCE field presence in Tajikistan seem to go further than usual and require additional attention. Firstly, the criticism came from both sides – representatives of the government and civil society. It is not often that the field presence is criticized by both “camps”. Secondly, the criticism was

31 *Mandate of the OSCE Office in Tajikistan*, cited above (Note 23), p. 1.

32 The 2008 mandate of the OSCE Office in Tajikistan remains in effect today. Between 2007 and 2013, the unified budget of the OSCE Office in Tajikistan grew by 70 per cent, and the number of thematic units increased from seven to 17.

33 Hamrokhon Zarifi, *Tajikistan – OSCE: Dialogue and Co-operation*, Dushanbe 2009, p.31.

34 Cf. the addresses given by Tajikistan’s Ministry of Foreign Affairs at the annual OSCE-Tajikistan Task Force Meetings.

clearly influenced by events in Ukraine, with the OSCE being condemned for failing entirely to bring democracy to the countries it works in.³⁵

A few months later, a respected Tajik newspaper asked whether perhaps the OSCE presence in Tajikistan should be closed as a result of its inability to bring tangible change in the host government's commitment to democratic elections.³⁶ The article argued that the OSCE seems to have been transformed into a geopolitical instrument, thus drawing comparisons with events in Ukraine, where the OSCE's contributions to conflict resolution look vague to an external observer. The same critical article pointed out the tendency for participating States to "take note" of OSCE statements at best, or simply to diplomatically ignore messages coming from the Organization. The latter point resonates with a more general criticism of the OSCE for shortcomings in reaching out to the general population and for its failure to criticize human rights violations.

It would be wrong to overemphasize the criticism there has been of the OSCE field presence in Tajikistan, but it is important to draw attention to the fact that for both groups – governmental officials and local civil society – the Ukraine crisis clearly involved a failure of Western policy in general and OSCE policy in particular. There is little likelihood that this criticism will undermine the current principles that guide the work of the OSCE field operation in Tajikistan. Yet linkages (however assumed and imaginative) between the OSCE's field activities and events in Ukraine subtly drawn by the OSCE's local partners in Tajikistan may have certain implications for the field presence in the future. Mistrust towards and uncertainty about the field operation's activities, which had been reduced by means of a lengthy bargaining process, may return if the common interpretation of the OSCE's efforts in Ukraine continue to be projected onto the field presence in Tajikistan.

Prospects for the OSCE Presence in the Field

It can be claimed with a high degree of confidence that the debate on the OSCE field operations will continue beyond the Helsinki +40 Process. As pointed out, the two major diverging views on the role and functions of the field operations are still contested by the participating States with no unanimity yet on the horizon. It may be argued that the debate over field operations will continue as long as consensus on the key principles of OSCE reform continues to be contested by participating States East and West of Vienna. It may therefore be expected that the crisis of field operations will re-

35 Cf. Humairoi Bakhtiyor, *VIDEO: Izhoroti Shukurjon Zuhurov ziddi Sozmoni Amniyatu Hamkori dar Avrupo (OBSE)* [Video: Statement by Shukurjon Zuhurov against the OSCE], *Ozodagon*, 24 April 2014, available at: <http://www.ozodagon.com/15910-izhoroti-shukurjon-zuhurov-alayhi-sozmoni-amniyat-va-hamkori-dar-avrupo-obse.html>.

36 Cf. Siyovush Qosimzoda, Korshinos: SAHA-ro dar Tojikiston boyad bast [Expert: The OSCE in Tajikistan should be closed], in: *Ozodagon*, 3 September 2014.

main subject to the resolution of the larger crisis of the OSCE's identity and relevance.

Yet a crucial point to take into account with respect to OSCE field operations is that activities on the ground often cannot wait for the larger consensus to be reached. Both the needs and priorities of the countries hosting the OSCE field presences are dynamic; changes on the ground tend to outpace the Organization's response to these changes. If this tendency continues, the OSCE's field operation crisis may well expand from an issue concerning the individual perception of some participating States into a major challenge with serious implications for the identity and relevance of the Organization, particularly in Central Asia.

It is imperative to devise a new generation of field operations that can bridge the gap between the two major diverging views. A few ideas about the type and format of future field operations are being voiced at the moment by participating States in the context of the Helsinki +40 Process. Some suggest establishing small and flexible missions that could be quickly deployed and supported by experts from the OSCE's main institutions. Others propose focusing on co-ordinated exit processes for some field missions and the establishment of clear strategies for handover to national institutions. There are also suggestions that more should be invested in establishing and maintaining a smaller number of regional offices or thematic institutions that could serve one or more OSCE regions (on the model of the OSCE Academy in Bishkek or the Border Management Staff College). Most recently, it has also been proposed to take advantage of the possibilities of status-neutral field operations to enable them to work in the territories of *de facto* regimes in the future.³⁷

The next generation of field operations needs to take into account all the challenges facing the OSCE in the field and in Vienna. This new type of field presence may be mandated to support regional security; however, it should not be downgraded into merely the training of dog handlers, planting trees, or training law enforcement to control crowds. The OSCE must remain a flexible political organization that is able to overcome the biases and concerns of participating States both East and West of Vienna.

Furthermore, with the inclusion of Mongolia as the 57th participating State and Mongolia's request to establish a field operation,³⁸ the OSCE has received a unique chance to devise a fourth-generation type of field mission that would absorb all the positive experiences of the preceding generations.

37 Cf. OSCE Network of Think Tanks and Academic Institutions, *The Future of OSCE Field Operations (Options)*, Vienna 2014.

38 Cf. Organization for Security and Co-operation in Europe, Ministerial Council, *Decision No. 2/12, Accession of Mongolia to the OSCE*, MC.DEC/2/12, 21 November 2012, at: <http://www.osce.org/mc/97736>.

The OSCE and Chapter VIII of the United Nations Charter – Contributing to Global Peace and Security

The founders of the United Nations (UN) displayed considerable foresight when they included a Chapter on regional arrangements in the UN Charter. At the time, no-one could have anticipated the significant role that regional organizations would play in addressing myriad challenges to peace and security, especially since the end of the Cold War. Chapter VIII of the UN Charter encourages member states that have entered into regional security arrangements such as the Organization for Security and Co-operation in Europe (OSCE) to “make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council”. It also allows the Security Council to utilize such regional arrangements for enforcement action under its authority and requires that the Security Council “be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.”

In the 1990s, many regional organizations, particularly but not only in Europe, developed structures, mechanisms, and policies that allowed them to deal more effectively with the acute challenges that emerged when the old order collapsed. Not least the bloody conflicts in the ex-Yugoslavia and in some former Soviet republics called for urgent attention and spurred organizations with a focus on security to develop new instruments to better respond to conflict in all its different phases. This was also the time in which the Conference on Security and Co-operation in Europe (CSCE) went through an institutionalization process that culminated at the December 1994 Budapest Summit, where the Conference became the Organization known as the OSCE.

Similarly, in the wake of geopolitical change after 1989 the UN was confronted with an unprecedented number of challenges to stability and peace in many regions of the world. As new approaches to peacemaking and peacekeeping were emerging, engaging with regional organizations and making use of their regional expertise gained in attraction and importance. In the 25 years that have since elapsed, the UN and the OSCE have worked together, experienced episodes of success and failure, and shared lessons learned. It is a relationship that has continued to develop as a function of the challenges encountered and experience and expertise gained. Co-operation has helped both organizations achieve progress in confronting existing and emerging challenges.

In recent years, Chapter VIII has been experiencing a gradual revival. To start with, the UN Security Council (UNSC) began taking note and en-

dorsing the diplomatic efforts undertaken by regional organizations, either on their own or in co-ordination with the UN. Increasingly, explicit reference to Chapter VIII was made in such statements. In the CSCE/OSCE context, it was in relation to places like the former Yugoslavia, Nagorno-Karabakh, Georgia, and Tajikistan that the UNSC first acknowledged and endorsed the role of the CSCE. As their respective engagement on the ground expanded within the OSCE area, both organizations began co-ordinating very closely in operational terms. Owing to the particular circumstances of each situation, different forms of co-operation developed. This was accompanied by discussions, held at headquarters level, on ways to enhance co-operation and encouraged by the overlapping membership.

Joint engagement, particularly in the post-conflict phase in the Western Balkans, was where OSCE co-operation with the UN became most intense. This was the case in Bosnia and Herzegovina, where the OSCE became part of a co-ordinated international effort to implement the Dayton Peace Accords of 1995 and later inherited a significant number of activities, notably police support. This culminated in July 1999 with the OSCE Mission in Kosovo taking the lead role in matters relating to institution- and democracy-building, rule of law, and human rights as a distinct but integral component of the UN Interim Administration Mission in Kosovo (UNMIK). This longstanding close co-operation in Kosovo within the framework of UN Security Council Resolution (UNSCR) 1244 successfully continues to this day, even though developments on the ground have led to considerable changes in the activities of the two missions. Today, the appointment of the OSCE Head of Mission in Kosovo still takes place in close co-ordination with the UN and is followed by a letter of confirmation signed by the UN Secretary-General.

The OSCE as a Regional Arrangement under Chapter VIII

The OSCE is one of a limited number of international organizations that have consistently engaged in discussions on Chapter VIII internally, with other regional organizations, and with the UN, including during UNSC sessions dedicated to UN co-operation with regional organizations. In March 2006, the OSCE Permanent Council adopted a Declaration welcoming UNSCR 1631 (2005) on UN co-operation with regional organizations and declaring the OSCE's readiness to further strengthen co-operation with the UN.¹ In August 2013, a UN Security Council Presidential Statement underscored the importance of further developing and strengthening co-operation between the UN and regional organizations, highlighting the important role that regional and sub-regional organizations can play in conflict prevention, peaceful settlement of disputes, peacekeeping, and post-conflict peacebuilding.

¹ Organization for Security and Co-operation in Europe, Permanent Council, *Declaration on Co-operation with the United Nations*, PC.DOC/1/06, 16 March 2006.

The OSCE's co-operation with other organizations, including the UN as *primus inter pares*, was comprehensively defined in the Platform for Co-operative Security adopted at the OSCE Istanbul Summit in 1999. The goal of the Platform is "to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area".² It outlines a set of principles and modalities for other security-related organizations to work co-operatively with the OSCE, including a declaration that their members are "ready in principle to deploy the institutional resources of international organizations and institutions of which they are members in support of the OSCE's work, subject to the necessary policy decisions as cases arise".³ The participating States singled out "the particular relevance of co-operation in the areas of conflict prevention and crisis management".⁴ The Platform for Co-operative Security continues to be the determinant framework for the OSCE's interaction with its international partners, as has been reconfirmed on numerous official occasions. Since then, the OSCE has established regular patterns of consultation at both the technical and the political levels with the UN and a number of other organizations, including the EU, NATO, and the Council of Europe.

As a security organization with a comprehensive security concept encompassing three main dimensions of security (the politico-military, economic-environmental, and human dimensions) the OSCE has a lot to offer. Moreover, it covers a broad spectrum of security-related issues, allowing it to address security from many different angles in a uniquely comprehensive manner. Its inclusive membership stretching across an area "from Vancouver to Vladivostok" is another key strength when differences between participating States need to be bridged and managed. What is more, the OSCE is an organization built on principles that reinforce the UN-led international order. In this spirit, the OSCE has equipped itself with tools to support OSCE participating States in their implementation of OSCE and other international commitments. It is continuously building up its capacity to address all stages of the conflict cycle, including early warning and early action, conflict prevention, crisis management, conflict resolution, and post-conflict rehabilitation. Moreover, the OSCE's strong accent on promoting human rights and fundamental freedoms, democratic institutions, and the rule of law contributes to social stability, thus strengthening security. In short, the OSCE is a highly developed example of a regional organization that has the ability to make a difference in today's ever-changing security environment and to

2 Organization for Security and Co-operation in Europe, *Charter for European Security, Istanbul November 1999*, SUM.DOC/1/99, 19 November 1999, reprinted in Institute for Peace Research and Security Co-operation at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, Operational Document – the Platform for Co-operative Security, pp. 441-443, here: p. 441.

3 Ibid.

4 Ibid.

make a positive contribution to global peace and stability, primarily within the area covered by its membership and in its neighbourhood.

In considering areas where the OSCE can work together with other regional organizations and the UN to more fully carry out the task of being a first responder for the peaceful settlement of local disputes, it is important to recall that the OSCE is a neutral and inclusive collective security organization, not a collective defence organization. The OSCE uses soft security tools and has no enforcement mandate. Therefore, Article 53 of Chapter VIII, which relates to enforcement action by regional arrangements under the authority of the UNSC, does not appear applicable to the OSCE in its current form. Even so, the OSCE is widely seen as the most comprehensive regional arrangement in the Euro-Atlantic and Eurasian space. It has also served as a model and inspiration for other regional organizations, such as the Conference on Interaction and Confidence Building Measures in Asia (CICA), a dialogue forum for addressing issues of security and co-operation among a number of Asian countries, or recent initiatives for developing multilateral security co-operation in North East Asia.

Like other international organizations, the OSCE relies on the continuous engagement of its participating States and their confidence in the Organization's capacity to make a difference in situations that require an international security response, building on its ability to promote a balanced approach and to ensure inclusiveness. The OSCE has been confronting a number of challenges over recent years that have come to a head in the current crisis in Ukraine: differences in the interpretation and implementation of OSCE commitments, divergent threat perceptions,⁵ a "rhetoric of division", and a lack of engagement, often coupled with preference given by groups of like-minded countries to other institutions to address security-related issues. Despite difficulties and setbacks in the implementation of OSCE commitments, the Organization has continued to work with uneven but not insignificant progress in a number of areas. The 2013 Ministerial Council in Kyiv took place in a difficult environment, and yet consensus was reached on a substantial package of decisions, including a decision to establish a first set of confidence-building measures in the area of cybersecurity – an initiative that places the OSCE in the vanguard on this topic.

The 2012 Dublin Ministerial Council launched a broad-based and informal political dialogue known as the *Helsinki +40 Process*. The idea behind this is to use the 40th anniversary of the Helsinki Final Act as an opportunity to address the deficit of trust among OSCE participating States, encourage progress towards fulfilling the vision of a Eurasian and Euro-Atlantic security community put forward at the 2010 Astana Summit, re-establish unity of purpose, and think creatively and strategically about the future of the

5 The OSCE Network of Think Tanks and Academic Institutions published a study on "Threat perceptions in the OSCE area" in April 2014 available at www.osce-network.net and the OSCE website.

OSCE. Adapting the Organization, including its working methods and instruments, to the evolving security environment is also an important objective of the process. A number of thematic clusters under discussion are closely related to the OSCE's role as a Chapter VIII organization. They include enhancing capacities across the conflict cycle, reinvigorating efforts towards resolving protracted conflicts, addressing transnational threats, and increasing interaction with international partners. In light of developments in Ukraine, careful consideration will need to be given on how to pursue this process in a way that helps bridge divisions and foster areas of convergence. In fact, the crisis in Ukraine has added to the need for a strategic debate on the future orientation of the OSCE. Deepening the discussion on the role of the OSCE as a regional arrangement under Chapter VIII provides a good opportunity to address some aspects of this challenge.

The OSCE's Partnership with the UN

The OSCE engages in political dialogue, co-ordination, and information exchange with the UN at both the political and expert levels. This covers global challenges (non-proliferation, terrorism, trafficking, organized crime, environmental degradation, etc.) and conflicts that may be primarily regional but have global implications and, for political or other reasons, require the engagement of numerous actors. The OSCE Chairmanship, the Secretariat, and the Institutions and field operations work with a wide range of UN entities to enhance security across the OSCE area and in adjacent regions.

The OSCE regularly works in support of UN-driven processes, for instance by promoting the implementation of a number of UNSC Resolutions and UN Conventions in OSCE participating States. These include UNSCR 1540 on the non-proliferation of weapons of mass destruction, which has a strong focus on the political problem posed by non-state actors, an area in which close co-operation has been developed with the UN Office for Disarmament as a key partner; the decade-long promotion of the UN Economic Commission for Europe's Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, also known as the *Aarhus Convention*; and UNSCR 1325 on Women, Peace and Security where, in co-operation with UN Women, the focus is on the OSCE's own executive structures, particularly its field operations, in addition to sharing experience among OSCE participating States. There are many more such examples of successful co-operation, often involving partnerships with several organizations, including the UN. In some instances, the OSCE has taken the lead within a particular field of expertise. For example, in fighting human trafficking, the OSCE-led Alliance against Trafficking in Persons has, over the past fourteen years, become the main annual forum for joint advocacy of organizations working in this area.

The OSCE is also committed to supporting the UN by helping to create synergies in key countries and regions of common concern such as Ukraine, Central Asia/Afghanistan, the Caucasus, the Balkans, and the neighbouring region of the Southern Mediterranean. In Central Asia, the OSCE and its five field offices highly value their close relationship with the UN regional office. The OSCE's field presence in the region is also the main conduit for OSCE efforts to support transition in Afghanistan, a major concern for both organizations. Here, OSCE activities need to feed into wider UN-led activities, including through the UN Special Representative and Head of the UN Assistance Mission in Afghanistan but also in co-operation with important regional programmes, such as the UN Office on Drugs and Crime (UNODC) programme for Afghanistan and neighbouring countries in the area of countering narcotics.

In relation to the so-called protracted conflicts in the OSCE region, co-operation is most evident in the Geneva International Discussions on the consequences of the 2008 war in Georgia, whose co-moderators are the OSCE, the UN, and the EU. Through close co-ordination of their respective high-level envoys, the same three organizations managed to respond in a synchronized way to the unrest in Kyrgyzstan in 2010.

Over the years, it has become customary for the OSCE Chairman-in-Office to address the UNSC, highlighting the Chairmanship's priority areas for greater collaboration with the UN. In 2013, the Ukrainian OSCE Chairmanship also took part in a UNSC debate on co-operation between the UN and regional and sub-regional organizations in maintaining international peace and security that was held on 6 August 2013 in New York.

The OSCE maintains close contact at senior and operational levels with numerous UN agencies and institutions. Regular meetings take place between high-ranking officials of the two organizations, including at Secretary-General level. Around a dozen senior UN officials are invited to speak at OSCE Permanent Council or Forum for Security Co-operation meetings every year.⁶ Annual staff talks take place with the Europe Division of the UN Department of Political Affairs and with UNODC.

6 Over the past two years, speakers have included the UN High Commissioner for Human Rights, the UN High Representative for Disarmament Affairs, the Under-Secretary-General for Political Affairs, the Secretary General/Executive Director of the UNODC, the Special Representative of the UN Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (UNAMA), the Special Representative of the UN Secretary-General for Disaster Risk Reduction, the Head of the UN Office for Disaster Risk Reduction, the UN High Representative for the Alliance of Civilizations, the Assistant Secretary-General for Peacekeeping Operations, the Deputy Executive Director of UN Women, the Director of the UNHCR Bureau for Europe, and the Chair of the UNSC Committee on UNSCR 1540.

The OSCE's toolbox allows the Organization to carry out a wide variety of functions in the fields of crisis management, conflict prevention, early warning, and conflict resolution, complementing other aspects of security cooperation with its broad regional and thematic expertise and the wide range of instruments at its disposal.

From the start, the OSCE put most of its toolbox to work in response to developments in Ukraine, demonstrating its continued relevance in responding to crises in the OSCE area. This involved high-level diplomacy and multilateral dialogue, carrying out a one-month project to assess avenues for national dialogue, military visits as a confidence-building measure under the OSCE 2011 Vienna Document, and, most prominently, fielding a large monitoring mission. On 21 March 2014, the OSCE Permanent Council authorized a Special Monitoring Mission (SMM) to gather information and report on security conditions in order to provide an unbiased understanding of the situation on the ground. The monitors (up to 500 of whom may be deployed if needed) maintain contact with local, regional, and national authorities, civil society, and representatives of the local population. Their focus is on identifying humanitarian and security needs, building confidence, reducing political and inter-ethnic tensions, and promoting respect for OSCE principles and commitments. The mission's larger goal is to help create conditions for inclusive political dialogue aimed at achieving a sustainable transition.

The OSCE's specialized institutions became involved immediately on the strength of their respective mandates. The OSCE High Commissioner on National Minorities (HCNM), Astrid Thors, visited Ukraine several times, including Crimea, in early March. Since the office was established in 1993, the HCNM has a long history of engagement in Ukraine, particularly in relation to Crimea, minority rights, language use, and education. In March-April 2014, the HCNM contributed to a Human Rights Assessment Mission, in cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Crimea is at the centre of the Institution's attention, particularly the situation of the Crimean Tatars and the Ukrainian community, as well as language policy, including the revision of the 2012 Language Law and subsequent implementation. The OSCE Representative on Freedom of the Media (RFOM), has likewise been raising issues of media freedom in Ukraine for a long time and visited Ukraine (Kyiv and Crimea) in March and April to make a first-hand assessment of the media freedom situation and to meet with senior government officials and representatives of civil society and the media. The RFOM monitors the media freedom situation in Ukraine closely and has issued numerous press releases raising grave violations of media freedom commitments, particularly regarding the safety of journalists and restrictions on media plurality. Finally, as well as the aforementioned human rights assessment, ODIHR also carried out the largest ever OSCE ob-

servation mission for the presidential elections held on 25 May 2014 and another sizeable mission to observe the parliamentary elections on 26 October 2014. On both occasions, the OSCE Parliamentary Assembly joined ODIHR in observing the elections and also used parliamentary channels to organize a number of meetings bringing together parliamentarians from Russia and Ukraine.

OSCE action on the ground was considerably assisted by the presence of the OSCE Project Co-ordinator in Ukraine (PCU) with its extensive experience and contacts, and ability to provide short-term logistical support. The PCU has been engaged with projects in key areas, including support for democratic election processes; promoting the role of civil society in policy-making; supporting parliament to ensure legislation meets international standards and OSCE commitments; and the elimination of the Soviet heritage of toxic rocket fuel known as *mélange*. The PCU could play an important role in promoting reform of the judiciary, media, and police, as well as supporting anti-corruption activities.

The OSCE's crucial advantages in this situation, including its inclusive membership, consensus-based decision making, and comprehensive security concept, were recognized when it came to deciding on an operational engagement of the international community in Ukraine. As the only regional organization that includes Ukraine, its neighbours, and the key stakeholders, the OSCE was chosen to assume a lead role, with the UN and other regional organizations standing back and supporting the OSCE's engagement. This was possible thanks to the comprehensive political support of the OSCE's participating States and the backing of OSCE action with considerable human and extra-budgetary financial resources. The OSCE certainly also benefited from a highly motivated Chairmanship led by the Swiss President and Foreign Minister, Didier Burkhalter, who advocated a proactive response and spared no effort to forge consensus on fielding a visible OSCE presence on the ground as early as possible.

Faced with the serious developments in Ukraine, the UN and the OSCE maintained active channels at various levels in Vienna, New York, and Kyiv from the very outset, which helped ensure close co-operation and an effective division of labour. The Chairman-in-Office's briefing to the UNSC on 24 January 2014 offered an important opportunity to highlight the need for close UN-OSCE co-ordination in response to the crisis. As events unfolded, the OSCE Chairman-in-Office and I held regular consultations with the UN Secretary-General, his Deputy, and the Under-Secretary-General for Political Affairs. In areas where, for institutional reasons, both the UN and the OSCE are engaged in activities in the same area of competence, co-ordination, co-operation, and complementarity were assured. For example, both the UN and the OSCE have a strong mandate on human rights, and both conducted separate but co-ordinated field research and assessments. At the request of the Ukrainian government, ODIHR and the HCNM conducted the aforemen-

tioned human rights assessment mission from early March to mid-April 2014. The UN High Commissioner for Human Rights (UNHCHR) also deployed a human rights monitoring mission to Ukraine starting in early April. The UN team co-operated closely with the ODHIR and the SMM and developed an excellent working relationship in Kyiv as well as other places such as Donetsk and Odessa. On 19 May, only days after the UNHCHR report was released, UN Assistant Secretary-General Ivan Šimonović joined the Heads of OSCE institutions in an OSCE-hosted informal meeting in Vienna to discuss the human rights situation in Ukraine on the basis of relevant reports.

This kind of co-ordinated approach gives an idea of the close relationships between the OSCE and the UN that have been built across many fields of activity. As another example, in May 2014, the UN Department of Political Affairs deployed experts from its stand-by Mediation Support Team to Kyiv to support OSCE efforts related to the national dialogue project in Ukraine. This is an excellent example of how the UN can use its expertise and resources to support the efforts of a regional organization like the OSCE. Combining the OSCE's regional expertise and field presence with the UN's global experience and resources seems to be a good model for how to make Chapter VIII work in practice.

Co-ordination and co-operation are particularly challenging in times of crisis, when international activities attract most political attention. As always, there will be lessons that we in the OSCE, other regional organizations, and the UN can learn for future co-operation from the situation still unfolding in Ukraine. The principle must be to actively seek synergies rather than just try to avoid duplication. The question is how we can work in partnership, share methodologies and policies to improve international response to crises, especially at the early stages, moving from early warning to early action and avoiding delays and spanners that might be thrown into the works by those most concerned. Much depends on establishing close relations "in peacetime" that are robust in the face of challenges. This also requires an understanding of respective competitive advantages and better communication vis-à-vis other international actors.

Regional Organizations and Conflict Resolution

In May 2014, I hosted an informal track-II conference on Chapter VIII of the UN Charter: Confronting Emerging Challenges in the Euro-Atlantic and Eurasian Space. This event was part of a series known as the OSCE Security Days, which brings together representatives of OSCE participating States, international and regional organizations, academia, think tanks, civil society, and representatives from OSCE Partners for Co-operation to discuss topical issues on the OSCE's agenda. The aim of this particular OSCE Security Day was to offer a platform to start a debate within the OSCE and to encourage

discussion in the UN and other regional organizations on ways to operationalize Chapter VIII, particularly in the areas of conflict prevention (early warning and early action) and conflict resolution (mediation). It built on the recommendations from a high-level retreat of the UN Secretary-General with heads of regional organizations, held in New York in 2012, and looked forward to a similar event planned for 2015.

A number of points raised in the discussion during the OSCE Security Day event are worth retaining:

Today's rapidly evolving security context, coupled with widespread economic hardship, requires international and regional organizations to find ways to work together more effectively. Emerging threats to peace and security in the OSCE area are presenting new challenges, but also opportunities for enhanced interaction between the UN, the OSCE, and other regional organizations. Regional and global security should be seen in a complementary rather than a hierarchical relationship. Although the UN is a natural platform for co-ordination of international efforts towards peace and security, the division of labour between the UN and regional organizations needs to be situation-specific. Maximizing synergies and complementarities can be best achieved if the UN and regional organizations learn from each other and take advantage of lessons from the past. The UN's considerable practical experience accumulated over decades can help guide the work of regional organizations. Meanwhile, the role of regional organizations in conflict prevention and resolution is gaining importance, as the UN increasingly relies on regional expertise and networks for mediation.

The OSCE can play a significant role in supporting and co-operating with the UN in its efforts to further operationalize Chapter VIII of the UN Charter. OSCE tools and experience in security through co-operation may provide useful insights for other regional organizations, and the OSCE could likewise benefit from shared expertise. Such transfer of experience on concrete, thematic, or operational issues would appear to be most effective under UN leadership and could provide an opportunity for the UN to strengthen its ties with relevant regional organizations.

Chapter VIII provides a good framework for deepening co-operation in conflict prevention. Most efforts toward the peaceful settlement of local disputes have primarily focused on a culture of "reaction" (peacekeeping, peacebuilding, and post-conflict rehabilitation) rather than a culture of "prevention" (early warning and early action). To move toward a culture of prevention will require an increase in knowledge and the drawing of lessons from both positive and negative past experiences, since tools, norms, and best practices in this area are relatively recent. More effectively communicating the impact of preventive action and the considerably higher costs of non-action to policymakers and the public is essential to building political will and ensuring that more resources are devoted to conflict prevention. It is also needed to help overcome reluctance among those on the receiving end of

such action. Regional organizations can take the lead, and the UN can assist their efforts as necessary. Although conflict prevention efforts by the UN and regional organizations are increasingly aligned, further steps should be taken to develop a more systematic relationship. While maintaining situation-specific flexibility, some more formal mechanisms to foster interaction between the UN and regional organizations might be useful, such as, for example, UN Security Council briefings on emerging conflicts by relevant regional organizations. More could be done in terms of comparing concerns and analysis, sharing information and best practices, issuing joint early-warning announcements, and co-operating to foster a more solid culture of prevention. Launching low-key joint missions could also be considered.

In 2011, the role of regional organizations in mediation and conflict resolution was recognized by UN General Assembly Resolution 65/283 and further defined in subsequent resolutions in 2012 (66/291) and most recently 2014 (68/303). To provide input for this latest resolution on strengthening the role of mediation in the peaceful settlement of disputes and conflict prevention and resolution, the OSCE co-organized a conference in February 2014 in Cairo, together with the League of Arab States, the Organisation of Islamic Cooperation, and the UN – a showcase event highlighting co-operation on issues of common interest.⁷ Similar to the UN context, a number of OSCE participating States have established an OSCE Group of Friends to help strengthen the OSCE profile in mediation. Regional organizations have important assets as mediators. Due to their proximity to the areas of conflict, they can provide tailor-made approaches to conflict resolution. The OSCE has made progress in developing a mediation-support capacity over the last year. It not only strengthens the OSCE's efforts to resolve political crises and protracted conflicts, but also the daily work of field operations.

Security Sector Governance/Reform (SSG/R) is gaining traction in the OSCE and feeds into many of the Organization's thematic efforts, including conflict prevention, early warning, and crisis management. A recent mapping study mandated by the Swiss Chairmanship of the OSCE in 2014 ascertained that the OSCE has collected a wealth of conceptual and operational experience in SSG/R but has yet to develop a coherent approach. In many operational contexts at field level, both the UN and the OSCE are providing support to a variety of activities related to Security Sector Reform (SSR). Co-operation with the UN is becoming increasingly important, particularly given the UN's long-standing experience in this field. Since the first open UNSC debate on SSR in 2007, the UN system has been working on the development of a coherent, system-wide approach to SSG/R and there have since been two UN Secretary General Reports on SSR (2008, 2013). The UN Inter-Agency SSR Task Force (IASSRTF), which is co-chaired by the UN Department of

7 This was the third meeting of regional, sub-regional, and other international organizations on preventive diplomacy and mediation. Previous meetings took place in Jeddah, Saudi Arabia (April 2012), and Vienna (December 2010).

Peacekeeping Operations (DPKO) and the UN Development Programme (UNDP), with the DPKO's SSR Unit providing its secretariat, has achieved much progress in consolidating the UN's approach to SSR, through support for the development of guidance, standards, and practices for the UN; support of field operations and offices; the facilitation of consultations with regional organizations; and the delivery of training on SSR. In view of the clear potential for strategic co-operation between the UN and the OSCE on these issues, a one-day conference on strengthening OSCE-UN co-operation on SSR took place on 7 July 2014. The focus of the conference was on sharing experiences and enhancing collaboration. Supporting active dialogue between the two organizations on SSG/R could translate into enhanced coherence of multilateral support for SSR in the field.

Looking Ahead

As Secretary General of the OSCE, I am convinced that we need to further develop a pragmatic, results-driven relationship with the UN and among regional organizations. I have met with the UN Secretary-General and his Deputy on numerous occasions, including in the margins of the opening session of the UN General Assembly, to discuss preventative diplomacy, mediation, building closer operational links through staff exchange, and enhancing relations between the UN and regional organizations under Chapter VIII. At successive retreats for heads of regional organizations convened by the UN Secretary-General in recent years, I have seen that the debate on how to operationalize Chapter VIII is deepening and that there is growing understanding that strong partnerships and shared strategies are the only way to effectively address the increasingly complex security challenges we are facing.

The OSCE, as a regional arrangement under Chapter VIII, plays a key role in conflict prevention, crisis management, and post-conflict rehabilitation in the OSCE area. The OSCE has a good track record of partnership with the UN, both at headquarters level and in the field. Yet there is always room for improvement – new synergies can be found and complementary strengths and advantages can be better utilized.

Over the past two decades, the OSCE has come to embody an organization that the UN can rely on to support its universal responsibility for maintaining peace and security. In the current crisis in Ukraine, there has been excellent exchange of information and interaction between international organizations active on the ground. At a time in which fundamental principles of the Organization have been violated (including the prohibition on the threat or use of force, and the principle of territorial integrity), the launch of a large field mission, the first in many years, is a show of confidence in the Organization even though it comes as a result of a major crisis in European security. Nonetheless, the security challenges facing Ukraine and the wider region

are a test for the OSCE and could have an impact on its future. In light of the ongoing crisis in and around Ukraine, it is clear that there is need for a strategic debate on the future orientation of the Organization. Therefore, holding a discussion on the role of the OSCE as a regional arrangement under Chapter VIII also provides a good opportunity to address some aspects of this challenge, and I hope that the debate will continue both within the Helsinki +40 Process and in consultations with the UN and other regional organizations.

In order to make full use of their combined potential, the UN, the OSCE, and other regional organizations should join forces to strengthen co-operation under Chapter VIII, in particular against the background of multi-dimensional and transnational threats that affect state and human security at both the regional and global levels. There are many potential growth areas for working together in the spirit of Chapter VIII. As noted above, regional organizations can act as a vanguard for the UN by building regional consensus around security issues before they are taken up at the global level. The OSCE's decision to develop a first set of confidence-building measures on cybersecurity should help stimulate discussion at the global level. Regional organizations can play an effective role in promoting UN norms and principles and building national capacities to implement UN resolutions. The OSCE already has a considerable track record in this field, laying the groundwork for further progress and for greater exchange of best practices and lessons learned.

As security challenges continue to evolve, the nature of OSCE co-operation with the UN must evolve as well, becoming more pragmatic and action-oriented. Especially in times of economic hardship, enhancing synergies and finding new ways of working together that capitalize on the relative strengths of each organization is critical. A renewed effort at identifying where the two organizations can best work together – or in parallel but not in competition – should be made. Effective, pragmatic co-operation that builds on the respective mandates and strengths of the UN and the OSCE will remain a key objective for the coming years.

US-Russia Relations in the Obama Era: From Reset to Refreeze?

Introduction

US-Russia relations from 2009-2014 reflected the cyclical manner in which that relationship has regularly moved since the end of the Cold War. In his first months in office, Barack Obama launched a “reset” intended to move the relationship to a more positive footing following the 2008 Russia-Georgia conflict, with the goal of securing Moscow’s help on issues key to the Obama administration’s agenda. The reset yielded early successes – the New Strategic Arms Reduction Treaty (New START) and enhanced co-operation on Iran and Afghanistan – but progress slowed in 2011.

Vladimir Putin’s return to the Russian presidency in 2012 seemed to augur a less co-operative relationship, given his view that Washington had not taken serious account of Russian concerns, such as missile defence. The US administration scaled back its expectations for progress in bilateral relations in 2013. Relations between Washington and Moscow, and between the West and Russia, plunged to a post-Cold War low in 2014 following Russia’s annexation of Ukraine’s Autonomous Republic of Crimea and support for separatism in eastern Ukraine.

Looking forward, the US-Russia relationship will remain difficult for the foreseeable future. One challenge will be whether, given differences over Ukraine, the two countries can sustain co-operation on areas where their interests converge, such as constraining Iran’s nuclear programme and counter-terrorism. Restoring a more positive relationship will require moving beyond Ukraine and rethinking on both sides about how to approach issues where their interests do not align.

The Reset

When Barack Obama became US president in January 2009, the bilateral US-Russia relationship sat at a low point in the aftermath of the 2008 conflict between Russia and Georgia. US-Russian relations had been on a downward slide for several years before the conflict, as the two countries differed over strategic arms control, missile defence, and NATO relations with Ukraine and Georgia. The apparently warm personal relationship between presidents George W. Bush and Vladimir Putin did little to arrest the decline.

President Obama sought to change things with Moscow. In February 2009, his administration announced the reset, an attempt to move the bilateral relationship to a more positive and co-operative stage.

In private, administration officials said the reset aimed to secure Russian co-operation on priority issues such as nuclear arms cuts, Iran's nuclear programme, and Afghanistan. They explained that the president was prepared to invest his time and to address some issues of interest to Moscow in order to secure such co-operation. They expressed uncertainty as to whether the Russians would respond in a positive way and noted that, if Obama saw no return on his investment, he would cut his losses and turn his attention elsewhere.

Obama met then-President Dmitry Medvedev in London on 1 April 2009. By all appearances, the two hit it off. Their discussion resulted in two joint statements. One addressed the potential for co-operation across the broad relationship; the second noted their agreement to begin negotiations on reducing strategic nuclear arms.

The negotiations that eventually produced New START made rapid progress at first. In a key modification to the Bush administration's approach, Obama's negotiators offered to limit strategic delivery vehicles – intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs) and heavy bombers – as well as strategic warheads. The Russians had previously objected to capping only the number of warheads.

Early Successes

When Obama travelled to Moscow in July 2009 to meet with Medvedev, the reset recorded early successes. The two presidents reached agreement on key parameters for New START. Administration officials expressed hope that it might be possible to conclude the agreement before the START I treaty expired that December.

Russian officials surprised the Americans with their readiness to assist the logistics flow to US and coalition forces in Afghanistan. With transit through Pakistan difficult and sometimes suspended, US and coalition forces made increased use of the Northern Distribution Network – rail lines crossing from Europe to Central Asia and on to Afghanistan. Moscow proposed expanded use of the line through Russia and offered to permit over-flights by US transport aircraft, including those carrying lethal military equipment.

US officials proposed to help Russia accede to the World Trade Organization (WTO), something that Moscow had sought for 15 years. They also committed to secure Congressional approval of a bilateral civil nuclear co-operation agreement that had languished since being put on hold after the Russia-Georgia conflict.

The two presidents also established a bilateral commission to oversee the relationship. By the end of 2009, it had created 19 working groups, ranging from security and defence issues to agriculture to trade and scientific exchanges.

The most difficult meeting proved to be the session with then-Prime Minister Vladimir Putin. Putin opened with a long monologue cataloguing a list of grievances against US policy and perceived slights. Still, US officials returned to Washington in an upbeat mood, believing the reset had begun well and seeing prospects for more progress.

By the autumn, US and Russian negotiators had begun drafting language for New START and had agreed on what they would limit, though they had not yet reached agreement on specific numbers. The negotiating pace slowed in late November. US officials surmised that their Russian counterparts hoped that Obama, due to receive a Nobel Prize in December, might make final concessions in order to complete New START first. That did not happen, and START I expired.

A January 2010 visit to Moscow by National Security Advisor Tom Donilon and Joint Chiefs of Staff Chairman Mike Mullen to meet with their Russian counterparts, Sergei Prikhodko and Nikolai Makarov, produced agreement on the numerical limits. They also resolved differences on most of the outstanding verification questions.

One last glitch arose in late February over missile defence. In September 2009, the Obama administration had announced that it would replace the Bush administration's missile defence plan with the "European Phased Adaptive Approach" (EPAA). The new plan entailed deployment in Europe of SM-3 missile interceptors, which in the initial phases would not be capable of engaging ICBM warheads and thus not threaten Russian strategic forces.

Moscow initially appeared to welcome the change. However, in early 2010, Russian negotiators in Geneva sought to include language in New START that would specify missile defence developments as grounds for withdrawal from the treaty. Washington declined, noting that the general withdrawal clause would be sufficient.

The Russians dropped their demand. Obama and Medvedev met in Prague on 8 April 2010 to sign the New START treaty. It required that each side reduce its strategic forces to no more than 1,550 deployed strategic warheads, 700 deployed strategic delivery vehicles, and 800 deployed and non-deployed ICBM and SLBM launchers and heavy bombers. The treaty included an array of verification and transparency measures.

June saw Russia join the United States at the UN Security Council in approving a resolution on Iran, which among other things imposed an arms embargo on Tehran – an important step given that the Russians had been a major supplier of weapons to Iran. US officials privately allowed that, given the resolution's ambiguous language, Moscow might go forward with an already contracted sale of S-300 surface-to-air missiles to Iran. To Washing-

ton's pleasant surprise, however, the Russians announced in September that they were cancelling the sale outright and would return Iran's advance payment.

Medvedev visited California and then travelled to Washington later in June 2010 for discussions with Obama that focused on broadening trade and economic relations. Medvedev's visit to Silicon Valley underscored his interest in expanding high-tech industries in Russia, including at Skolkovo, where he hoped to replicate Silicon Valley and its success.

As 2010 neared a close, US officials were pleased with the progress of the reset, citing New START, deeper co-operation on Afghanistan and Iran, and the potential to develop bilateral economic relations. Progress even appeared possible on missile defence. Medvedev met with NATO leaders in November and agreed to explore the possibility of a co-operative NATO-Russia missile defence arrangement for Europe.

The Bloom Comes off the Rose

Having completed Congressional approval requirements in late 2010, Washington brought the civil nuclear co-operation agreement under Section 123 of the United States Atomic Energy Act of 1954 with Russia into force in January 2011. Among other things, it increased possibilities for co-operation in the area of nuclear non-proliferation. Of greater interest to Moscow, it enabled expanded co-operation in the field of commercial nuclear energy. US officials continued to work with their Russian counterparts on Russian accession to the WTO, though Moscow often adopted a tough stance in the multi-lateral negotiations.

After New START came into force on 5 February 2011, US officials and Russian officials began exploring the possibility of further nuclear reductions. Washington hoped to reduce the limits in New START and to constrain non-deployed strategic weapons and non-strategic (tactical) nuclear weapons as well.

US and Russian officials also held bilateral discussions on the possibility of co-operative NATO-Russia missile defence. Early exchanges suggested significant convergence in thinking as to the elements of such co-operation, on areas such as data exchanges, joint missile defence exercises, and jointly manned missile-defence centres.

The Russians, however, began to press a demand for a legally-binding agreement that the sides would not target their missile defence systems against the other's strategic offensive forces, accompanied by "objective criteria" – limits on the numbers, locations, and velocities of missile interceptors. Washington offered to provide a politically-binding assurance but ruled out a treaty. The ratification effort in the Senate for New START had proven

far more difficult than expected, and the administration doubted that any missile defence treaty could muster the two-thirds vote needed for approval.

On the eve of the May G8 meeting in France, US and Russian negotiators met in Moscow and attempted to work out principles for resolving their differences on missile defence. They reached ad hoc agreement on a joint statement for the presidents, but in the end neither side was prepared to accept it. Missile defence thereafter stood as an increasingly difficult issue on the US-Russia agenda.

In parallel, the Russians showed little enthusiasm for further nuclear reductions beyond those required by New START. They said that differences over missile defence needed to be resolved first and indicated that agreement also had to be found on issues such as long-range conventional precision-guided strike systems and third-country nuclear forces. As for non-strategic nuclear weapons, the Russians insisted that, as a precondition for any talks, the United States first withdraw its non-strategic nuclear weapons from Europe.

New Problems Arise

A new problem appeared on the US-Russia agenda in 2011: Libya. As chaos spread in the country, European states – led by Britain and France – argued for international action, to include a no-fly zone to ground Libyan President Muammar Gaddafi's air power. Russia (and China) chose not to block a UN Security Council resolution establishing a no-fly zone in March.

The United States joined with Britain, France, and others to conduct air operations against Libya. As the operations broadened to include strikes against Gaddafi's forces that went beyond keeping his air force from flying, Moscow became more critical. The Russians, including Putin, charged that NATO actions exceeded the bounds of the UN Security Council resolution and became particularly critical after Gaddafi was killed.

Meanwhile, concern grew in the United States about democracy and human rights within Russia. Congress began to focus on the 2009 death of Sergei Magnitsky. Magnitsky, a Russian lawyer, had been imprisoned by the very police officials whom he had accused of corruption and died in jail. Congress drafted legislation to sanction the Russian officials responsible for his imprisonment and death with visa bans and asset freezes. The Obama administration at first resisted the legislation, arguing that it had executive authority to sanction individual Russian officials.

Congress pressed ahead and linked the new sanctions to legislation to suspend the application of the 1974 Jackson-Vanik Amendment to Russia. That amendment denied the Soviet Union (and later Russia) permanent normal trade relations status until it allowed religious minorities, particularly Soviet/Russian Jews, to emigrate. Following the Soviet Union's collapse in

1991, Russia allowed open emigration. That led the Clinton administration to find Russia in compliance with Jackson-Vanik's requirements, as did the Bush and Obama administrations after it. But Congressional action was required to remove Russia from Jackson-Vanik's purview.

Election Year Difficulties

Election years have generally not been favourable times for progress in US-Russian relations, and both countries faced presidential elections in 2012.

In September 2011, Putin announced that he would run for president again (given the Russian constitution's limit of two consecutive presidential terms, Putin had stepped down as president and become prime minister in 2008, but he interpreted the constitution as allowing him to run again, perhaps for two more terms, in 2012). Putin's return to the presidency was hardly welcome news in Washington. The Obama administration understood that Putin held the real power in Moscow – Batman to Medvedev's Robin, as the US embassy reportedly described the relationship. Still, Obama and Medvedev had developed a positive chemistry. The White House had hoped that Putin might let Medvedev run for re-election while he continued to control things as prime minister.

The Russian election was effectively decided the evening Putin announced his bid. He did no real campaigning, made only one major campaign speech, declined to engage in election debates, and faced only token opposition, in part because opposition leaders such as Grigory Yavlinsky were barred from the ballot. Washington noted with concern that Putin's election campaign played on nationalist and anti-American themes.

The more than 100,000 Russians who turned out at Bolotnaya Square to protest the falsification of the results of the 4 December 2011 Duma (parliament) elections surprised both Moscow and Washington. Putin reacted badly, accusing Secretary of State Hillary Clinton of encouraging the protests. Demonstrations continued into early 2012, unnerving the Kremlin even as they raised hope in the West that public pressure might lead Putin to create more political space for civil society and the opposition.

The Russian government instead moved methodically to contain the protests, jailing key protest leaders and passing laws that raised the penalties for taking part in "unauthorized" demonstrations. Bills pushed quickly through the law-making process increased the maximum fine for illegal activities during a protest to 300,000 roubles, up from 1,000 roubles, and placed strictures on who could organize protests. These steps generated increasing criticism in Washington, from both Congress and the administration.

Russians went back to the polls on 4 March 2012 and, as expected, overwhelmingly voted to return Putin to the presidency. While there was some evidence of election fraud, most analysts concluded that Putin would

have handily won a clean election. Perhaps reflecting concern about possible demonstrations, Moscow police cleared the roads along Putin's motorcade route on inauguration day on 7 May. He drove to the Kremlin through eerily empty streets.

Putin's inauguration came on the eve of Obama's hosting the G8 and NATO summits. Although the administration originally planned to hold both in Chicago, it switched the G8 summit to Camp David. That was intended to avoid an awkward situation if Putin wanted to attend the G8 meeting but not the NATO-Russia summit. In a sign of the more difficult relations to come, Putin chose to attend neither. Administration officials downplayed what appeared to many as a snub, noting that Obama and Putin could meet on the margins of the G20 summit scheduled for Mexico in mid-June.

By spring 2012, the US presidential election campaign was on in full force. Governor Mitt Romney, who had secured the votes needed for the Republican nomination, cited Russia as the number one geopolitical threat to the United States. Obama criticized the comment but largely avoided Russia in his campaign – particularly following an embarrassing open-mic incident in April in which he had been overheard telling Medvedev (in his final days as president) to inform Putin that he would have more flexibility to deal with tough bilateral issues after the US election. The White House downplayed arms control, a signature Obama issue, not wanting it to become entangled in the campaign.

One bright spot came in August, when Russia finally acceded to the WTO. Russian officials publicly credited Washington's support as key to making accession happen after so many years of waiting.

Otherwise, there was no news or bad news in US-Russian relations. In July, the Russian parliament passed legislation requiring that any Russian non-governmental organization that engaged in political work and received financial support from abroad declare itself a "foreign agent", a pejorative term that implied not just foreign funding but foreign control and direction. In September, the Russian government announced that the US Agency for International Development (USAID) mission at the embassy in Moscow would have to close in a month's time, claiming that USAID programmes interfered in Russian politics. That shut off US support for a range of Russian non-governmental organizations.

Washington and Moscow continued to spar over Syria. As the civil war in that country spread in early 2012, Russia and China blocked UN Security Council resolutions critical of Syrian President Bashar Assad. A June conference in Geneva produced language on the need for a political transition but no real breakthrough. Washington increasingly hardened its position that Assad had to go, while Moscow argued that it remained to be decided and expressed concern about what forces might come to power in Damascus if Assad left. In December, the United States joined with Britain, France, Tur-

key, and Persian Gulf states in recognizing the Syrian opposition's National Coalition, further cementing US differences with Moscow.

Also in December 2012, Congress passed the Magnitsky Act, which both suspended the application of Jackson-Vanik to Russia and applied sanctions on those connected to Magnitsky's death. It also provided a legal basis for sanctioning other Russian human-rights violators. In the end, Congress chose to make the law Russia-specific, turning away suggestions that it apply to a broader range of countries with human-rights problems.

Moscow objected fiercely to the new legislation, which Obama signed into law (Congress may well have overridden a presidential veto). The Russians retaliated almost immediately by barring certain American officials from travel to Russia and, in a cruel twist, by prohibiting the adoption of Russian children by American families.

No New Reset

Following Obama's re-election, administration officials expressed hope that, with the two presidential elections now past, they might restore some momentum to US-Russia relations. Topping the administration's wish list for 2013 were progress on further nuclear arms reductions, settling missile defence, and expanding trade and investment relations.

After several delays, Donilon travelled to Moscow in April. Among other things, he carried a proposal for an executive agreement on transparency regarding missile defence. US officials hoped that this would help persuade their Russian counterparts that US missile defence plans posed no threat to Russian strategic missiles or, at the least, assure the Russians that they would have several years' warning if US missile defences were to develop in a way that might be a problem. Although Russian officials promised a counterproposal, it never came.

The White House nevertheless announced on 15 April that Obama would visit Moscow in September for a bilateral summit with Putin before travelling to St Petersburg for the G20 summit. Early in the summer, however, US officials began to express frustration with what they described as Russian unreadiness to engage on the key summit issues: nuclear reductions, missile defence, and trade and investment.

On 19 June, Obama proposed a one-third reduction in New START's limit of 1,550 deployed strategic warheads. Administration officials said privately that Washington was prepared to make commensurate reductions in the treaty's limits on deployed strategic delivery vehicles and launchers as well. Moscow responded with silence.

The arrival of National Security Agency (NSA) contractor Edward Snowden in Moscow on 23 June following the first of his disclosures about NSA operations provoked a new mini-crisis in bilateral relations. Senior US

officials pressed the Russians to return him to the United States, something they should have known Moscow would not do. The Russians treated Snowden as a defector and intelligence bonanza. On 1 August, the Russian government gave him temporary asylum, provoking outrage in Congress, which called for various penalties against Moscow.

On 7 August, the White House announced that the president would postpone his bilateral summit with Putin, though he would still attend the G20 meeting in St Petersburg. Administration officials attributed the decision to the lack of major deliverables, not the Snowden case. That said, the White House likely calculated that Snowden would cast a large shadow over the Moscow meeting and that, absent concrete deliverables, there was little point in meeting and having to face the domestic criticism.

The two presidents had a brief meeting in St Petersburg, which resulted in one surprising bit of US-Russian co-operation. Following evidence of large-scale use of chemical weapons in August 2013 by Assad's forces in several Damascus suburbs, Obama had threatened military action, but then abruptly paused to seek Congressional approval. As Congress returned following the Labor Day recess, it became increasingly clear that it would not approve the use of force.

The brief exchange in St Petersburg, however, created an opening for the Russians to press Assad to state that he would give up his chemical arms. That in turn created the opportunity for narrow US-Russian co-operation on chemical weapons elimination. Secretary of State John Kerry and Foreign Minister Sergei Lavrov met to work out a programme for inventorying, removing, and destroying Syria's chemical weapons.

Implementation of the programme got off to a good start. It did not succeed, however, in generating broader US-Russia co-operation towards an overall solution for the conflict in Syria. As Assad appeared to stabilize and strengthen his position, the Russians grew more confident in their support for him.

The achievement in November of an interim agreement in the European Union (EU) 3-plus-3 (Britain, France, and Germany plus the United States, Russia, and China) talks with Iran regarding Tehran's nuclear programme offered good news on the nuclear non-proliferation front. But it did not generate any particular momentum in US-Russian relations.

By the end of 2013, administration officials had significantly downsized their expectations for the bilateral relationship. Moscow offered little hope of progress on further nuclear arms reductions or on other issues that were important to Washington's bilateral agenda. Likewise, the Kremlin seemed to have low expectations, showing little interest in seeking US co-operation on particular questions.

2013 closed with Ukraine mired in internal crisis. Large numbers of demonstrators protested against Ukrainian President Victor Yanukovich. The demonstrations took a violent turn in early 2014. After more than 100 demonstrators were killed in February, Yanukovich signed a political settlement with the principal opposition leaders. It is not clear whether the demonstrators would have accepted the settlement, but the issue became moot when Yanukovich immediately fled Kyiv (and then Ukraine).

In the last week of February, Ukraine's Rada (parliament) appointed an acting government, which promptly made clear its desire to conclude an association agreement with, and draw closer to, the European Union. Almost immediately, soldiers without insignia – later acknowledged by Putin to be Russian – seized Crimea. Two weeks later, following a referendum in Crimea that was riddled with flaws, Russia formally annexed the peninsula, making Ukraine a major issue between the West and Moscow. Russia's action violated its commitments to respect Ukraine's sovereignty and territorial integrity under the 1975 Helsinki Final Act, the 1994 Budapest Memorandum on Security Assurances, and the 1997 Ukraine-Russia Treaty of Friendship and Co-operation.

Beginning in April, Russia supported armed separatists in Donetsk and Luhansk in eastern Ukraine, providing at first funding and leadership and then heavy arms, possibly including the surface-to-air missile system that shot down Malaysia Air Flight 17 in July. When Ukrainian military forces made significant advances against the separatists in August, the Russian military intervened directly in eastern Ukraine. A ceasefire was agreed in September, but it was shaky at best, and many of its terms remained unfulfilled at the end of 2014.

The United States and the EU responded to Russia's seizure of Crimea and its subsequent actions in eastern Ukraine by ratcheting down political relations, replacing the planned June G8 summit in Sochi with a G7 meeting (minus Russia), and imposing visa and financial sanctions on Russian individuals, followed by broader sanctions on the financial, energy, and defence sectors of the Russian economy.

At the end of the year, relations between the United States and Europe, on the one hand, and Russia, on the other, had plunged to their lowest point since the end of the Cold War. The United States had put into place a three-part policy, seeking to bolster Ukraine, assure NATO allies made more nervous by Russia's actions, and press Russia to defuse rather than escalate the crisis in Ukraine, and Washington was conducting a fundamental review of policy towards Russia. Sanctions appeared to affect the Russian economy, which also suffered from the consequences of a dramatic fall in the price of oil, and many analysts predicted that the economy would contract in 2015.

The political impact of the sanctions – on getting Putin to alter his policy regarding Ukraine – was less clear.

Looking Forward

Looking forward, the immediate challenge for Washington and Moscow will be to maintain lines of communication and co-operation on areas where the two countries' interests converge while trying to contain the damage caused by the Ukraine crisis – though the possibility of West-Russia relations becoming more confrontational due to Ukraine cannot be ruled out. The areas of converging US-Russian interests include nuclear arms control, non-proliferation, and Afghanistan.

Despite the worsening of the Ukraine situation, both the United States and Russia continued to implement the New START treaty. By capping the sides' strategic nuclear forces as well as providing transparency and predictability, the agreement sets bounds to the competition in the strategic nuclear area. Both sides appear to appreciate that.

With the EU 3-plus-3 negotiations with Iran on a permanent settlement regarding Tehran's nuclear programme having been extended into 2015, Washington and Moscow, as well as the three participating EU states plus China, continue to share an interest in finding a solution that prevents Iran from acquiring nuclear weapons. Western diplomats reported that the Russians were participating constructively.

A third area for co-operation will be Afghanistan, with US and coalition forces having made a significant withdrawal in 2014, leaving behind a relatively small residual force to assist the Afghan army and national police. The West and Russia share an interest in a stable Afghanistan that can prevent renewed civil war and the return of the Taliban and terrorist groups.

Maintaining collaboration on these issues could sustain a degree of US-Russia co-operation, though it may be subject to stress by US (and European) differences with Russia over Ukraine and Russia's more assertive stance toward Europe. It is not clear how quickly the Ukraine crisis will stabilize; progress on that is likely a prerequisite for some recovery in the US-Russia relationship. Much will also depend on what Putin's recent assertiveness in defending the rights of ethnic Russians and Russian speakers means for Moscow's policy towards other neighbouring states with such populations.

Sustaining the arms control channel could be important for broader reasons. During the Cold War, arms control offered a key channel – at times the only working channel – between Washington and Moscow. Progress on arms control generated momentum that led to progress on the broader US-Soviet relationship, as was evident in the late 1960s when progress in the Strategic Arms Limitation Treaty (SALT) talks prompted a broader détente, and again in the mid-1980s, when progress on reducing intermediate-range and stra-

tegic nuclear forces led to a more positive overall relationship between the United States and the Soviet Union. (In a like manner, early progress on New START helped spur an improvement in the bilateral relationship in 2009-2010.)

Arms control could play a similar role in the future, though it was at something of a standstill even before the Ukraine crisis broke out. For at least the remainder of the Obama administration, the US government will continue to be interested in further bilateral nuclear arms reductions and prepared to consider Russian concerns on some related questions. It is not clear, however, where Moscow wants to go in the area of arms control.

One area of specific interest is confidence- and security-building measures (CSBMs) in the European region. The Conventional Armed Forces in Europe (CFE) Treaty regime appears to be dead. However, the Vienna Document on CSBMs and the Open Skies Treaty remain in force and have been applied with some useful effect during the Ukraine crisis.

With levels of NATO and Russian military equipment in Europe below the limits allowed under either the CFE or Adapted CFE treaties, it would make sense to focus any immediate discussion of conventional arms control in Europe on enhancing transparency and predictability. Possible steps might include lowering the thresholds for notification of military activities and increasing the number of inspections permitted under the Vienna Document. Progress on this might create a better atmosphere for later discussion of limits on arms, which may need to constrain weapons and capabilities that go beyond the types of equipment limited by the CFE treaty.

More broadly in Europe, Russian actions regarding Crimea and Ukraine have badly damaged the order established in 1975 by the Helsinki Final Act. They have also raised concern among Russia's neighbours, including Estonia, Latvia, Moldova, and Georgia (and, though not voiced publicly, in other countries with significant ethnic Russian minorities, such as Kazakhstan). The Ukraine crisis has reopened previous tensions with Russia over American and European interactions with and in the post-Soviet space.

The United States and NATO have responded to rising concern among NATO's eastern allies, particularly the Baltic states, with military deployments to those states, including the deployment of US Army companies to Estonia, Latvia, Lithuania, and Poland. The Pentagon has described these as "persistent" deployments that could last for as much as a year. Moscow may call foul, citing NATO's 1997 commitment not to permanently station "substantial combat forces" on the territory of new NATO member states. Washington, however, does not regard four companies as approaching the "substantial" threshold. Some NATO member states have suggested that, in light of Russian actions against Ukraine, the commitment itself should be revisited.

One question is whether a broader discussion within the OSCE might lead to some new European security agreement. Russia's President Med-

vedev proposed such an agreement in 2008, but the particulars of the Russian proposal – which among other things appeared to make issues such as NATO or EU enlargement subject to a Moscow veto – generated little interest among other OSCE participating States. Whether such a discussion is worth renewing would depend in part on whether the approaches of Russia and other participants yielded more common ground than was the case in 2008.

One area of US-Russia relations that remains woefully underdeveloped is bilateral trade and investment relations. The paltry level of trade does not provide enough ballast to exercise a stabilizing effect on the broader relationship, in the way that the large US-Chinese trade numbers do for that relationship. Washington and Moscow have expressed interest in developing this aspect of their interaction. Whether it can play a role in improving the relationship will depend in part on how far financial and economic sanctions go – they may have the effect of discouraging the Kremlin from greater interaction with the global economy – and on the level of interest among US and Russian companies. The ability to increase investment relations also will depend importantly on steps that Russia takes regarding its business and investment climate.

Democracy and human rights will remain a difficult issue for US-Russia relations. Putin has built an increasingly authoritarian political model in Russia, while democracy promotion remains a core US interest.

One final challenge for the United States and Russia, once they get past the current crisis, is whether they can sustain any progress they make towards an improved bilateral relationship. The Obama administration has found, to its frustration, that the up-and-down nature of its relations with Moscow has followed the pattern of US-Russia relations during the Clinton and George W. Bush administrations. If Washington and Moscow wish to avoid repeating this cycle, they need to consider how they approach some of the challenging questions on their bilateral agenda and how they might lock in – and sustain – positive developments in their relations.

The OSCE Participating States:
Domestic Developments and Multilateral Commitment

Staging Legitimacy: Mechanisms for Power Retention in Turkmenistan

Introduction

The rulers of Turkmenistan, while retaining a remarkable degree of domestic political stability, have succeeded in transforming the former Soviet republic into an independent state. The foundation for their success is a system of multiple and frequently interlocking mechanisms and performances focused on the retention of power. A key characteristic of this system is the hybridity of the methods applied, which display post-Soviet, totalitarian, rentier-state, and sultanist features, as well as – in certain areas – elements of post-Stalinism. Complemented by various kinds of performance and display, this system serves equally to encourage nation-building and as a basis for justifying and legitimizing the rule of the president.

Mechanisms and Structures of Power

The rulers of Turkmenistan succeeded in emerging from the implosion of the USSR in 1990-91 not just largely undamaged but in a significantly stronger position. To achieve this, the state, while retaining numerous features of the Soviet system of government – and reviving some Stalinist mechanisms – has been reduced to a tool of the government, whose only public face and figure-head is the president. This is typified by the fact that the representatives of all state institutions are personally answerable to the president, who may subject them to public dressing downs or transfer or fire them at will. This patriarchal personnel system is a means of safeguarding presidential power, and further serves to

- block the formation of alternative centres of power,
- destroy networks and patronage structures that could potentially rival that of the president,
- remove competitors and undesired members of the government,
- create an atmosphere of fear among state employees that serves to largely paralyse them from undertaking autonomous activity, and
- demonstrate the extent of presidential power and that of the existing hierarchies to the population.

At the same time, the usually phony reasons given for dismissal and imprisonment give the outward appearance that the president is essentially inter-

ested in the wellbeing of the population. Yet the high turnover rates in nearly all key positions mean that the government is permanently in a state of weakness. This appears to be a deliberate means of displaying the president as an anchor of continuity and stability in the midst of a highly unstable government.

International Relations: between Reality and (Mis)Representation

In Turkmenistan's international relations, there are clear contradictions between the levels of rhetoric and practice. The government pursues a foreign policy that deliberately seeks isolation and distance, yet the wider world plays a major role in the domestic sphere, where the government attempts to present Turkmenistan to the population as a highly integrated and well-respected member of the international community – in some regards even as a global role model. The cause of this contradiction is the equal value placed on the role of the international community in the overall system of rhetorical legitimization of the actions of the regime, on the one hand, and the mistrust of the potential consequences of uncontrollable foreign influence on the country's population, on the other.

One characteristic of Turkmenistan's international isolation is the nearly total refusal to maintain multilateral relations. Equally, bilateral contacts do not go beyond the minimum level determined by economic imperatives. To the extent that the government depends upon investment and expertise from abroad to ensure revenues from gas exports, it enters into partnerships with states that turn a blind eye to the flagrant human rights abuses. Besides Russia, which remains Turkmenistan's number one trading partner, these include, most significantly, China, Turkey, and Iran. Nevertheless, the country has recently faced considerable economic difficulties, and since the assumption of power of Gurbanguly Berdimuhamedow, there have been some initial signs of a reluctant willingness to cautiously expand the limited range of contacts.

The government makes use of the near-total shielding of the population from foreign influences as a key instrument for the stabilization of its power by

- applying, since independence, an extremely restrictive visa policy, with the consequence that very few tourists reach the country, and are – outside the capital – required to be accompanied at all times by representatives of the official tourism service,
- banning most foreign print media in order to create almost total media isolation,
- blocking reception of foreign radio broadcasters since the 1990s,
- issuing a general ban on satellite dishes, as the president did in 2008, on the grounds that they damaged the visual environment.

The guiding principle of the exclusively state-owned media is to present a wholly positive depiction of the living conditions of the entire Turkmen people, the government's policies, the work of state authorities and, in particular, the actions of the president.

Turkmenistan's conspicuous strategy of distancing itself from the other post-Soviet states in Central Asia serves to justify its policy of national autonomy. Consequently, the many political, economic, social, historical, religious, and cultural commonalities it shares with the other states in the region are never mentioned in official publications; of the seven planned free-trade zones near the border, none has been established; and little progress has been made in creating a functioning cross-border infrastructure.

The president presents himself to his people as the outstandingly well-connected and well-respected leader of an internationally significant country, and uses this image to justify his tight grip on power. To shore up this claim,

- visits of foreign delegations are orchestrated with great pomp and ceremony and presented as events that will receive worldwide attention, regardless of their real significance;
- the president's foreign trips are regularly presented in the domestic media as serving to maintain established good relations, demonstrating these to the population;
- the praise given to the president by foreign dignitaries and visitors to Turkmenistan is reported in exhaustive detail; and
- book translations undertaken by international companies as a means of initiating business contacts are presented as proof of the worldwide interest in the thought of Berdimuhamedow.¹

At the same time, the international community is used as a general yardstick for the actions and achievements of the state. For instance, constitutional and legislative changes, decreed without exception by the president, are justified, irrespective of their content, by means of reference to the necessity of adapting to international norms or fulfilling so-called international standards. To defuse potential criticism of the human rights situation, Berdimuhamedow continually stresses that Turkmenistan is one of the richest and most highly developed countries on earth. In October 2014, he issued a decree, according to which "remarkable achievements have been gained in all sectors of the national economy [...] as well as in strengthening the foundations of a democratic, legal and secular state [...] enhancing the international prestige of neutral Turkmenistan and promoting and widening friendly [...] relations

1 Cf. e.g., A number of books created by the President of Turkmenistan have been translated into the Czech and English languages, in: *Turkmenistan – The Golden Age*, 28 June 2012, at: http://www.turkmenistan.gov.tm/_eng/?id=990. Turkmenistan – The Golden Age Online Newspaper is supported by the State News Agency of Turkmenistan (Türkmen Döwlet Habarlargullugynyň, TDH). Citations are partly in English in the original and partly translated from the Russian by the author.

with nations and states of the world”². Gifts from foreign visitors are displayed in a monumental building specially erected in the south of the capital city, where they are described as “proof of the globally unparalleled standing of the president”.³

A further key propaganda element is the claim that products and services from Turkmenistan enjoy high international regard. This seeks to encourage the development of national pride and is presented in numerous media reports as symbolic of the successful modernization of the country. For instance, the media describes the production of consumer goods in Turkmenistan as meeting global standards,⁴ the country’s education, health, and social-security system as corresponding to international norms,⁵ sporting events in Turkmenistan as arousing “broad interest around the world”,⁶ and sporting facilities as “international level”.⁷ The same tendency can be seen in Berdimuhamedow’s personal efforts to gain recognition for world records set in Turkmenistan. Representatives of the Guinness Book of Records are invited to Ashgabat on an annual basis. Most recently, the city was certified as containing the greatest number of buildings clad in white marble (2013), the world’s largest indoor Ferris wheel (2012), the largest carpet in the world (2011), and the largest eight-point-star-shaped architectural feature (2011).⁸ Although the government would like to make use of success in prestigious sporting events, Turkmenistan’s lack of success in international competitions means that the focus has turned to the healthy lifestyle of the Turkmen people in general – with President Berdimuhamedow presented as the most prominent example.

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- 2 Awards from the Motherland, in: *Turkmenistan – the Golden Age*, 20 October 2014, at: http://www.turkmenistan.gov.tm/_eng/?id=4098.
 - 3 Museum guide, 19 May 2009.
 - 4 Vepa Orazliev, Made in Turkmenistan, in: *Turkmenistan International Magazine* 6/2008, pp. 30–49, here: p. 37; also available at: http://www.turkmenistaninfo.ru/?page_id=6&type=article&elem_id=page_6/magazine_67/560&lang_id=en.
 - 5 News broadcast on the “Turkmenistan” channel, 25 May 2009, at 10:00 a.m.
 - 6 News broadcast on the “Turkmenistan” channel, 4 October 2009, at 10:00 a.m.
 - 7 President Gurbanguly Berdimuhamedow sovershil rabochuyu poezdki po Ashkhabadu [President Gurbanguly Berdimuhamedow made a working visit to Ashgabat], in: *Turkmenistan – Zolotoi vek* [Turkmenistan – The Golden Age], 13 September 2012, at: www.turkmenistan.gov.tm/?id=2263.
 - 8 Cf. Niyazova stanovitsya vse menshe [Niyazov is becoming less], in: *Khronika Turkmenistana* [Chronicle of Turkmenistan], 2 June 2013, at: www.chrono-tm.org/2013/06/niyazova-stanovitsya-vse-menshe; Turkmen Ferry Wheel gets into Guinness Book of Records, in: *Turkmenistan.ru*, 20 May 2012, at: www.turkmenistan.ru/en/articles/16268.html; World largest carpet made in Turkmenistan, in: *Turkmenistan.ru*, 1 November 2011, at: <http://www.turkmenistan.ru/en/articles/15558.html>; Star of Oguzkhan on Ashgabat’s TV tower hits Guinness Book of Records, in: *Turkmenistan.ru*, 31 October 2011, at: www.turkmenistan.ru/en/articles/15549.html.

Although the constitution provides for it, there is no evidence of attempts to put the separation of powers into practice in Turkmenistan.⁹ The key feature of the political system in Turkmenistan is the ultimate supremacy of executive power, which is concentrated in the hands of the president. State institutions operate entirely according to instructions received from the president and his closest personal advisors. This is true of the courts as well as the parliament, which always passes the laws proposed by the president unanimously.

Religious life is controlled by means of the Council (*gengesh*) for Religious Affairs. Appointed by and reporting to the president, it monitors compliance with state policy on religion right down to the local level. Religious expression in Turkmenistan outside state control is illegal. According to official statistics, approval rates and election turnout figures are both between the high 90s and 100 per cent. Independent monitors have so far not been permitted to observe elections. Given the obvious and total lack of any democratic standards, the OSCE has refrained from making any attempts to arrange the sending of observers in recent years. In view of this, the fuzziness surrounding the distribution of competencies, and the lack of transparent decision-making, Turkmenistan comes near the bottom of all worldwide indexes measuring transparency and the rule of law.¹⁰

Contrary to the official portrayal of a homogeneous Turkmen nation, the people of Turkmenistan identify less with their nation than with one of the country's many tribes and clans. The continuing significance of tribal identities has been met by the president with a classic policy of divide and rule. The main beneficiary of this approach is the Akhal-Teke tribe, whose traditional home is the area around the capital, and to which both presidents of independent Turkmenistan have belonged. Since his assumption of power, Berdimuhamedow has removed the members of other tribes from all key positions in the state, replacing them with members of his tribe. Since these individuals have also tended to fill positions below them with members of their tribe, the Akhal-Teke now also dominate key areas of the state outside their traditional tribal territories down to the local level. As a consequence of the widespread corruption that pervades relations in nearly every sphere of public and private life – according to Transparency International, Turkmenistan has been one of the most corrupt states worldwide for years¹¹ – opportunities for

9 Cf. Institute for War and Peace Reporting/IWPR, *Turkmen Leader to Keep Lid on Democracy*, 14 April 2009, at: www.iwpr.net/report-news/turkmen-leader-keep-lid-democracy.

10 Cf. e.g. The Heritage Foundation, *2014 Index of Economic Freedom, Turkmenistan*, at: www.heritage.org/index/country/Turkmenistan; the Bertelsmann Stiftung, *Transformation Index BTI 2014*, at: www.bti-project.de/atlas; and Freedom House, *Freedom in the World 2013, Turkmenistan*, at: www.freedomhouse.org/report/freedom-world/2013/turkmenistan.

11 Cf. Transparency International, *The 2013 Corruption Perception Index*, at: <http://transparency.org/cpi2013>.

enrichment exist that provide Akhal-Teke with financial benefits as well as a hold on political power. The Akhal-Teke are therefore strongly in favour of retaining the current system.

A further means of retaining power is a system of incentives and disincentives that functions according to a model of relations between the population and the state developed and regulated by the government. This includes a comprehensive system of subsidies that ensures many goods and services are provided free or for a nominal charge. This broad redistribution of state revenues that ensures a large section of the population are provided with an adequate standard of living regardless of their personal income, is presented as a specific feature of Turkmenistan's system of government that can be attributed directly to the president. This serves not just to strengthen the position of the president, but also to give the population the impression that changing the system would bring direct negative consequences.

In exercising their desire to maintain control, the government makes use of a comprehensive apparatus of surveillance and repression. With a disregard for basic human rights, citizens of Turkmenistan are subject to almost total surveillance and extensive restrictions as they lead their everyday lives. This applies to freedom of religion, movement, and assembly, freedom of opinion and the press, and brings considerable restrictions to the use of media and the internet. In October 2008, a high ranking representative of the House for Free Creativity (the state media centre) noted sweepingly that censorship in Turkmenistan placed "high demands on the journalistic quality of praise". For more than a decade, Turkmenistan has occupied one of the bottom three positions in the World Press Freedom index.¹²

Ultimately, the exercise of fundamental civic and human rights, if not expressly forbidden, is only possible under supervision of the state. Any and all behaviour that deviates from the state-defined norms is severely punished. To enable this, the government operates an extensive network of punishment and work camps. The government has so far been successful in stamping out opposition before it could develop.

Education policy is also almost entirely focused on inculcating the state ideology of Turkmen nationalism and the excellence of the president's rule. Mass events organized by the state are a major feature of everyday life in Turkmenistan. Although participation is voluntary in principle, non-attendance can be heavily penalized. The function of these events is to lavish praise on the president and to express support for Turkmen nationalism. To this end, complex routines are choreographed, in which anything up to a hundred thousand participants often begin to rehearse months before the event. Besides regulating at least a part of the population's free time, these events also serve to reduce the widespread underemployment. The possibility of

12 Cf. Reporters Without Borders, *World Press Freedom Index 2014*, at: <http://rsf.org/index2014/en-index2014.php>.

using the labour of a considerable portion of the economically active population in more productive ways is not open for discussion.

Role of the Economic System

Turkmenistan's revenues from the export of gas underpin both the economy and the regime in Turkmenistan. The country possesses the fourth largest natural gas reserves in the world, which, thanks to the geomorphological conditions, are relative inexpensive to exploit. Relying on pipelines owing to an absence of ocean coastline, the government has managed to greatly diversify its trading partners in recent years. While the Soviet infrastructure was designed to allow export only to Russia, two pipelines have recently been opened to northern Iran, as has a high-volume link to China. An additional pipeline is planned to pass through Afghanistan to Pakistan and Fazilka in the Indian state of Punjab. The government's position in negotiating the price for exported gas has strengthened as a result, though it has not yet been able to reap the benefits of this as Turkmenistan's one-sided reliance on gas exports has led to the development of rentier-state structures that have a powerful negative effect on the country's long-term economic development. Alongside these factors, Turkmenistan also suffers from the fiscal consequences of the phenomenon commonly known as the "Dutch Disease", which frequently results from an economy structured in this way¹³ and has a negative effect on the development of a competitive manufacturing sector and the growth of domestic demand.

Turkmenistan's economy, which continues to be centrally planned, involves a broad degree of state control over virtually all the country's economic activity.¹⁴ As a result, international economic contacts require state approval, and business relations are conducted with state participation. Not only does the habit of employing people based on their tribal affiliation mean that state revenues are intricately entangled with the personal income of the president, it is also virtually impossible to differentiate between state finances and those of state-owned businesses and institutions. The latter, in a way that represents a continuation of Soviet practices, are required not only to perform their ordinary business activities and achieve the results planned for them, but also to undertake additional services for the state in areas (e.g. residential construction or park management) that have nothing to do with their core business. The companies that are contracted to perform these construction and service tasks are themselves also state-owned. This entangled state of affairs has led to the development of an ingenious system of barter between

13 Cf. Douglas Yates, *The Rentier State in Africa: Oil Rent Dependency and Neocolonialism in the Republic of Gabon*, Trenton, NJ, 1996.

14 Cf. Richard Pomfret, Resource Abundance, Governance and Economic Performance in Turkmenistan and Uzbekistan, in: Zentrum für Entwicklungsforschung Bonn, *ZEF-Discussion Papers on Development Policy* 79, Bonn 2004.

contracting parties, those who tender for such contracts, and the managers of state institutions. The result is highly inefficient, yet has personal advantages for many participants and thus contributes to the stability of the system as a whole.

A further barrier to the successful development of the economy of Turkmenistan is the country's largely obsolete infrastructure, which has also been neglected since the 1980s.¹⁵ Even infrastructure for the extraction and transport of natural gas, which is vital to the survival of the regime, suffers from a lack of investment. This can be explained by the government's reliance on foreign expertise for its modernization. In the resulting conflict between the need to open up the country and the desire to maintain Turkmenistan's international isolation, the government tends – with a few necessary exceptions – to favour the latter. This problem is aggravated by the arbitrariness of the authorities' behaviour towards the few foreign companies that are willing to invest in Turkmenistan. They are required to observe numerous formal and informal rules and regulations, which are frequently modified, often contradict one another, and irregularly publicized. This is compounded by the widespread absence of a recognizable and effective system of rule of law.¹⁶

Although a number of large-scale infrastructure projects are given lavish attention in the media, these are less concerned with genuine needs than with keeping as many workers as possible occupied or with building prestige.

The Role of the Cult of Personality in the System of Power

The overwhelmingly ubiquitous personality cult surrounding the president appears so extreme in its totality that international reporting on Turkmenistan is dominated by its exceptional outgrowths. Yet this cult fulfils a number of essential functions. In particular, in the absence of any recognizable regime legitimacy based in rationality or tradition, it underpins the creation and presentation of a legitimacy that is founded on charisma. To do this, it must be put on display and updated regularly. The cult of personality can be seen to serve four interconnected goals:

Legitimizing the Presidency and the President

The existence of the nation state of Turkmenistan is the essential precondition for the existence of the office of the president of Turkmenistan. Consequently, the cult of personality contains a distinctly nationalistic element. The

15 Cf. Jörn Grävingholt, Krisenpotenziale und Krisenprävention in Zentralasien. Ansatzpunkte für die deutsche Entwicklungszusammenarbeit [Crisis Potential and Crisis Prevention in Central Asia. Suggestions for German Development Co-operation], in: Deutsches Institut für Entwicklungspolitik (ed.): *Berichte und Gutachten* 6, Bonn 2004.

16 Cf. Heritage Foundation, cited above (Note 10).

president may thus be portrayed not only as the creator (Saparmurat Niyazov) or upholder (Berdimuhamedow) of the nation state, but also presented as the personification of the unity of state and nation. To underline this far-reaching claim, the president is given honorifics such as “Great Father of the Turkmen People” (“*Beyik Türkmenbaşy*”: Niyazov) or “Most Honourable President, Protector of the Nation” (“*Hormatly Prezident, Arkadag*”: Berdimuhamedow).

To legitimize the president on a personal level, he is presented as the successor to major figures in Turkmen history. According to the official view, Niyazov’s predecessors include Oghuz Khan, the legendary founder of the Turkmen nation, as well as others, such as Alexander the Great. The president’s immediate ancestors are also recruited into this cause, being portrayed, for instance, as uncompromising patriots and paragons of family life – the twin central virtues of the Turkmen national ideology. These figures also present the population with an opportunity for individual identification, something that is not possible in the case of the president, who is represented as superhuman. A further source of the president’s legitimacy is his supposed superior mental acuity, which is demonstrated by means of his extensive scientific and philosophical publications, which allegedly enjoy a global audience. The media is also full of advice from the president on all aspects of life (including seemingly trivial matters). To underpin the relevance of this advice, it is reported that the president is constantly accompanied by high-ranking functionaries who are tasked with recording his utterances in notebooks. Finally, the president is also presented as an individual of superior abilities in nearly every field of endeavour. For instance, Berdimuhamedow is feted as a winner in various sporting disciplines, celebrated as a successful surgeon, and sings his own compositions to an audience of cheering thousands on his birthday, also playing the guitar and accordion.

Demonstrating Presidential Power and Popular Support

A great deal is invested in demonstrations of presidential power. To pre-empt potential challenges, the president ensures he is surrounded by the insignia of power, has himself granted numerous offices and positions, and is portrayed as both omnipresent and omniresponsible. Clear evidence that Berdimuhamedow places great value on the direct visual representation of his power is found in the many monumental structures erected under his rule – chief among them the presidential palace in central Ashgabat with its three golden domes.

Various means are used to compensate for the democratic deficit already sketched above by creating an image of the president as a figure who is equally popular among all ages and ethnic groups: For instance, rallies are held at which representatives of organizations, institutions, and companies pay homage to the president; extraordinary high turnouts are reported at elec-

tions; and the president is portrayed on numerous billboards against a background of crowds – either cheering or marching with him in step. The population is at once the target group of the cult of personality and an object instrumentalized for its production.

The Cult as a Strategic Resource

Almost immediately after the death of Niyazov in December 2006, the cult of personality he had build up around himself was replaced, without any public explanation, by one that rapidly grew up around Berdimuhamedow. Despite the scale of the Niyazov cult, which was almost unprecedented worldwide, it was apparently assumed that the sudden elimination of the once omnipresent cult would have no consequences for internal security and public order. This suggests that those responsible for its organization must have been aware of the incongruence between appearance and reality. And this leads to the conclusion that one target group the cult aims to impress is less the population as a whole than the president himself.

In the country's economic system, which is organized in a strict hierarchy centred on the president, gaining the interest of the leader is one of the very few means by which both internal and external actors may exert political influence or access to financial resources. In a perversion of the "economy of fascination",¹⁷ numerous actors thus compete for the president's attention. Attempting to surpass each other in demonstrating their adoration, they organize the translation of the president's books into various languages, exhaustively rehearse complex dance routines to ensure perfect performances on national holidays, sponsor competitions with prizes in his name, and finance the production and installation of plaques with his image and sayings. In the hope of receiving funds for new schools or roads (or just advancing their careers), mayors humbly request to be allowed to rename their towns or villages after the president or his favourite horse. At least in one regard, therefore, the cult of personality can be considered as a strategic resource that can be used by anyone in Turkmenistan who is seeking influence or money. To make it easier for foreign companies to establish and maintain business contacts, lobby groups have been established outside Turkmenistan specializing in generating this kind of awareness.

Under close analysis, therefore, the cult of personality thus appears to be a somewhat contradictory component of the style of government in Turkmenistan.

17 Cf. Heiko Schmid, *Economy of Fascination. Dubai and Las Vegas as Themed Urban Landscapes*, Berlin 2009.

Turkmenistan's comprehensive nation-building programme serves both the purpose of creating an unbreakable bond between the nation and the president and promoting the development of national pride. At the same time, it expresses a will to create distance between the Turkmen people, on the one hand, and neighbouring peoples and ethnic minorities in the country, on the other. The background to this is the awareness that the existence of a Turkmen nation state is the indispensable precondition for the president's right to rule.

To this end, a great deal of stress is placed on establishing a link between Turkmenistan's current frontiers and the supposedly ancient Turkmen nation, and – with a complete disregard for the changes wrought by Soviet borders policy – to present the state's current territory as the "sacred soil" that has been occupied by the united Turkmen nation for around 5,000 years.¹⁸ The government takes advantage of uncertainties in the historical evidence in order to arbitrarily select a series of events and largely mythological or historically dubious figures and placing them at the centre of Turkmen history. Ignoring events and circumstances that cannot be brought into agreement with the official version of history, everything that occurred on the soil of what is now Turkmenistan is claimed to be connected with the "superior" Turkmen nation and its striving for unity. Finally, the current ruler is portrayed as the result and climax of a Turkmen history considered as a strictly linear development.

In support of the notion of a Turkmen nation state with a history stretching back thousands of years, the history of nomadism is largely ignored, and nomadic traditions are reduced to the status of folklore. In denial of the actual facts, instances of sedentarism are put forward as typical of the advanced Turkmen culture.

This official history is spread via the media and particularly the education system. Alternative points of view are not tolerated, and no substantive discussion takes place.

At the same time, certain qualities and achievements are defined as specifically Turkmen, and this view is propagated by emphasizing Turkmen national traditions and values in the official version of history. President Niyazov wrote that the Turkmen is sublime because he belongs to a people responsible for exquisite and valuable cultural achievements.¹⁹ As proof of this, he names alleged Turkmen achievements, including the invention of the wheel, the world's first cultivation of wheat, and the introduction of monotheism. Particular value is placed on Turkmen carpets, which incorporate the typical tribal "*gul*" designs in their weaves. Together, the *guls* represent the unity of what are considered to be the five major tribes of the Turkmen na-

18 Cf. Saparmurat Türkmenbaşy, *Ruhnama* [The Book of the Soul], Ashgabad 2005.

19 Cf. *ibid.*

tion, and appear in various symbols of nationhood, including the national flag and the president's seal. Since the population of Turkmenistan consists of many more than five tribes, and the five main tribes have never been officially defined, the *guls* can be used in various ways to stand for all the Turkmen people. Many symbols depicting the cultural achievements mentioned above and intending to visualize national unity have been introduced and they are often presented in groups of five in imitation of the five *guls*.

In addition, numerous monuments symbolizing the unity of the nation have been erected, and many towns and streets have been renamed accordingly. The ideology of national unity is also expressed in the national dress code decreed by President Berdimuhamedow: Turkmen are required to wear only clothes considered to be native in style.

In order to avoid conflicts arising from the official views sketched out here and the reality, the government pursues a strictly essentialist concept of nationality, in which all the characteristics of the Turkmen nation are considered to be timeless and unchanging. As a consequence of this policy, ethnic minorities face a choice between unconditional assimilation and political, economic, and cultural marginalization.

Conclusion

The actions of the government of Turkmenistan demonstrate how deeply it mistrusts its own population. Ignoring the potential for the evolution of the political system, the government has robbed the population of the opportunity to make free choices and to express its own views. Instead, the population is treated as a risk factor. Consequently, the government demands total control. More than two decades after independence, the frequently imposing visual demonstration of the regime's supposed legitimacy can no longer disguise the fact that domestic stability has been bought at the price of general stagnation in nearly every aspect of political, cultural, and economic life. As well as a fatal tendency to kill off any attempts to deal with the country's real problems, Turkmenistan's ubiquitous system of repression also contains the seeds of long-term instability. In particular, Turkmenistan's deliberate policy of isolation, its mismanaged education system, the general failure to modernize infrastructure, an economy dominated by central planning and the rentier state, and the privileging of the president's tribe have entered liabilities on Turkmenistan's books that threaten the long-term survival of the current system.

As a result, the government can no longer afford to see its ability to maintain power as the only yardstick for measuring its success. If it wishes to remain in power in the long term, it needs to grant the people the opportunity

to articulate existing problems and fields of conflict.²⁰ While it is true that the reforms needed to bring this about would endanger the grip on power of some current decision-makers, the continuation of current practices would inevitably lead to the collapse of the system as a whole. Reform thus appears to be inevitable, even from the point of view of the country's rulers. Only by both ending its international isolation and simultaneously respecting the fundamental human rights and freedoms of the population can the current government hold on to power in the long term.

20 An example of the urgent desire for self expression and the articulation of current problems, which also exists in Turkmenistan, is a piece of graffiti by an unknown artist (seen by the author to the east of the centre of Ashgabad – 37°55'38.02"N 58°24'45.50"E in May 2009). For a number of hours, in large blue letters next to a well-used footpath could be read: "Punk's not De(A)D".

Broken Dreaming: The 2014 Scottish Independence Referendum

Introduction

This contribution considers the referendum that was held in Scotland on 18 September 2014, in which the people of Scotland were asked to answer the question “Should Scotland be an independent country?” The referendum failed, with 55 per cent of voters rejecting independence.¹

The 2014 Scottish independence referendum can be approached in any number of ways. I will be focusing on two aspects in particular: the broad pro-independence movement considered as an alliance of forces, individuals, and groups that sought to imagine an independent Scotland as a different kind of country; and what I consider to be some of the key reasons for the failure of the referendum, which I find in certain critical weaknesses of the proposals for independence made by the Scottish National Party (SNP)-led official pro-independence campaign (“Yes Scotland”).

First of all, I would like to give some context and background to the referendum.

To Be a Nation Again

The immediate cause of the calling of the referendum was the election in 2011 of an SNP majority government in Scotland. The SNP had made an independence referendum a manifesto promise, and was now in a position to fulfil this. The UK government acquiesced, and the Edinburgh Agreement was signed on 15 October 2012, in which “the United Kingdom Government and the Scottish Government [...] agreed to work together to ensure that a referendum on Scottish independence can take place”.²

But of course, the roots of the referendum go deeper. And the deepest is the oldest: Scotland is a “country”, a “historic nation”, a former kingdom in its own right. Without this legacy, it is hard to imagine that an independence movement would ever have emerged. Although the historical argument was generally downplayed by independence supporters during the campaign, it is

1 The results in full: “No” 55 per cent (2,001,926) votes. “Yes” 45 per cent (1,617,989). Turnout 84.5 per cent.

2 *Agreement between the United Kingdom Government and the Scottish Government on a referendum on independence for Scotland*, Edinburgh, 15 October 2012, at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/313612/scottish_referendum_agreement.pdf.

almost inconceivable that a secessionist movement would otherwise have emerged in Scotland.³

A further foundational factor is the strength of feeling that exists in Scotland concerning national identity. While a lot of claims were both made and refuted concerning supposed differences in attitudes and values between the Scots and the rest of the British population during the campaign,⁴ there can be little doubt that on the question of identity, the Scottish people strongly tend to consider themselves Scottish rather than British. According to surveys conducted in 2011, when forced to choose, 75 per cent of Scots identified as Scottish and only 15 per cent as British. In the case of England, 42 per cent chose English and 43 per cent British.⁵ Nonetheless, this relatively constant preference for Scottishness as a label has generally not translated into an equivalent level of support for independence, which has recently tended to hover in the 25-40 per cent range, only very rarely achieving anything near majority support.⁶

In the 307 years of the UK's existence, agitation for Scotland to secede from the Union has never been strong enough to make it appear a realistic possibility – not until the present day. What has changed? The first electoral successes of the SNP in the late 1960s and early 1970s coincided with Britain's entry to the European Economic Community (EEC), precursor to the European Union (EU), and the discovery of large quantities of oil in UK (largely Scottish) waters. In fact, this was no coincidence: The slogan "It's Scotland's Oil" was the SNP's chief battle cry during the 1970s; "Independence in Europe" was a later call to arms.

This was also the period when Britain's decline from great power status was most obvious. As the UK sought a new (post-imperial and post-industrial) role in the world, the possibility of Scottish home rule (autonomy or complete independence) took on a momentum that it had not possessed while Britannia had ruled the waves.

However, while the reaction to imperial and industrial decline and the promise of oil wealth and success as a small nation within the EEC/EU cer-

3 Scotland's status in the union is rather interesting. Most significantly, though the UK is a unitary state, Scotland has always possessed several key institutions of nationhood – the presbyterian Church of Scotland, Scots law (a hybrid system of "continental" style civil law and English-style common law), and a distinct education system, among other things. During the referendum debate, such markers of difference were cited by both supporters and opponents of independence – the former seeing them as evidence that Scotland was clearly a separate country that deserved independence, the latter as indicators that the distinctiveness of Scotland was being effectively preserved within the Union.

4 E.g. whether Scotland is more pro-European or more left-wing than the UK as a whole.

5 Cf. Government Office for Science, *Future Identities: Changing identities in the UK – the next 10 years*, London 2013, pp. 9-10, 13-14, at: <https://www.gov.uk/government/publications/future-identities-changing-identities-in-the-uk>.

6 A survey of various polls from the period between the establishment of the Scottish Parliament in 1999 and the independence referendum is available at: <http://ukpollingreport.co.uk/scottish-independence>.

tainly played a role in triggering a boom in Scottish nationalism,⁷ the key moment in the crystallization of the broader independence movement as manifest in 2014 was – perhaps paradoxically – the phenomenon that is often cited as the means by which the UK overcame its post-War decline – namely the key political phenomenon of the last 40 years of British history – Thatcherism.

Whatever one's personal opinion of the policies pursued by Conservative governments in the UK between 1979 and 1997, there is broad agreement that draconian reform of trade union law, the systematic destruction of the mining industry (and much of shipbuilding and steel), the start of the largest programme of privatization ever seen, the deregulation of financial services, the dismantling of elements of the welfare state, and the failed attempt to create a shareholding “entrepreneurial” economy indisputably represents the largest shift in post-War British history.

These policies were divisive throughout the UK, but particularly so in Scotland, where the unpopularity of the Conservative Party can be shown by their electoral decline during 18 years of rule, in which period the number of Scottish Tory MPs fell from 22 of 72 in 1979 (on 31.4 per cent of the vote) to none of 72 in 1997 (17.5 per cent). A single Conservative MP has been elected to Westminster from a Scottish seat at every subsequent UK election.

As I discuss below, it is my thesis that this moment is the most important factor in the forging of the broad popular and political movement that almost secured Scotland its independence in 2014.

While the initial beneficiary of the collapse of Scottish Conservatism⁸ was the Labour Party, dissatisfaction with Labour has, more recently, also been growing in Scotland. There is a widespread perception that Labour has drifted far from its socialist roots in seeking UK-wide electability under Tony Blair and Gordon Brown. Furthermore, the overwhelming dominance of Labour in local government in Scotland's largest city and Glasgow's ongoing deep poverty has provided an opportunity for the SNP to blame Labour for its complacent party machine.⁹ Indeed, it was remarkable that the four council areas that returned a majority for independence in the referendum included former Labour strongholds such as Glasgow and Dundee.

Yet it was the UK Labour government that brought about the largest major constitutional shift in Scottish political history since 1707 by creating the Scottish Parliament in 1999 on the back of the 1997 devolution referendum. Despite the claim of the then Shadow Scottish Secretary George Robertson (who was in charge of preparing Labour's devolution plans) that

7 In Scottish politics, the word “nationalist” is frequently used in a value-neutral way to refer to supporters of the SNP (and/or independence more generally). Unless otherwise specified, I use the word in this sense.

8 The Conservative Party in Scotland is officially known as the Conservative and Unionist Party.

9 For a brief discussion of Labour's crisis in Scotland, see e.g. <http://www.nybooks.com/articles/archives/2014/mar/20/will-scotland-go-independent>.

devolution would “kill nationalism stone dead”,¹⁰ this proved far from the case. While Labour initially dominated the parliament in Edinburgh (“Holyrood”), playing the leading role in coalition governments with the Liberal Democrats from 1999 until 2007, the SNP emerged as the largest party in 2007 and formed a minority government. In 2011, the SNP’s perceived record of competent governance, coupled with the collapse of the Liberal and Labour votes (the former having experienced a deep drop in popularity following its entry into coalition with the Conservatives at Westminster in 2010) meant that the SNP was able to secure a majority of seats in the Scottish Parliament – something that had frequently been described as impossible.

Most recently, the austerity policies and deep unpopularity in Scotland of David Cameron’s Conservative-led coalition government – regularly derided as a particularly elitist group even within the ordinarily elitist world of UK politics – has fuelled a further sense of disillusionment with the UK political scene. This time round, given not just their effectiveness in government, but also the lack of a credible alternative in a Labour Party that is seen as almost as distant as the Conservatives, and a Liberal Democratic Party whose electoral prospects have fallen sharply, the SNP has been in a position to take full advantage of dissatisfaction with the “Westminster system” and campaign for independence.

In sum: Building on a legacy of nationhood, a strong sense of national identity, and a deep disillusionment with British politics, the Scottish National Party found itself in a position to call a referendum on independence. The heterogeneity of the broader independence movement – the alliance of nationalists and other supporters of independence, most of whom could broadly be considered as “of the left” – is the subject of the next section.

Infinite Imaginary Scotlands

“I propose the following definition of the nation: it is an imagined political community.”

Benedict Anderson¹¹

“Work as if you live in the early days of a better nation”,

Alasdair Gray¹²

If nations are imagined communities, independence movements are where the imagining of nationhood has free rein. As a heterogeneous alliance, the independence movement included a diverse variety of actors under the SNP-led

10 Cf. How Bulldog Brown Could Call Salmond’s Bluff, in: *The Scotsman*, 6 May 2007, at: <http://www.scotsman.com/news/how-bulldog-brown-could-call-braveheart-salmond-s-bluff-1-1418942>.

11 Benedict Anderson, *Imagined Communities*, London 1983, pp. 5-7.

12 Alasdair Gray, *Unlikely Stories Mostly*, Edinburgh 1983, frontispiece.

Yes Scotland banner, but also in their own organizations, such as “Radical Independence”.

What might be considered “fringe groups” in everyday UK (or Scottish) politics – i.e. parties that would not ordinarily hope to achieve representation in one of the national parliaments – played a far more prominent role in the referendum than they do in everyday politics. Indeed, it was one of the main talking points of the referendum that it led to a great flourishing of grassroots political participation not seen in the UK in recent years.

Of course, every pro-independence group sees independence as a means for it to achieve its own preferred ends, whether these are the realization of the historical destiny of the Scots people, the pursuit of social democracy, a green agenda, or even in the case of some libertarian supporters of independence, the prospect of a low-regulation, low-tax, small-state right-wing utopia.¹³ On the whole, however, the pro-independence alliance was an alliance of nationalists and what might be characterized as “reformist forces”. Except for the nationalist hard core, independence was not about “Scotland *über alles*”, but was rather a means to an end – that of reform, change, democracy, social justice, green politics, and a break with the Westminster system, the UK establishment, the discredited old politics, and business as usual.

Whether the social-democratic credentials of the SNP stand up to scrutiny or not, and whether they are a matter of conviction or opportunism, the fact is that the party has managed to generate an image that fuses traditional nationalist concerns of autonomy with contemporary concerns about democracy, welfare, austerity, and inequality. Certainly, the SNP has succeeded in recent years in presenting itself as filling the gap left by the rightward drift of the UK Labour Party.

Of course, the SNP is by no means only a left-wing party, and has also built up a certain appeal as a centrist party of effective government in Scotland, while successfully combining this with a position as the representative of a radical alternative within the UK political scene. This paradox – that the SNP can be both the party of effective government and the outsider offering a radical alternative to the status quo – is an unexpected consequence of devolution.

Alongside the SNP, the Yes Scotland campaign was supported by the Scottish Socialist Party (SSP) and the Scottish Green Party. Among the most prominent civil society organizations were Radical Independence (an um-

13 Though certainly a minority voice within the independence campaign, there are those who do support such views, such as the Wealthy Nation group: <http://www.wealthynation.org>. In the mainstream debate, this kind of thinking was most prominent in terms of the SNP's policy on corporation tax – a proposed three per cent decrease – and the closeness between the First Minister Alex Salmond and certain representatives of big business, including Donald Trump, Rupert Murdoch, and Scottish entrepreneur – and anti-gay rights campaigner – Brian Souter; cf. Ian Dunt, *The right-wing business tycoons behind Alex Salmond's independence campaign*, Politics.co.uk, 15 September 2014, at: <http://www.politics.co.uk/blogs/2014/09/15/the-right-wing-business-tycoons-behind-alex-salmond-s-indepe>.

rella group in which many organizations and initiatives were represented, including the Greens and the SSP; National Collective (largely writers, artists, and performers); and the Jimmy Reid Foundation (and its offshoot Common Weal, which produced a large number of publications imagining various aspects of post-independence Scottish life and governance). There were also highly prominent political websites, including the republican and “left libertarian” Bella Caledonia,¹⁴ and the provocative Wings over Scotland (whose crowdfunded “Wee Blue Book” was also a significant intervention).¹⁵

A statement by Robin McAlpine of Radical Independence sums up nicely the nature of this alliance: “You must have noticed that the real independence movement is now almost indistinguishable from the movement from social justice in Scotland.”¹⁶ Similarly, Common Weal describes itself as “an emerging movement which is developing a vision for economic and social development in Scotland which is distinct and different from the political orthodoxy that dominates politics and economics in London”.¹⁷

The broad pro-independence movement in Scotland thus represents a (contingent) fusion of a historical potential for secession with a deep disillusionment with mainstream British (“Westminster”) politics and the main UK political parties. The reform movement took a nationalist turn in Scotland simply because the option of independence is available there in a way that it is not in England, where widespread alienation and disillusionment have not led to calls for devolution, “home rule”, or even more powerful local government, and where the strongest example of protest voting against the established parties has been in the recent surge in support for the anti-EU, anti-immigration, right-wing populist United Kingdom Independence Party (UKIP).

Concerns such as the UK parliamentary expenses scandal, the fear of NHS (National Health Service) privatization, the consequences of austerity (the “bedroom tax”), and so on were thus able to attach themselves to the SNP’s age-old drive for independence in a way that was not possible in the rest of the UK.

To some extent, therefore, the broad independence movement has much in common with other contemporary grassroots movements and anti-establishment political parties, such as Occupy Wall Street and its offshoots, the Indignados and Podemos in Spain, and Syriza in Greece. It is a contemporary phenomenon that draws on deep-rooted alienation and dissatisfaction with the political establishment, and the fact that it has taken the form of calls for independence is merely a matter of historical contingency.

14 Cf. at: <http://bellacaledonia.org.uk>.

15 Cf. at: <http://wingsoverscotland.com>; <http://wingsoverscotland.com/weebbluebook>.

16 Robin McAlpine, *Independence is the Only Option for a Better Scotland*, 19 October 2012, Radical Independence Campaign, at: <http://radicalindependence.org/2012/10/19/independence-is-the-only-option-for-a-better-scotland>.

17 *What is Common Weal?* Retrieved from <http://www.allofusfirst.org/what-is-common-weal>, no longer available as of December 2014.

Yet while this alliance between the SNP and reformist forces was nearly able to achieve a remarkable victory, the referendum failed to convince a majority of voters in Scotland to pursue this radical path. The reasons for this are what I wish to consider in the next section.

A Small Number of Difficult Questions

This section will consider the ways in which the imaginary nation-building exercise of the pro-independence campaign failed to adequately address several key concerns of the Scottish people and ultimately led to the defeat of the referendum.

Of course there are other causes of the defeat that could be mentioned – including the alleged “innate conservatism” of the Scottish electorate, particularly the older and wealthier sections; and the frequent allegations on the part of independence supporters of a campaign of deceit and propaganda on the part of the “UK establishment”, including, critically, the BBC – but I will focus on the three issues I believe had the most impact:

- the SNP’s position on the currency of an independent Scotland;
- the SNP’s position on Scotland’s membership of the European Union;
- the economic consequences of independence, particularly in terms of Scotland’s giant financial sector;

While the broad pro-independence alliance was far more than just the SNP, Scotland’s governing party was at its heart, and the 650-page White Paper “Scotland’s Future – Your Guide to an Independent Scotland” its key document.¹⁸ If the broad alliance was free to imagine utopian futures, the SNP government and its White Paper had the task of presenting the sober case for independence. Ultimately, if the cause of independence failed, it was not because of a lack of imagination regarding the possibilities that secession would open up – quite the contrary – but because key practical elements of the SNP’s proposal for independent statehood did not convince enough of the Scottish public.

Two Countries, One Currency?

The question of what currency an independent Scotland would use dominated the referendum campaign from the publication of the White Paper in November 2013, right up until the second televised debate between SNP leader (and Scottish First Minister) Alex Salmond and Alistair Darling, a Labour MP and

18 The Scottish Government, *Scotland’s Future – Your Guide to an Independent Scotland*, Edinburgh, November 2013, at: <https://www.scotreferendum.com/reports/scotlands-future-your-guide-to-an-independent-scotland>.

former Chancellor and the chair of the anti-independence “Better Together” campaign, on 25 August 2014, only 24 days before the referendum.

The White Paper and the position of the Scottish executive took their lead from the Scottish Government’s Fiscal Commission, which recommended that an independent Scotland continue to use the UK pound as part of a currency union (thus giving Scotland some input into decisions of the Bank of England). As stated in the White Paper executive summary:

“The pound is Scotland’s currency just as much as it is the rest of the UK’s.

The expert Fiscal Commission Working Group concluded that retaining Sterling as part of a formal Sterling Area with the UK would be the best option for an independent Scotland and the rest of the UK.

The Scottish Government agrees with that view. Using Sterling will provide continuity and certainty for business and individuals, and an independent Scotland will make a substantial contribution to a Sterling Area. We will therefore retain the pound in an independent Scotland.”¹⁹

While other options – euro membership, an independent currency, unilateral use of the pound – were considered (and preferred by some voices within the broader independence movement), the line taken by the Scottish government was that a vote for independence would lead to a currency union.

The major problem with this, as demonstrated clearly by the reaction of the Better Together campaign, was that a currency union requires the co-operation of the UK government. When the main UK parties (Conservative, Labour, Liberal Democrats) all announced that, in their view, a currency union would not be in the interest of the UK and that they would oppose one, the debate degenerated into a highly unproductive rhetorical stalemate, in which the leadership of Yes Scotland accused the UK parties of bluffing, while Better Together and the big three UK parties insisted, *ad nauseam*, that the SNP needed to announce its “Plan B”.

Whatever one’s views on the possibility that the UK parties may indeed have been bluffing, it is impossible to deny that the overall effect of the currency union debate was to strengthen the Better Together position. While convinced independence supporters focused on denying the honesty of the Westminster parties’ position, the failure of the pro-independence side to adequately address the rejection of a currency union by the UK parties can only have left neutrals with the impression that this crucial aspect of independent statehood was uncertain at best.

19 Ibid. p. 7.

Why did the SNP pursue the line it did – insisting that the UK parties were bluffing, refusing until exceedingly late in the day to countenance the possibility that an alternative to currency union might be necessary in the event of a “yes” vote not leading to negotiations on a currency union? One argument, which I find convincing, is that the SNP – facing an uphill struggle to muster a majority for secession in the first place – knew that the Scottish people would take fright at the uncertainty involved in unilaterally using Sterling without a currency union, joining the troubled euro, or establishing a new currency.²⁰ Essentially – and quite paradoxically in view of what independence is generally held to mean – the SNP’s strategy in this, as in so much,²¹ was to present independence as something that would result in minimal disruption (the same is true with regard to the SNP position on European Union membership, see below). In any case, the way that Salmond stuck to his guns on currency union to the point of embarrassment, suggests strongly that the SNP/Yes Scotland knew full well that the “fear factor” would rise to critical levels if the stability of sterling was removed from the equation. In tactical terms, there was little the first minister and his team could do, given the lack of support among the Scottish people for any of the alternatives.

As a footnote to this, in the final few weeks of the campaign, once the Yes Scotland campaign had more or less acknowledged that currency union was likely to be off the table, the fall-back position of unilaterally adopting Sterling meant that opponents of independence were able to point out that this would effectively result in a situation in which Scotland would have *less* control over monetary policy than it does at present as part of the UK. The same argument could also be applied to occasional hints on from the Yes camp at long-term plans to adopt the euro. Once again, the opponents of independence were able to point out that the SNP’s plans for independence were not just risky, but amounted to a loss of autonomy or at least influence.

European Union Membership

The situation with regard to EU membership was similar. The White Paper stated that “it is the current Scottish Government’s policy that Scotland remains part of the European Union”,²² arguing that a “seamless transition to

20 A Panelbase poll for the Sunday Times and Real Radio carried out on 6 February 2014 found that 46 per cent of respondents favoured a currency union, only twelve per cent preferred unilateral “sterlingization”; eleven per cent, a new Scottish currency, and four per cent joining the Eurozone (24 per cent stated that they did not have sufficient information to decide, and four per cent did not know), see: What Scotland Thinks, *Which currency option would be best for Scotland?* At: <http://whatscotlandthinks.org/questions/which-currency-option-would-be-best-for-scotland>.

21 The first sentence in the section entitled “What independence will look like” of the SNP’s pocket guide to independence reads: “An independent Scotland will look pretty much as it does today”, Scottish National Party, *Choice: An historic opportunity for our nation*, 2012, p. 11.

22 *Scotland’s Future*, cited above (Note 18), p. 25.

independent EU membership”²³ would be possible on the basis of “continuity of effect”.²⁴

This position unravelled less quickly than the SNP’s stance on currency union, as the number of actors with a voice on the various legal and administrative issues was large – including all the current EU governments, as well as the Commission and other EU bodies – many of which would not comment on what was seen as a domestic UK issue. Nonetheless, the weakness of the SNP’s position was again abundantly clear, as they were never able to answer the various questions posed by sceptics regarding issues such as the timeframe and the possibility of a veto on Scottish membership being used by existing member states with their own secessionist movements, such as, most significantly, Spain. However, as in the case of the currency union, while the SNP’s honesty – or at least its transparency – can be called into question, it is easy to understand why it adopted the tactic of insisting, once again, that – essentially – nothing would change. As well as serving to reassure Scottish voters, this also allowed Yes Scotland to make the EU a major theme in its campaign rhetoric, partly as a result of the popularity – in the UK as a whole, but not in Scotland – of the anti-EU UKIP (expected to poll maybe as much as 20 per cent in the 2015 UK general election) and the Conservative Party’s promise of a referendum on Britain’s EU membership if they are elected in 2015.

Opponents of independence, by stressing the uncertainty of both Scotland’s continuing membership and of the possibility of an accelerated accession process (the White Paper suggests 16 months would be a realistic timeframe, thus allowing negotiations to be completed before the planned day of independence in March 2016), were able to raise the spectre of it being Scotland that could end up outside the EU – with all the risks that this entailed.

As in the case of the currency union, the SNP’s position on EU membership was a gambit that relied on presenting a highly hopeful prognosis as if it were certain fact. By painting their opponents as fearmongers, and by emphasizing the risks of the UK itself exiting the EU after a proposed referendum in 2017, independence supporters sought to disguise the genuine uncertainty that existed about Scotland’s post-independence future in the EU. While this kind of tactic can succeed in creating a powerful spirit of defiant resolution among the already convinced, it does little to persuade sceptics and neutrals. Given the stakes, it was thus one of the key weaknesses in the Yes campaign.

In the case of the EU membership question, as in the case of the currency union, the focus on this kind of “hope versus fear” rhetoric meant that practical questions – border regimes, Scotland’s proposal to retain the UK’s rebate, the requirement on new EU members to adopt the euro, etc. – were rarely discussed in depth. In general, I consider this a structural weakness of

23 Ibid., p. 220.

24 Ibid., pp. 221-222.

the format of the referendum. When issues of this magnitude are subject to such uncertainty, voters are being asked to buy a “pig in a poke”, and it should be no surprise that factual debate played second fiddle to rhetorical posturing on both sides. One possible solution to this is for a two-step referendum process, in which, following a majority vote in favour of granting the Scottish executive the power to appoint a body to enter into negotiations and draft a concrete independence settlement (and a draft constitution), the proposed settlement would be put to the public in a second vote.

It's the Economy, Stupid!

If currency union with the UK and membership of the EU were two areas where those envisaging an independent Scotland came up against “hard facts” they were unable to overcome by force of imagination, the third key factor that I believe decisively influenced the referendum result is the area of hard facts, uncomfortable reading, and home truths *par excellence* – the economy.

While I do not wish to dwell on this topic, which is certainly not my area of expertise, it is significant precisely because the economy is the most globalized aspect of modern life, and thus the failure of the pro-independence side to win the economic argument represents an exemplary case of the national imagination failing to overcome supra-national forces.

In one regard, economic matters did not result in a decisive advantage for one side or the other for most of the independence campaign. The likely overall viability of an independent Scottish economy was even conceded by the Better Together campaign, perhaps in the awareness that denying this would have provoked patriotic outrage, boosting the secessionist cause. Nonetheless, in a number of ways, the anti-independence side had an advantage:

- the problematic nature of the SNP's figures (optimistic on the price of oil and on the possibility of financing an oil fund and using the oil to fund its budget);
- the pathetic showing of the most prominent pro-independence business organization, Business for Scotland, which failed to attract the support of any of Scotland's major employers;
- the suggestion by the Yes Scotland campaign that an independent Scotland might refuse to take on a share of the UK's national debt in the event of a refusal by the UK to allow currency union, which led to much speculation as to the impact such behaviour might have on the credit-worthiness of the new state;
- the failure of the pro-independence campaign to allay fears at the consequences of independence for the (enormous) Scottish financial sector,

- which accounts for a far greater proportion to GDP than even those of Iceland and Ireland prior to the financial crisis; and
- finally, a flurry of stories in the final few days of the campaign on potential job and/or revenue losses as major institutions announced contingency plans to relocate south of the border in the event of a “yes” vote.

While the viability of the Scottish economy was rarely called into question as such, supporters of independence were able to do little to address the sense that financial and business interests were, broadly speaking, not in favour of independence, and that the rather rosy picture being painted by the SNP was not to be trusted. Once again, the power of the imagination was set against hard facts of (economic) life over which no state has much control (the price of oil, the location of corporate headquarters, etc.).

No National Solutions to International Problems

Evidence of why people voted “no” is scant, and yet it is interesting to note that the most commonly cited post-referendum poll suggests that the key reason for people voting “no” was “the risks of becoming independent looked too great when it came to things like the currency, EU membership, the economy, jobs and prices”²⁵ (57 per cent of “no” voters).

What all three of the reasons for the referendum’s failure that I have focused on have in common is their supra-national character: The desire for a currency union with the UK, for ongoing membership of the EU, and for economic stability all require the co-operation of powers outside the Scottish polity. And, in my view, it is because this co-operation could not be guaranteed that the people of Scotland chose to reject the September 2014 proposal.

The expressed desire of a plurality of Scottish voters before the final framing of the referendum question for full fiscal autonomy without breaking the ties of statehood (or assuming responsibility for foreign or defence policy – the option commonly known as “Devo Max”)²⁶ indicates a widespread recognition that full independence was an undertaking fraught with risks. It has often been speculated that pragmatic, gradualist Salmond’s own preference would have been for Devo Max, perhaps as a stepping stone towards independence in the longer term. This is certainly in character. There can be no doubt that the demand for “greater powers” continues to exist in the post-referendum landscape. The precise nature of these powers, and the myriad complexities of the various issues involved will be the subject of my conclusion.

25 Lord Ashcroft, *How Scotland voted and why*, Lord Ashcroft Polls, 19 September 2014, at: <http://lordashcroftpolls.com/2014/09/scotland-voted>.

26 See e.g. <http://ukpollingreport.co.uk/scottish-independence>, in which devo max wins two out of three polls, and <http://www.thecourier.co.uk/news/politics/courier-poll-a-blow-to-snp-s-independence-hopes-1.54204>, in which 41 per cent backed “greater powers”.

Conclusion: No Sense of an Ending

Although the referendum failed, the situation in Scotland at the end of 2014 is very far from certain. The grassroots movement has, if anything, grown in strength, though its focus has necessarily shifted from calling for immediate independence to demanding further devolution. The SNP has seen an unprecedented increase in membership numbers and is now the third largest party in the whole of the UK, with membership rising from around 25,000 in September to around 100,000 at the time of writing.

In the immediate aftermath of the referendum, attention shifted from independence to the issue of greater powers for Holyrood. This has been an ongoing aspect of devolution since the creation of the Scottish Parliament,²⁷ but was felt particularly strongly in the aftermath of the referendum, especially given the prominence of the pledge made by the leaders of the three main UK parties two days before the poll.²⁸ Indeed, if there is one other major factor that is cited as being responsible for the failure of the referendum, it is this promise that Scots would enjoy “the best of both worlds” in the event of a “no” vote.

An all-party body established immediately after the referendum to make recommendations on further devolution of powers to the Scottish Parliament (the Smith Commission) reported in late November, recommending a range of increased powers, including broad powers to set income tax rates, to receive a portion of value added tax revenues raised in Scotland, to control several benefits, and to borrow larger sums.

But this is where things get complicated. Not only supporters of independence, but, according to polls, a majority of the Scottish population believe that these proposals do not go far enough. Furthermore, though draft legislation on the new powers is to be debated in the UK Parliament in January 2015, a bill will not be passed before the UK general election of 6 May – an election in which the SNP is expected to greatly increase its share of the vote – with observers warning that the SNP is likely to end Labour’s dominance in terms of the MPs Scotland sends to Westminster.²⁹ The SNP may even hold the balance of power in the UK Parliament, which would certainly be an interesting situation for ongoing constitutional discussions.

27 The Calman Commission, set up in 2007 to review Scottish devolution, made recommendations for enhancing the powers of devolved Scottish government in 2009, which were passed into law in the 2012 Scotland Act and include the power to vary the rate of income tax and to borrow money (due to take effect in 2015).

28 This became known as “The Vow” after the headline in the *Daily Record* newspaper of 15 September 2014, cf. David Cameron, Ed Miliband and Nick Clegg sign joint historic promise which guarantees more devolved powers for Scotland and protection of NHS if we vote No, in: *Daily Record*, 15 September 2014, at: <http://www.dailyrecord.co.uk/news/politics/david-cameron-ed-miliband-nick-4265992>.

29 Cf. e.g. Tom Clark, Labour set for a bloodbath in Scotland in general election, poll says, in: *The Guardian*, 26 December 2014, at: <http://www.theguardian.com/uk-news/2014/dec/26/labour-bloodbath-scotland-general-election-2015-snp-westminster>.

The 2015 UK parliamentary election is also likely to see UKIP win between 15 and 20 per cent of votes, according to polls, with a chance to win at least a handful of seats. Although UKIP has some support in Scotland (there has been a single UKIP MEP in Scotland since 2014), it is broadly perceived as an English party (UKIP won 10.5 per cent of the Scottish vote in the 2014 European Parliament Elections, as opposed to 27.49 per cent for the UK as a whole, where it was the largest single party),³⁰ and a good showing for UKIP south of the border is likely to increase Scots' feelings of estrangement from the Westminster political mainstream.

UKIP's recent good showing has tended to be at the expense of the Conservatives, and embattled Tories who see their supporters turning to a more right-wing, more Eurosceptic party, are expected to urge their party leadership to move rightwards in ways that are unlikely to play well in Scotland – including David Cameron's promised UK-wide referendum on EU membership, which is likely to be a major issue in the 2015 UK election.

An outright Labour victory in May 2015 is the one option that might calm Scotland's turbulent political waters somewhat, as it would do something to split the alliance of nationalists and radicals that drove the independence campaign, though a Labour majority is currently considered an outside bet by most commentators, who see a parliament with no overall control as the most probable outcome.

A further issue is one that has been simmering since the 1970s – the so-called “West Lothian question”³¹ of English votes for English laws (EVEL). David Cameron's decision to link calls for further Scottish devolution in the aftermath of the referendum to progress on EVEL can be seen as an attempt to take some of the wind out of the sails of those calling for more powers for Holyrood. Only time will tell whether there is a genuine desire for devolution within England.

And as if this wasn't enough uncertainty, a Scottish Parliament general election will be held on 5 May 2016. It may seem unlikely that a further independence referendum will make up part of the SNP's manifesto for that election,³² but if a week is a long time in politics, a year and a half is an age.

30 The full results, including a breakdown for Scotland are available on Wikipedia, European Parliament election, 2014 (United Kingdom), at: [http://en.wikipedia.org/wiki/European_Parliament_election_2014_\(United_Kingdom\)#Results](http://en.wikipedia.org/wiki/European_Parliament_election_2014_(United_Kingdom)#Results).

31 So named because it was raised in parliament in 1977 by the then MP for West Lothian, Tam Dalyell. The essence of the issue is that there is no devolution in England – laws that will affect England (and Wales, where not devolved to the National Assembly of Wales) are voted on by UK MPs, including those representing Scottish constituencies (though the SNP has a policy of abstention on such matters).

32 Though another referendum would again require the acquiescence of the UK government, which is unlikely to be so easily forthcoming, leading to a situation similar to that in Catalonia/Spain.

Mongolia and the OSCE

Introduction to Mongolia

Mongolia is located in the heart of Asia. It shares borders only with Russia (3,543 km) to the north and China (4,709 km) to the south. Mongolia is a landlocked nation with a surface area of 1.5 million square kilometres. In terms of territory, Mongolia is the seventh largest country in Asia and the 19th largest in the world. Mongolia has a continental climate with four seasons, and consists of a mixture of forests, steppes, deserts, and mountains.

In 2013, Mongolia's population was 2.93 million, making it the 139th most populous nation in the world. The latest census shows that 67 per cent of the population is under the age of 35, thus, making the country rather youthful compared to its neighbours.

Mongolia's official language is Mongolian, a language of the Altaic language family. Standard written Mongolian is based on the Khalkha dialect using the Cyrillic alphabet with slight modifications. The most common foreign language used in Mongolia is English, followed by Russian.

Mongolians, like other nomadic groups of Central Asia, mainly adhered to Shamanism until the rapid spread of Buddhism began in the 14th century. Nevertheless, Shamanism continues to be practised. According to the 2010 census, 53 per cent of citizens above the age of 15 identified themselves as Buddhists, three per cent as Muslims, three per cent as adherents of Shamanism, two per cent as Christians, and 39 per cent as atheists.

Mongolia boasts one of the fastest developing economies in the world with GDP growth of 11.7 per cent in 2013. This rapid growth is primarily due to mining. Mongolia has rich deposits of copper, gold, and coal, to name but a few. These minerals account for 80 per cent of the country's exports. Nevertheless, traditional animal husbandry still plays a crucial role in Mongolia's economy. As of 2013, 29 per cent of the population works in this sector, which makes up 14 per cent of the nation's GDP.

Mongolia has a rich history. The first Mongolian nation state was founded more than 2,200 years ago. The 13th century saw the greatest expansion of the Mongolian nation, when the Mongol Empire stretched from the Sea of Japan to the gates of Vienna. However, internal conflict and growing resistance from conquered peoples led to its fall. Mongolian kings and lords continued their fights, thus weakening the state further. The 17th century saw the rise of the Manchu in Central and East Asia. They subjugated the Inner Mongolians in 1634, the Khalkha Mongolians in 1661, and the Oirat Mongolians in 1755.

At the beginning of the 20th century, the Qing Dynasty was greatly weakened and showed signs of falling apart. The Bogd Khaan of Mongolia, the religious and political leader of the country at the time, used this opportunity to declare Mongolia's independence from the Qing, establishing a nation on 29 December 1911. However, in 1915, imperial Russia and China pressured Mongolia to become an autonomous region of China. With the demise of the Tsar in Russia and the support of the newly found Soviet Union, Mongolia re-established its independence in 1921. Although a de facto independent state, Mongolia came under the economic and political influence of the Soviet Union.

As anti-communist movements picked up momentum in Eastern Europe in 1989 and 1990, Mongolia too experienced change. In 1992, Mongolia adopted a new constitution, officially becoming a democracy with a market economy. As stated in the constitution, Mongolia adopted the parliamentary system with the president as the head of state and the prime minister as the head of the government. The constitution also states that elections will be held every four years and that the parliament will have 76 seats. The president of Mongolia is chosen by direct election every four years. The most recent parliamentary election was held in 2012, which the Democratic Party won with 44.7 per cent of votes. The party with the second largest share of the votes was the People's Party, with 34.2 per cent. The most recent presidential election was held in 2013, in which the incumbent president, Tsakhiagiin Elbegdorj, won for a second time with 50.2 per cent of the votes.

Mongolia pursues an independent, open, multi-pillared, and peaceful foreign policy. Mongolia currently has diplomatic relations with 173 countries, and aims to establish formal relations with every United Nations (UN) member state. The foremost priority of Mongolian foreign policy is to keep equal, balanced, and good-neighbourly relations with Russia and China. Mongolia maintains friendly relations with the USA, Japan, Germany, and the Republic of Korea.

Mongolia joined the UN in 1961. Since then, it has actively participated in UN operations and initiatives. Mongolia has sponsored many resolutions and remains very active to this day. Since the transition to democracy, Mongolian soldiers have honourably served in UN peacekeeping missions in Sierra Leone, Western Sahara, Congo, South Sudan, Chad, and Ethiopia. Outside the UN, Mongolia is also active on the international stage. In 2004, Mongolia became one of the first observer nations to the Shanghai Cooperation Organisation (SCO). In 2012, Mongolia became the 57th participating State of the Organization for Security and Co-operation in Europe (OSCE). That same year, the country became a NATO Partner across the Globe. From 2011 to 2013, Mongolia presided over the Community of Democracies as chair of the organization.

In the 1990s, as a great wave of change swept over the world, Mongolia too began its transformation into a democratic state with a market economy. It was during this time that Mongolia saw the need and obtained the opportunity to conduct an independent foreign and security policy. To implement an independent foreign and security policy had been the dream of past generations, as it was seen as an indicator of national sovereignty. However, it was not easy to realize this goal. The victory of democracy lies on the shoulders of the young and energetic, who had the will to change the system, and the leaders of the previous government, who realized that the status quo was not in the best interests of the nation. Nevertheless, Mongolia faced the uneasy task of formulating the principles of its foreign and security policy and deciding for itself exactly how it would participate in international relations.

Mongolia, like many other “small” powers, faced the challenge of defining its foreign policy principles and development strategy. There are countless examples of smaller nations maintaining their sovereignty and guarding their security. The strategies they have used include allying themselves to a great power, forming alliances with other smaller powers, entering unions with other great powers, remaining neutral no matter what the circumstances, and staying neutral without a formal declaration.

At the beginning of the transition, decision and policy makers proposed various ways of conducting foreign policy. These proposals included to closely ally ourselves to one of our neighbours and have them guarantee our security, to remain at a symmetrical distance from our two neighbours, or to follow a policy of neutrality. History has shown us that the first option was not feasible, and that an “inactive” neutrality is impossible for a small nation without access to the sea and located between two great powers. Ultimately, therefore, Mongolia chose to pursue a policy of equal and friendly relations with its two neighbours. In addition, Mongolia sought to become an active member of the international community and strengthen its participation in international organizations, and by this means to improve its relations with other nations. By means of these principles Mongolia could pursue an active “multi-pillar” foreign policy.

For a new democracy that aims to conduct an independent domestic and foreign policy and to develop its democracy and economy, formulating a concept designed to uphold the security of the nation is of utmost importance.

Against this background, the Mongolian parliament passed the foundational documents of Mongolia's foreign policy – the National Security Concept and the Foreign Policy Concept – in 1994. As the new millennium dawned, Mongolia saw a need to synchronize its development goals with global trends, and these fundamental documents were revised in 2010 and 2011, respectively.

Fundamental Principles of the National Security Concept of Mongolia

According to the National Security Concept, Mongolia's national security means "ensuring favorable external and internal conditions for securing and protecting the genuine national interests of Mongolia".¹

National interests are defined as comprising "the very existence of the Mongolian people and its civilization, independence, sovereignty, territorial integrity and inviolability of its borders, national unity, constitutional establishment, security, economic independence and sustainable ecological development".²

The key goal of national security is to safeguard and guarantee "national independence, sovereignty and unity".³

Foreign policy plays a vital role in safeguarding and protecting Mongolia's national security. This is reflected in key documents of state. The constitution states that "the duty of the state is to secure the country's independence and to ensure national security and public order".⁴ And the National Security Concept defines "the basic methods for ensuring Mongolia's independence and sovereignty" as "political and diplomatic actions. Accordingly a multi-pillared foreign policy directed towards building active relationships and cooperation with foreign states and international institutions shall be implemented."⁵

Fundamental Principles of the Foreign Policy Concept of Mongolia

Mongolia's foreign policy objectives consist in ensuring independence and sovereignty by pursuing the development of society, maintaining friendly relations with all countries, strengthening Mongolia's position in the international community, and forming a network of relationships with influential countries in the region and in the world based on the interdependence of political, economic, and other interests.

The priority of Mongolia's foreign policy is to safeguard its security and vital national interests by political and diplomatic means, and to create a favourable external environment for its economic, scientific, and technological development.⁶

1 Ministry of Foreign Affairs, Mongolia, *Concept of National Security*, section 1.1, available at [http://nsc.gov.mn/sites/default/files/National Security Concept of Mongolia EN.pdf](http://nsc.gov.mn/sites/default/files/National%20Security%20Concept%20of%20Mongolia%20EN.pdf).

2 Ibid., section 1.2.

3 Ibid., section 1.3.

4 *The Constitution of Mongolia*, Article 11 (1), available at <http://www.parliament.mn/en/law/categories/2541/pages/4428>.

5 *Concept of National Security*, cited above (Note 1), section 3.1.1.2.

6 Cf. Ministry of Foreign Affairs, Mongolia, *Concept of Mongolia's Foreign Policy*, General Provisions, at: http://www.mfa.gov.mn/en/index.php?option=com_content&view=category&id=36&Itemid=55&lang=en.

Mongolia upholds the following principles when conducting foreign policy:

*Peacefulness:*⁷

- Mongolia shall not join any military alliances unless under eminent military threat.
- Mongolia's land and airspace shall not be used by any nation against another.
- Foreign troops shall not be stationed in or transit through Mongolia.

Openness:

- Mongolia shall pursue friendly and mutually beneficial relations with all nations without discrimination in terms of culture, religion, or political or economic system.
- Mongolia shall have open relations in the political, economic, cultural, and scientific dimensions.

Independence:

- Mongolia's foreign policy shall be formulated independently.
- Mongolia's national interest shall be of the utmost priority.

Multi-Pillar:

- Mongolia shall pursue a policy of active participation in international organizations
- Mongolia shall pursue equal, balanced, and good-neighbourly relations with its two neighbours and its "third" neighbours.

Mongolia and the OSCE

Throughout its history, Mongolia has not been able to practise a balanced foreign policy. Thus, after its transition to democracy, one of the first things Mongolia did was to proclaim its equal and balanced foreign policy with its two neighbours. This was reflected in the National Security Concept and the Foreign Policy Concept of Mongolia. Mongolia enjoys close economic ties with both its neighbours. Political relations with Russia and China are also very good. However, this situation brings the danger of a small nation falling under the influence of its two giant neighbours, both economically and politically. So, in order to balance these huge forces, Mongolia must create a new pillar for its foreign policy. Thus was born the "third neighbour" policy, which aims at building closer ties with partners other than Russia and China. This too was reflected in the revised versions of the National Security and

7 Cf. *ibid.*, Mongolia's foreign policy in the political field.

Foreign Policy Concepts. The “third neighbour” concept refers not only to nations but also to international organizations. Mongolia maintains good relations with organizations such as the European Union and NATO. These help Mongolia to maintain balance in its foreign policy. It is within this context that Mongolia’s efforts to co-operate with the world’s largest regional security organization – the OSCE – must be understood.

Mongolia became the OSCE’s 57th participating State on 21 November 2012. However, the history of Mongolia-OSCE relations can be traced back to 2004, when Mongolia became an OSCE Partner for Co-operation. Since that time, Mongolia has shown its interest in and commitment to the OSCE and vice versa. The Astana Commemorative Declaration and its vision of “a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals” prompted Mongolia to formally apply to become an OSCE participating State. The accession process was complicated due to issues regarding the application of existing OSCE commitments to a country that is outside the area of application of, for example, current arms-control agreements. Russia, in particular, pointed out that Mongolia was not a part of the original geographic zone covered by the Conference on Security and Co-operation in Europe (CSCE), which started in the 1970s. This zone consisted of all European countries up to the Urals plus the five Central Asian states. A specific problem concerned the fact that Mongolia is outside the zone of application of the OSCE Vienna Document on Confidence and Security-Building Measures (CSBMs). It was ultimately decided to treat Mongolia using the model already applied to Canada and the United States: Vienna Document commitments will apply to Mongolian forces in the zone of application but not to the territory of Mongolia itself. In other words, Mongolian officers could take part in inspections in European countries, but there can be no inspections of Mongolian military exercises or facilities.⁸

In line with country’s commitments as an OSCE participating State, the government of Mongolia invited the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) to observe and monitor the presidential elections in June 2013.

Mongolia joined the OSCE fairly recently. Compared to other participating States, our nation has very little experience in dealing with the Organization. However, one positive aspect is that we are able to hear from the people who decided that Mongolia should join the Organization what their reasoning was. In this regard, Enkhsaikhan Jargalsaikhan, Mongolia’s Ambassador to Austria and Permanent Representative to the OSCE, shared his opinions on why Mongolia joined the OSCE.

8 Cf. Walter Kemp, Europe Moves East: Mongolia Joins the OSCE, *IPI Global Observatory*, 26 November 2012, at: <http://theglobalobservatory.org/2012/11/europe-moves-east-mongolia-joins-the-osce>.

It is often asked why Mongolia joined the OSCE. Mongolia agrees with the Organization's overall goals and principles, which are in line with its foreign policy goals. The spirit of the OSCE coincides with our policy of ensuring security primarily by political and diplomatic means. It also harmonizes with the "third neighbour" policy. Furthermore, most of the OSCE participating States are small and medium-sized countries, which creates commonalities and mutual understanding, including understanding of Mongolia's needs and challenges.

Although the OSCE still lacks a formal charter and other legally binding commitments, it is nonetheless an indispensable forum where issues of broad co-operation are discussed to the fullest possible extent, the positions of states can be brought closer, and agreements on some issues lead to separate and joint actions.

Mongolia can use the OSCE to share its experiences of socio-political development, both positive and negative, while also learning from others' experiences. In view of its geographical location, Mongolia is interested in serving as a bridge between Europe and East Asia. Furthermore, Mongolia has great interest in widening its co-operation with the OSCE in all three dimensions, which are all important, as well as being mutually reinforcing. Without political will and agreement, many of the issues in the second and third baskets will not be easily addressed. Yet if they are not addressed then no agreement can ever emerge.

Nevertheless, I am optimistic that the OSCE will play a more useful role in the future, since all participating States have common goals and have many agreed instruments to promote those goals. I am sure that on all but the most controversial political issues, the participating States will be able to work out their differences. Broad-based co-operation and shared values will gradually bring the participating States even closer, where not blocked by narrow immediate geopolitical differences. Though differences will persist, nevertheless common approaches and common values will prevail, allowing issues to be addressed in a more co-operative spirit.

Another frequently raised issue is whether Mongolia's participation in the OSCE could have any drawbacks. Mongolia does not believe that its status as a participating State will have any negative consequences. On the contrary, it believes that it can benefit greatly by working with the other participating States. Mongolia's socio-economic and human rights goals are to bring its level of development up to that of middle-income European states. That is why it is keen on adopting European standards where possible. The OSCE is one means by which such norms can be introduced more broadly, which is why Mongolia is interested in co-operating both with participating States on a bilateral basis and within the OSCE itself.

It is possible that regional organizations along the lines of the OSCE will be formed in Asia, especially Northeast Asia, in the future. However, this will take time (a few decades, at least) and would require a great effort

and extensive co-operation. I say this is possible because the alternative is mutual suspicion and division into blocs. However, due to its specific features, the form of pan-Asian co-operation will probably be different.

II.

Responsibilities, Instruments, Mechanisms,
and Procedures

Conflict Prevention and Dispute Settlement

Minsk Group Mediation of the Nagorno-Karabakh Conflict: Confronting an “Intractable Conflict”

Introduction

This contribution evaluates the role of the Minsk Group of the Organization for Security and Co-operation in Europe (OSCE) as a facilitator in the conflict involving the former Soviet region of Nagorno-Karabakh¹ in the Southern Caucasus and offers recommendations for ways in which the facilitation process might be more effective. Currently co-chaired by the United States, France, and the Russian Federation, the Minsk Group, the activities of which have become known as the Minsk Process, has tried unsuccessfully to bring about a resolution of this protracted conflict since 1992. This contribution examines the mediation efforts of the Minsk Group in an effort both to explain why it has failed to find a solution to this conflict, as well as to suggest possible paths for resolution.

On 12 May 2014, the OSCE marked the twentieth anniversary of the ceasefire agreement brokered by the Russian Federation that ended the two-year-long war between Azerbaijan and Armenia over the former Soviet Nagorno-Karabakh Autonomous Oblast (NKAO), located in Soviet times within the Azerbaijan Soviet Socialist Republic. With the end of the fighting, a government was formed in the self-proclaimed Nagorno-Karabakh Republic (NKR), which has de facto control in the region but is not recognized by any state, including Armenia. The self-proclaimed republic's access to Armenia and the outside world is currently restricted to a two-lane high mountain road of some 90 kilometres between Stepanakert, the capital of Nagorno-Karabakh, and Goris, Armenia. Since the May 1994 ceasefire, Armenians have controlled more than 90 per cent of the territory of the former NKAO, as well as all of five and a large portion of two other districts (*rayons*) of Azerbaijan lying outside the NKAO, representing more than 13 per cent of Azerbaijan's territory. The ceasefire established a “line of contact” between the armed forces of both sides, which have dug in along the highly militarized frontier as well as along the internationally recognized border between Armenia and Azerbaijan. The line of contact is monitored by a small OSCE observer group under the direction of the Personal Representative of the OSCE Chairperson-in-Office on the conflict dealt with by the OSCE Minsk

1 The name “Nagorno-Karabakh” is a combination of Russian, Turkish, and Persian words which literally mean “mountainous black garden.” Armenians now refer to the territory by its ancient Armenian name of Artsakh, used prior to its incorporation into the Ottoman Empire in the 14th century.

Conference, Ambassador Andrzej Kasprzyk of Poland. Sporadic killing from sniper fire frequently occurs along that line and has increased in recent years.

Approximately 20,000 people were killed in the fighting prior to the ceasefire. In addition, a total of about 750,000 Azerbaijanis were displaced before and during the fighting and now live as internally displaced persons (IDPs) in Azerbaijan. Some two-thirds of them fled Nagorno-Karabakh and the seven districts occupied by Nagorno-Karabakh forces; the remainder mostly fled Armenia in fear for their lives during pogroms that occurred as the Soviet Union was collapsing. About 350,000 Armenians became refugees from Azerbaijan in either Armenia or Russia, also fearing for their safety in Azerbaijan. The result effectively amounted to the “ethnic cleansing” of both countries in a few short years. None of these approximately 1.1 million people have been able to return to their homes since the war ended in 1994. In short, the humanitarian consequences of the war were staggering, leaving a high degree of distrust, animosity, even hatred and a desire for revenge in both populations. Having crossed the “Rubicon” of extensive violence, solutions to the conflict that might have been found between 1988 and 1991 largely disappeared, leaving mediators with the huge challenge of overcoming this bitter legacy.

Since that time, the OSCE Minsk Group has been charged with trying to facilitate a long-term resolution of the underlying issues in this conflict. However, their mediation efforts have consistently failed to reach a settlement, having been severely hampered by the seemingly intractable nature of the issues, especially by the essentially “zero-sum” perception of the dispute over the sovereignty of Nagorno-Karabakh, which is not readily amenable to solution by a compromise “50-per cent” solution. Both Azerbaijan and Armenia have founded their negotiating positions on constructed national identities, based on mutually exclusive narratives of the history and cultural significance of Nagorno-Karabakh. Having built domestic support for these mutually exclusive beliefs, the political leadership of all three parties – Azerbaijan, Armenia, and Nagorno-Karabakh – have become entrapped by their own rhetoric and have thus been unable to follow through on several pragmatic compromises proposed by the Minsk Group facilitators. Although this has been considered by many to be a classic “frozen conflict”, events over the past decade in Georgia and Ukraine show how “frozen” conflicts can come to an end not only through a diplomatic solution, but through violent conflict in which a new status quo is imposed by force of arms rather than mutual agreement among the parties. Indeed, on 4 August 2014, Swiss Foreign Minister and President of the Swiss Confederation Didier Burkhalter, the OSCE Chairperson-in-Office (CiO) in 2014, together with the three chairs of the Minsk Group, reported “their deep concern about the intense upsurge in violence along the Line of Contact and Armenian-Azerbaijani border that re-

sulted in numerous casualties”.² A negotiated solution to this conflict should thus be a high priority for the OSCE community.

Throughout their mediation efforts, the Minsk Group has wavered between two approaches to resolving this conflict, often referred to as the “package” versus “step-by-step” approaches. The “package” approach seeks to combine all issues in a comprehensive agreement. Rather than seeking a compromise on each issue individually, it seeks to identify trade-offs across issues, in which each party “wins” on those issues most important to it, while conceding on less important issues to the other party. The disadvantage of this procedure is that it requires agreement on all issues, including the most difficult ones, as part of the overall “package”; this becomes especially difficult when both parties consider the same issue to be of special significance to them. The “step-by-step” approach attempts to overcome this obstacle by seeking agreement on easier issues at the outset in an effort to build momentum and increase confidence between the parties to enable them to address the more difficult issues later in the negotiation process. The disadvantage of this approach is that it requires compromises on each individual issue rather than allowing for cross-issue trade-offs to resolve the larger conflict; furthermore, settlement of some “easier issues” may remove pressure to solve the core issues of the dispute.³

In March 1996, Swiss Foreign Minister and that year’s OSCE Chairman-in-Office, Flavio Cotti presented the mediators’ first attempt at a draft framework for a “package solution” to the conflict, proposing to preserve the territorial integrity of Azerbaijan, but with “the broadest possible self-rule for Nagorno Karabakh”.⁴ This would have required withdrawal of all foreign forces from the occupied territories of Azerbaijan outside of Nagorno-Karabakh, unimpeded access between Nagorno-Karabakh and Armenia, and the right of refugees and IDPs to return to their homes. Armenia opposed this proposal because it resolved the critical status issue along the lines preferred by Azerbaijan. At the Lisbon Summit in 1997, the new Minsk Group co-chairs explicitly floated the “step-by-step” alternative. The major problem with this approach was that it put the most difficult question of the sovereignty of Nagorno-Karabakh off into the future, but many of the proposed intermediate steps carried implications for the final solution by creating path dependency; after being put into place, they would be difficult to modify once, and if, a final agreement were ever achieved. The leaders of the Nagorno-Karabakh enclave believed that the only final solution could be

2 OSCE, *OSCE Press Release, OSCE Chairperson-in-Office, Minsk Group Co-Chairs deeply concerned about developments at Line of Contact, call for immediate action to defuse tensions*, 2 August 2014, at: <http://www.osce.org/cio/122190>.

3 For further development of the theoretical arguments for and against each of these approaches see P. Terrence Hopmann, *The Negotiation Process and the Resolution of International Conflicts*, Columbia, SC, 1996, especially pp. 79-85.

4 Quoted in: Valentin V. Lozinskiy, *The OSCE Mission in Nagorno-Karabakh*, in: *International Peacekeeping* 1/2000, pp. 10-16, here: pp. 12. Ambassador Lozinskiy is a former Russian co-chair of the Minsk Conference.

complete independence, especially since they were already in full control of the territory, and they were wary of intermediate steps that might undermine their primary goal. Therefore, even though both Armenia and Azerbaijan showed interest in this approach, it was rejected by the de facto leadership of Nagorno-Karabakh. The Minsk Group tried to return to the “package” approach in a 2001 meeting at Key West, Florida, in which Azerbaijan initially agreed to relinquish sovereignty over Nagorno-Karabakh in exchange for concessions in their favour, but Azerbaijan’s President Haidar Aliyev later withdrew this offer.

The Minsk Group, after consultation with the parties, announced a series of principles to guide negotiations at the OSCE’s Ministerial Council in Madrid in November 2007, based on three fundamental provisions of the Helsinki Decalogue: non-use of force, affirmation of the territorial integrity of each OSCE participating State, and respect for the right of self-determination of peoples.⁵ The “Madrid Principles” were intended to serve as a formula⁶ around which negotiation on details might follow. However, each of the parties prioritizes these principles differently: Azerbaijan emphasizes the territorial integrity of states, while Armenia and Nagorno-Karabakh stress self-determination. Under these principles, Nagorno-Karabakh would be granted an interim status, including guarantees for security and self-governance, until all other elements have been agreed upon and put in place; at that time a legally-binding referendum would be held to determine the popular will of the residents of Nagorno-Karabakh about their future status.

Although this seemed on the surface to combine elements of both approaches, it postponed the final resolution of the core status issue by introducing a referendum only after all other measures had been decided, even though all prior steps in the process would inevitably imply one or another solution to the sovereignty question. Furthermore, it did not define the constituency that would be asked to participate in the referendum, even though that would radically affect the outcome. Therefore, subsequent efforts to reach an agreement on the basis of the Madrid Principles have proven frustrating for the Minsk Group, and efforts to achieve even initial confidence-building measures to reduce violence along the line of contact and the Armenia-Azerbaijan border have fallen short. This implies that an alternative approach needs to be explored to break the current impasse.

5 For the Madrid Principles see: The White House, Office of the Press Secretary, *Joint Statement on the Nagorno-Karabakh Conflict* by U.S. President Obama, Russian President Medvedev, and French President Sarkozy at the L’Aquila Summit of the Eight, 10 July 2009, at: http://www.whitehouse.gov/the_press_office/Joint-Statement-on-the-Nagorno-Karabakh-Conflict.

6 Cf. I. William Zartman/Maureen R. Berman, *The Practical Negotiator*, chapter 4: Defining Solutions: The Formula Phase, New Haven, CT, 1983, pp. 87-146.

After twenty years of negotiations, there are several major issues that still divide the parties:

- (1) The status of the former Soviet autonomous *oblast* of Nagorno-Karabakh: Azerbaijan has offered “deep autonomy” within the state of Azerbaijan, but opposes unilateral changes to the state borders that were recognized internationally after the break-up of the Soviet Union. Armenians argue for the creation of an independent state or its attachment as an integral part of Armenia, contending that Armenians residing in Nagorno-Karabakh can never feel safe in a region under Azerbaijan’s domination given the past history, both the distant past as well as recent events.
- (2) The status of the territories of seven former Soviet *rayons* of Azerbaijan outside Nagorno-Karabakh now occupied by Armenian and Nagorno-Karabakh troops, largely depopulated, and with several major cities totally destroyed: Azerbaijan has argued for their immediate return to their control and restitution to help defray the high cost of rebuilding demolished homes and infrastructure. Armenians at first argued that they needed to retain these territories as a “security buffer” until security could otherwise be guaranteed, but recently some politicians in Nagorno-Karabakh have hardened their position by claiming that these “liberated” territories should be incorporated into the new “Artsakh Republic” as the Karabakh Armenians refer to it.
- (3) The right of return of refugees and IDPs: The two sides generally agree on this in principle but differ about the modalities for its implementation.
- (4) Security guarantees: Both sides want guarantees of their mutual security from an international authority before demilitarizing the line of contact resulting from the 1994 ceasefire and prior to withdrawing to a mutually agreed frontier. Fear of further “aggression” by the other remains very high on both sides, but the present unstable status quo still appears to both parties to be superior to any change in the absence of firm guarantees of security. Both generally support the work of the OSCE’s High-Level Planning Group (HLPG) to prepare for a peacekeeping operation, while remaining sceptical of its ability to implement an adequate system of security guarantees over an extended period of time.
- (5) Access between Armenia and Nagorno-Karabakh: Armenians would like to maintain control of the Lachin Corridor, which connects Arme-

7 The analysis in this and the following sections is largely based on interviews conducted by the author in January 2013 in Baku, Yerevan, and Stepanakert with high-level officials, scholars, NGOs, and civil society organizations, including refugee and IDP groups in both Armenia and Azerbaijan as well as Nagorno-Karabakh.

nia and Stepanakert across the Azerbaijani *rayon* of Lachin, now held by Armenian forces. In addition, they would like to be able to fly from Stepanakert to Yerevan and other cities without the current threat that planes will be shot down by Azerbaijan; eventually they also hope to open the railway line and highway to Baku, the capital of Azerbaijan, which has been closed since the war began. Azerbaijan would like the return of the entire Lachin district, although Baku would likely permit international peacekeepers to guarantee the right of passage between Armenia and Nagorno-Karabakh. Azerbaijan insists that the airspace above Nagorno-Karabakh is sovereign Azerbaijani territory, and hence maintains the right to supervise all air traffic over the region. Baku would also like to achieve guaranteed access through Armenia to the exclave of Nakhchivan.

The inability of the Minsk Process to bring a solution during 20 years of negotiations to this serious, protracted conflict in the Southern Caucasus raises the question of whether the mediation mechanism is appropriate for the task. The Minsk Group has collectively proposed several plausible solutions, but all have been rejected by at least one of the disputing parties. There are a number of possible explanations for the failure to reach agreement so far. The Minsk Group was hampered in its early years by frequent changes in its leadership, but this has stabilized since the United States, the Russian Federation, and France assumed the position of co-chairs. Furthermore, though surprising to many observers, the three co-chairs have demonstrated consistent cooperation in spite of other differences among their countries. Many Azerbaijanis accuse the chairs of bias due to the alleged political influence of the large Armenian Diaspora in each of these countries, but this does not appear to have significantly influenced their facilitation; some also cite Russia's treaty of alliance with Armenia within the Collective Security Treaty Organization (CSTO) and the presence of Russian military bases in Armenia as an indication of their pro-Armenian bias. The Minsk Group has also suffered since 1998 from the absence of key non-state parties to the conflict as direct participants in the negotiations, including representatives of the de facto government of Nagorno-Karabakh and the Azerbaijani IDPs. Both of these groups could introduce potential additional spoilers into the process. Any "total spoilers" are likely to exercise their influence whether or not they are present at the negotiation table, but, as in many other cases, any agreement will require that any "total spoilers" be marginalized from disrupting its implementation, while "limited" and "greedy" spoilers must somehow be included in the process in an effort to gain their support for any eventual agreement.⁸

8 Cf. Stephen John Stedman, Spoiler Problems in Peace Processes, in: Paul C. Stern/Daniel Druckman (eds.), *International Conflict Resolution after the Cold War*, Washington, DC, 2000, pp. 178-224, here: pp. 180-183.

In the final analysis, however, the failure to resolve the Nagorno-Karabakh conflict can be best explained by the intractability of the issues as perceived by all parties rather than by any failure of the facilitators in managing the negotiation process. Even the best mediators are unlikely to be able to broker an agreement that none of the parties to the conflict wants. Furthermore, in spite of the criticism they have expressed, one thing all three parties agree upon is that there is no good alternative to the Minsk Process, and all parties remain committed to continuing within this framework. The challenge, therefore, is not one of finding a substitute for the Minsk Group but rather to search for an approach that has a better chance of producing tangible, long-term results.

There are many reasons why the Nagorno-Karabakh conflict has seldom been “ripe” for settlement throughout most of the period since the ceasefire agreement was reached in 1994. First, both parties believe that time is on their side, which tempts them to hold out for a better agreement in the future. Azerbaijan’s leaders believe that they can alter the balance of power in their favour by building up their own armed forces with a view either to pressuring the Armenians to agree on terms more favourable to them through threats of war or, failing that, to try to retake the conquered territory back by force. By contrast, many in the self-declared Nagorno-Karabakh Republic and, to a lesser extent, in Armenia seem to believe that the continuation of the status quo will gradually strengthen their position, as the *de facto* status will increasingly appear to the outside world to have become accepted as the reality on the ground the longer the present stalemate endures. In both cases, the perception that these different forms of power are shifting in their favour makes them reluctant to make concessions when they believe that holding out will enable them to obtain a better outcome in the future.

Equally important, the zero-sum perceptions of interest reflect a deeper conflict over identity. The conflict over Nagorno-Karabakh is one of many conflicts that developed as the Cold War came to an end and the large multinational states of the Soviet Union and Yugoslavia broke apart. Because the highest-level sub-units that became states were largely identified with a single, titular nationality, all other peoples living within those states suddenly became minorities in the new states, which generally set upon nation-building projects that favoured those national majorities and marginalized the minorities. Although the history of conflict is framed as being between two long-term enemies, this is not in reality a conflict of “ancient hatreds”, but of contemporary concerns about protecting national identities against perceived existential threats and of imminent fears by populations on both sides for their fundamental security in the aftermath of a period of deadly pogroms and an even more deadly war. The Azerbaijanis view Nagorno-Karabakh not only as a part of their state since early Soviet times, but also as a centre of Azeri culture, the birthplace of their most prominent artists, poets, and musicians; to many Azerbaijanis its permanent loss would mean that their cultural heri-

tage would be torn away. The Armenians view the same land as a centre of Armenian civilization, where Armenians claim to have lived for several millennia, longer than most have lived on the territory of the contemporary Armenian state, which was mostly settled by Armenians following their expulsion from Ottoman Turkey in the early years of the 20th century. Furthermore, Armenians generally invoke the “genocide” narrative whenever discussing the theoretical possibility of returning to live under Azerbaijani rule. In their minds, the Azerbaijanis are in fact “Turks”, and Azerbaijan is viewed as an artificial state created out of the collapse of the Ottoman Empire. They believe, as the self-proclaimed foreign minister of the NKR told the author, that Azerbaijan is currently preparing for war and genocide against the Armenian people; therefore, independence is viewed by them as an existential issue, as they fear that any return to Azerbaijani rule, even with so-called “deep autonomy”, would lead to their annihilation.⁹ Negotiations have been complicated by the fact that this is not just an elite conflict but one into which entire populations have been drawn, making it politically difficult for even relatively strong leaders in rather authoritarian states to face the domestic political consequences of making too many concessions, especially those that threaten to surrender key components of the socially constructed national identities of their people.

Mediation can only succeed when the parties are prepared to make the necessary reframing psychologically, to cease demonizing the other, for leaders to prepare their publics for a peace based on compromise, including willingness to consider trade-offs and concessions that will bring them net benefits even if an agreement falls short of each party’s ideal outcome. It is these mutually antagonistic perceptions that drive the central argument about the status of the former Nagorno-Karabakh *oblast*.

Conclusion: Towards a Possible Resolution of the Nagorno-Karabakh Conflict

In this conclusion, I offer my own personal ideas for a potential resolution of the Nagorno-Karabakh conflict. In so doing, I do not mean to imply that this outcome is likely to be politically acceptable to all parties to the conflict in the near future. At the same time, the history of “near misses” and the generally agreed Madrid Principles do offer some potential guidelines for a possible resolution. In general, the framework I propose here focuses on returning to the earlier “package approach”. I acknowledge that some initial small steps might help to build confidence, not only mutually among the parties, but also in the international commitment, thereby facilitating a peaceful resolution. These steps could include, first, mutual withdrawal of opposing

9 Author interview with Karen Mirzoyan, Minister of Foreign Affairs of the Nagorno-Karabakh Republic (unrecognized), Stepanakert, 23 January 2013.

forces so as to open a demilitarized zone along the present line of contact as well as the Armenian-Azerbaijani border, combined with enhanced OSCE monitoring to try to rein in the frequent violence. If successful, this might be followed by the withdrawal of Armenian forces from up to five of the occupied territories, perhaps beginning with Aghdam. These measures would serve as a signal of progress to Azerbaijan, while assuring Armenians that their security could be preserved along frontiers other than the militarized, virtually face-to-face confrontation established at the end of fighting in 1994.

However, beyond these initial steps, I argue that there can be no resolution of this conflict until the core issue of status is confronted directly through a “package” agreement that focuses on a resolution of the sovereignty issue and then adjusts all other issues in dispute accordingly. First, a “package” serves as a framework within which cross-issue trade-offs can be made, especially in exchange for the final resolution of the core status issue. Second, it would put resolution of the status issue front and centre, since, as suggested above, most partial measures tend to assume one resolution or the other to that question and therefore are unlikely to be settled until there is a basic agreement about the final status of Nagorno-Karabakh. The biggest requirement for acceptance of the Minsk Group’s principles is that they should provide the foundation for a balanced and fair agreement. To accomplish this, whichever side comes out on top on the status issue will have to make significant concessions on most other issues to compensate the party that loses sovereignty over the disputed territory; agreement on these other issues is unlikely to appear until the status issue is resolved. Resolution of the status issue, in turn, depends above all on all parties recognizing the legitimate interests of the other parties to this dispute. It also requires recognition that a forward-looking focus on the mutual benefits to be derived from an agreement will make all parties better off in the long-run rather than arguing over the many perceived injustices of the past.

In order to resolve the core issues at the outset, I propose that an internationally supervised plebiscite should be held, as proposed by the Minsk Group, with three options available to voters regarding the legal status of Nagorno-Karabakh: 1) autonomy within Azerbaijan, 2) unification with Armenia as a province, or 3) independence for the Nagorno-Karabakh (Artsakh) Republic. However, the decision about who can vote in this plebiscite is the key question, since answering that question will almost certainly determine its outcome. Armenians would prefer to have only current residents of Nagorno-Karabakh vote, and given the current composition of the region after the “ethnic cleansing” of virtually all Azerbaijanis who formerly lived there, it is clear that independence or union with Armenia would win overwhelmingly. The Azerbaijanis, however, contend that under their constitution secession is permitted only by a vote of the population of the entire country. In this case the composition of the electorate would almost certainly assure that Nagorno-Karabakh would remain a part of Azerbaijan, since the large

ethnic Azerbaijani population in the country as a whole would oppose the “loss” of Nagorno-Karabakh. The third option – probably the fairest but also the most difficult to carry out – would be to allow all current residents of Nagorno-Karabakh as well as all refugees and their descendants who could show that they were residents of the *oblast* at the time of the breakup of the Soviet Union, i.e., the beginning of 1992, to vote in the plebiscite. In this case, independence or attachment to Armenia would also likely win, but by a smaller margin than in the first option. All parties to the Minsk Group are aware that the plebiscite itself would be largely a formality once a decision had been agreed upon about the composition of the electorate.

The government of Azerbaijan will no doubt object that any option for secession violates international law, including the OSCE Decalogue’s principle affirming the territorial integrity of states, and, at least formally, that is correct. However, continued Azerbaijani sovereignty would clearly be unacceptable to Armenians, especially to those living in Nagorno-Karabakh. Twenty years after the violence, and after a continuing series of threats emanating from Baku, it is virtually impossible to imagine that ethnic Armenians could conceive of living in an Azerbaijani state, regardless of the level of autonomy, any more than Kosovo Albanians could consider returning to Serbian sovereignty after the violence of the late 1990s. Any resolution that involved restoration of Nagorno-Karabakh to Azerbaijani sovereignty would thus need to be accompanied by extraordinary guarantees for the safety and security of all ethnic Armenians within the region. It is inconceivable that Nagorno-Karabakh could be placed under the authority of Baku without extensive and internationally monitored and supervised security guarantees. However, Azerbaijan would also pay a high price, as any such settlement would require a long-term, extensive international presence on Azerbaijani territory, which would also constitute an external interference into Baku’s territorial sovereignty. Furthermore, if the status issue were decided in favour of Azerbaijan, then most other issues would likely need to favour the rights of the ethnic Armenians within not only Nagorno-Karabakh, but in Azerbaijan as a whole. With this outcome Azerbaijan might “win” a formal victory, but in the long-run it would pay a high price.

Therefore, the alternative option is to settle the status issue in a referendum in which only present and previous residents of Nagorno-Karabakh could vote, which, as noted above, would almost certainly result in a vote for the independence of Nagorno-Karabakh. An agreement along these lines would thus seem to offer a more viable and less complicated solution, albeit still one fraught with potential stumbling blocks. This outcome would require Azerbaijanis to recognize the painful reality that they have lost Nagorno-Karabakh for the past twenty years and are unlikely to get it back at acceptable cost. Any military action to recapture the territory would certainly entail widespread international condemnation and perhaps engage powerful neighbouring states militarily with potentially devastating consequences for

Azerbaijan. Therefore, in my opinion, their best strategy would be to cut their losses, acknowledge the current reality, and get the best deal possible on all other issues. Among other benefits, this would enable the government of Azerbaijan to restore some of the international credibility it has lost in recent years, due both to its deteriorating domestic human rights performance and to its militant rhetoric of confrontation with Armenia. As outlined below, it would also enable the vast majority, though not all, of the Azerbaijani IDPs to return to their original homelands.

On most other issues beyond the final status question, the government of Azerbaijan has a strong case in its favour. Claims by leaders of Nagorno-Karabakh that the seven occupied districts of Azerbaijan are “liberated” Armenian lands simply fly in the face of all generally accepted principles of international law; it would be a huge mistake for the international community to legitimize that outcome. These territories must be returned to full Azerbaijani sovereignty simultaneously with implementation of the plebiscite on the status of Nagorno-Karabakh, and all Azerbaijani IDPs from these territories should be allowed to return to their original homelands as soon as possible thereafter. Similarly all Azerbaijani refugees from Nagorno-Karabakh and all Armenian refugees from Azerbaijan should be guaranteed the right to return to their former homes as well. In these cases the right to return is more important than the actual fact of return, as in most cases it is unlikely for the foreseeable future that many refugees would exercise that right out of fear for their personal security. Nonetheless, they should be granted that right, and all governments should commit themselves to assuring their safety if they choose to take advantage of it.

Third, rights of safe passage should be guaranteed via land and air between Nagorno-Karabakh and Armenia (or any other neighbouring state) and between Nakhchivan and Azerbaijan. This could be done in several ways. The first would be to establish highway, air, and if feasible rail access across Azerbaijan’s restored territory between Nagorno-Karabakh and Armenia as well as across Armenia’s territory between Azerbaijan and Nakhchivan, along the lines tentatively agreed upon in negotiations facilitated by the Minsk Group prior to the 1999 OSCE Istanbul Summit and again at Key West in 2001. These could function much like the highway, rail, and air corridors that connected West Berlin and West Germany across East German territory during the Cold War, in which safe passage was guaranteed along designated routes. Alternatively, one might construct a “peace highway”, as proposed by some Azerbaijan specialists, going from Baku through Stepanakert to Yerevan and then on to Nakhchivan and eventually to Turkey and the Black Sea, as well as reopening the rail link between Baku and Stepanakert. The mutual benefits from keeping all routes open would be a powerful incentive for all parties to observe the agreement, if only out of fear of retaliation in kind by the other if they impeded transit. Nonetheless, international peacekeepers should be available to assure safety of transit on all

routes for an interim period until sufficient mutual confidence is achieved and all parties recognize the joint benefits that all would receive from keeping these routes open and safe. These transit routes should be no wider than is necessary to assure safe passage by all parties; therefore, most of Lachin should be returned to Azerbaijani control.

Fourth, the international community should commit to providing international peacekeepers, mostly likely mandated by the OSCE, drawing on plans long under development by the Vienna-based HLPG. These peacekeepers should initially be stationed on the border between Nagorno-Karabakh and Azerbaijan, and if necessary also along the border between Armenia and Azerbaijan, as well as along all access routes established under provision three above. There should be broad participation from OSCE participating States with no single state dominant; therefore a limit (perhaps 40 per cent) should be set on the number of peacekeepers provided by any single state. The peacekeepers should also include a mine-clearance component to demine the many affected areas throughout the region. They should also monitor the withdrawal of all fighting forces from along the line of contact and from the border regions between Azerbaijan and Armenia.

Finally, the international community, especially the European Union, should provide substantial financial assistance for rebuilding infrastructure, housing, and other structures damaged during the fighting. Although the government of Azerbaijan is reasonably well endowed with resources and should be expected to reallocate some significant portion of the funds now dedicated to its military build-up to reconstruction, the magnitude of the task in the large occupied regions of their country is likely to be so great due to the extensive war damage that international aid will be crucial to any successful recovery. A failure to produce concrete evidence of improvement in the quality of life could undermine any peace agreement, whereas shared economic prosperity could provide a foundation for an eventual stable peace. In short, the international commitment cannot stop at mediating a peace agreement, but must follow through to assure that all elements of that agreement are effectively implemented well into the future, especially in the devastated occupied territories that would be returned to Azerbaijan's control.

An agreement along the lines suggested above will be difficult to achieve because it will involve extensive changes in the positions and indeed the beliefs of the conflict parties, and political leaders in the region will have to show real courage to resist domestic and international pressures against making the necessary compromises. But an agreement is possible if the parties recognize that the costs of an agreement are likely to be far less damaging to their interests than the continuation of this stalemated, though not "frozen" conflict, especially the high risk that it could escalate into a larger military confrontation, perhaps involving neighbouring states.

A successful negotiation will likely require the Minsk Group mediators to abandon the "step-by-step" approach and rather focus at the outset on the

very heart of the issue, namely the future status of Nagorno-Karabakh. This “can” cannot be “kicked down the road”, because settlement of all other issues depends intimately on the resolution of this core issue. This will in practice require an initial agreement about the composition of the electorate for a referendum on the status issue, since a decision about who can vote on the status issue will almost certainly determine the outcome. However, once the referendum process has been decided, then agreement about the other Madrid Principles articulated by the Minsk Group will logically fall into place, by compensating the party that in effect relinquishes claims to sovereignty over Nagorno-Karabakh with significant concessions in their favour on the other issues in contention. But it is impossible to put the “cart before the horse” as envisioned in the “step-by-step” approach, since the settlement of the issues that the Minsk Group proposes to take up initially depends entirely on the outcome of negotiations on the final status issue.

Confronting the hard issue at the outset will present many obstacles, but there is little choice if this conflict is to be resolved diplomatically rather than on the battlefield. Furthermore, the unstable and painful status quo, though acceptable to many leaders and publics in the short-run, provides no hope for escaping from the impasse that holds the entire region back economically and politically in terms of integration into the global order. Looking to the future, however, only a peace agreement along lines such as those proposed above can pave the way for a better future for all of the region’s peoples who have suffered so much over the past 25 years of intense conflict.

Focus on the Ukraine Crisis

The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons

Introduction

This contribution looks into the operational challenges the OSCE faced when planning, deploying, and subsequently expanding the Special Monitoring Mission to Ukraine (SMM) in 2014 as well as the new horizons this operation opened up for the Organization.

The deployment of the SMM in 2014 was undertaken against the backdrop of conceptual discussions on OSCE crisis response tools as well as strategic discussions on how to counter the ongoing tendency to close or “downgrade” field operations and to strengthen the relevance of the OSCE in the international context.

The OSCE’s quick and effective response to the Ukraine crisis put an end to most of the latter and gave a constructive spin to the former. However, as this contribution argues, the SMM is not necessarily an answer to either. Yet it does represent a determining factor for the future of these two debates, both of which touch on the very heart of what this Organization is: a field-based regional security organization.

To illustrate this point, this contribution will highlight the operational challenges the OSCE faced when mounting this operation in March 2014 and how it managed to overcome them. It will further look into the challenges that appeared during the build-up phase of the operation and touch upon the new horizons the OSCE set out to explore in response to the Ukraine crisis.

While this contribution deals with the SMM, it is important to keep in mind that the OSCE’s overall response to the crisis was much wider: The Swiss OSCE Chairmanship and the three envoys appointed by the Chair to perform a range of tasks,¹ the Project Co-ordinator and the National Dialogue Project, the High Commissar on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), and the Representative on Freedom of the Media (RFOM), the 2011 Vienna Document, and a new Observer Mission at the Russian Checkpoints of Gukovo and Donetsk – all

Note: The views expressed in this article are solely those of the author and do not necessarily reflect the official position of the OSCE. This contribution covers developments until 31 October 2014.

- 1 Ambassador Tim Guldemann as Personal Envoy for Ukraine (since 24 February 2014), Ambassador Wolfgang Ischinger, Representative of the Chairman-in-Office (CiO) for the National Dialogue Roundtables (12-25 May 2014), Ambassador Heidi Tagliavini, Representative of the CiO for the Trilateral Contact Group (since 8 June 2014).

these instruments and mechanisms came into play during various phases and aspects of the crisis.²

With a budget of 57.18 million euros for its first twelve months of operation, the SMM is the most expensive, most complex, and most important current OSCE field operation. The 2014 annual budget for the rest of the OSCE excluding the SMM is only 142 million euros. Its defining character for the OSCE in 2014 notwithstanding, the SMM was not included in the 2014 Unified Budget, but was initially financed mainly by voluntary contributions and a special fund consisting of obligatory extra payments made by participating States.

The Mandate of the SMM

On 21 March 2014, the OSCE Permanent Council resolved to establish a Special Monitoring Mission to Ukraine (SMM),³ initially composed of 100 civilian monitors, to contribute, throughout the country and in co-operation with relevant OSCE executive structures and actors from the international community, to reducing tensions and fostering peace, stability, and security, and to monitoring and supporting the implementation of all OSCE principles and commitments. The PC tasked the SMM to:

- Gather information and report on the security situation in the area of operation;
- Establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments;
- Monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;
- In order to fulfil its tasks, to establish contact with local, regional and national authorities, civil society, ethnic and religious groups, and members of the local population;
- Facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation.
- Report on any restrictions of the monitoring mission's freedom of movement or other impediments to fulfilment of its mandate;
- Co-ordinate with and support the work of the OSCE executive structures, including the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human

2 See <http://www.osce.org/ukrainemonitoring> for a comprehensive overview of the OSCE's various responses.

3 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014, at: <http://www.osce.org/pc/116747>.

Rights and the OSCE Representative on Freedom of the Media, in full respect of their mandates, as well as co-operate with the United Nations, the Council of Europe and other actors of the international community.⁴

The size of the Mission could be further increased to up to 500 monitors upon the decision by the Head of Mission, the Chief Monitor. Monitors were to be initially deployed to Kherson, Odessa, Lviv, Ivano-Frankivsk, Kharkiv, Donetsk, Dnepropetrovsk, Chernivtsi, and Luhansk, with a head office to be established in Kyiv.

Fast-tracking Deployment

In the final point of their decision, the participating States tasked the Secretary General to deploy advance teams within 24 hours of the decision's adoption. All that happened late on a Friday evening, which happened to be an OSCE holiday.

By the morning of Saturday 22 March, an advance team had started its work in Kyiv. Only three days later, the first teams had been trained and deployed to regions outside the capital. Within a week, monitors had been deployed to all the locations specified in the Permanent Council decision. And within one month, on 22 April, the SMM hit the target of 100 monitors deployed. All this was accomplished at a time when the OSCE was formally without a budget for 2014. Operational preparedness, flexibility, and the high motivation of the staff involved in this endeavour were the main ingredients for this success.

Preparedness

The OSCE was conceptually and operationally prepared for rapid response. The participating States showed foresight when, in December 2011, they adopted Ministerial Council Decision 3/11 on Elements of the Conflict Cycle.⁵ In this decision, they resolved to improve the OSCE's ability to act during all stages of potential or actual conflict by providing early warning, preventing tensions from escalating, managing crises that do erupt, and helping societies to rebuild after a conflict is over.

The OSCE Secretariat's Conflict Prevention Centre (CPC) had been working intensively with other OSCE institutions and field operations on the

⁴ Ibid., pp. 1-2.

⁵ Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vilnius 2011, *Decision No. 3/11, Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, And Post-Conflict Rehabilitation*, MC.DEC/3/11, 7 December 2011, at: <http://www.osce.org/mc/86621>.

basis of this decision in 2012 and 2013 to develop its early-warning system, conceptualize systematic mediation-support and – crucial for the rapid deployment of the SMM – establish an internal roster for rapid deployment, a virtual pool of equipment, and an operational framework for crisis response.⁶ These tools were ready for deployment when the Ukraine crisis broke out.

The *rapid deployment roster* is open to all OSCE staff members who are willing to be temporarily deployed to a new duty station in times of crisis. The idea of drawing on existing staff to meet urgent demands is not new. What is new, however, is that this roster gives human resources staff immediate access to information on available personnel and their core competencies, such as language skills or field experience.

Thirty-two so called “first responders” from the Secretariat and nine OSCE field operations were selected from this roster and deployed to Ukraine within four days to work as monitors and fill crucial command and administrative posts in the head office of the new mission. The Director of the CPC, Ambassador Adam Kobieracki, acted as Chief Monitor ad interim until the Chairmanship appointed senior Turkish diplomat Ertuğrul Apakan as Chief Monitor on 14 April. The first monitors recruited via the regular secondment system arrived in Kyiv on 30 March, some nine days after the decision was adopted. By the end of April, all first responder monitors had been replaced by seconded staff, while some first responders continued to play a key role in the Mission’s administration for several more weeks and some decided to stay with the Mission on a regular contract.

The *virtual pool of equipment* was created in recognition of the fact that the OSCE cannot afford to keep large quantities of expensive equipment in stock. Instead, it keeps a small contingent of less expensive items, such as laptops and satellite phones, and a database showing where it can procure critical equipment such as armoured and soft-skin 4x4 vehicles, satellite phones, and flak jackets in crisis situations. A system of so-called “window contracts” allows the OSCE to purchase such critical items quickly.

While the OSCE was moving staff from Vienna, Sarajevo, Pristina, and elsewhere to Kyiv, it was also moving vehicles, laptops, computers, and satellite phones. Thanks to the pre-arranged contracts, the Secretariat was able to buy up all the flak jackets in stock in Austria, get a range of new armoured vehicles on a truck to Kyiv within days, and purchase other important equipment. When the people arrived in the field, they had the equipment they needed.

The *operational framework* is an internal document covering the processes and procedures by which the Organization addresses a crisis or conflict in the OSCE area through properly orchestrated collective action. Taking

6 See Claus Neukirch, Early Warning and Early Action – Current Developments in OSCE Conflict Prevention Activities, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2013*, Baden-Baden 2014, pp. 123-133.

into account lessons learned and best practices from experiences such as the deployment of additional military monitors after the 2008 war in Georgia and the establishment of the Community Security Initiative (CSI) following the violent unrest in southern Kyrgyzstan in June 2010, the document provided the framework for swiftly developing an implementation plan plus a budget for the deployment of the SMM.

Of course, the decision to deploy a mission was not entirely unexpected; it was taken after three weeks of intensive political negotiations. During this time, the CPC and the other departments in the Secretariat did not just sit and watch; they planned and prepared. When the final decision was taken on 21 March, it took just minutes to publish the vacancy notices and key documents such as the operational plan for the set-up of the Mission, as finalized drafts were already in place. At the push of a button, the machine started working.

Flexibility

Another of the OSCE's strengths came into play during the rollout of the SMM and its later enlargement: its flexibility, built in part on its wide field presence. The fact that the OSCE has 16 field operations gave it the resources to deploy staff and equipment within a couple of days. The Organization's flexible administration system allowed this to happen without cumbersome procedures. Flexibility was also the key to success when the SMM was in urgent need of unarmed unmanned aerial vehicles (UAVs) and an additional 70 armoured vehicles in the summer.

Critically, a way was found to allocate funds for the deployment of the Mission in the absence of both an approved budget and an agreed crisis-response facility – OSCE-speak for a pot of money set aside for financing responses to unforeseen and hence not-budgeted crisis situations.

The OSCE contingency fund and cash savings from previous years were available to finance the set-up of the new operation and its running costs for the first month. The funds for the following months were covered by voluntary contributions. When the SMM's mandate was expanded for a second period of six months, participating States decided to partly bill themselves outside the regular budget cycle and again draw on voluntary contributions to fill the gap.

Motivation

The critical ingredient for the speedy deployment of the SMM, however, was the motivation of OSCE staff. The entire Secretariat team worked very hard over weeks to plan and prepare an operation that nobody could be really sure would ever happen. OSCE staff and mission members across the whole Organization volunteered to go to Ukraine within days, even hours, and their

supervisors were ready to let them go, providing them with cars and other equipment. Everyone involved worked overtime and long weeks from the very first Friday evening with no questions asked, giving proof to the adage that the OSCE's people are its greatest asset. Equally, the senior management and the entire staff of the SMM demonstrated an impressive resolve and motivation to perform under the most difficult circumstances.

Hitting the Ground Running: The Geneva Statement and the Hostage Crisis

The rapid deployment of the SMM and the quick build-up towards the initial target of 100 monitors was a remarkable achievement for the OSCE and was widely appreciated by participating States and international partners. However, getting 100 monitors on the ground was only the beginning. Following the Joint Geneva Statement of Ukraine of 17 April, the CPC and the SMM immediately began to consider what steps would need to be taken to expand the SMM towards its ultimate limit of 500 monitors – this was just about the time the SMM reached the first target of 100 monitors.

In the Geneva Statement, the European Union, the United States, Ukraine, and the Russian Federation agreed that all sides must refrain from violence and that all illegal armed groups must be disarmed, all illegally seized buildings must be returned to their legitimate owners, and all illegally occupied public places must be vacated. Amnesty was also to be granted to all protestors who complied and were not guilty of capital crimes. The four signatories also agreed that the OSCE SMM should play a leading role in assisting Ukrainian authorities and local communities in the immediate implementation of these de-escalation measures.

Implementing these tasks with only 100 monitors spread over ten locations was not realistic. Hence, work started immediately to define the parameters for enlarging the Mission, and, on 23 April, the Swiss OSCE Chairmanship circulated a concept paper developed jointly by the CPC and the SMM on an expansion of the Mission towards 500.⁷ However, while preparations for the expansion were going on and the last slots of the first 100 seconded monitors were being filled, a team of OSCE military inspectors operating in Ukraine under the Vienna Document was taken hostage on 25 April by an armed group operating in the city of Sloviansk, in Donetsk Oblast.

These military inspectors did not come under the mandate of the SMM, which was adopted by the 57 participating States, but were sent bilaterally upon the invitation of the Ukrainian government. Ukraine had requested their visit by invoking Chapter III of the OSCE Vienna Document 2011, which allows for the voluntary hosting of visits to dispel concerns about military activities. While not being part of the SMM, they certainly were part of the

⁷ Cf. *Concept Note on the Expansion of the Special Monitoring Mission to Ukraine in the light of the Geneva Statement on Ukraine*, CIO.GAL/64/14, 23 April 2014.

wider OSCE family. In fact, the Vienna Document was one of the first instruments used in the OSCE framework in response to the crisis in Ukraine. Between 5 and 20 March, 30 participating States had sent 56 unarmed military and civilian personnel to take part in verification visits to Ukraine under the Vienna Document. Several smaller inspection teams of unarmed military experts were sent to Ukraine following the deployment of the SMM.

The hostage taking, which was prominently reported in the media, affected the SMM in two ways. First, while the deployment of further monitors continued, the SMM had to limit its operation in eastern Ukraine for security reasons, and second, the SMM management concentrated its efforts in the following days and weeks on using its established contacts on the ground to facilitate the release of the hostages. Until their final release on 3 May, a SMM team led by Deputy Chief Monitor Mark Etherington travelled to Sloviansk on an almost daily basis to keep up the dialogue with the hostage-takers and to see the military inspectors. The SMM's crucial role in facilitating the release of the military inspectors demonstrated that the rapid deployment of the SMM had been important – because the Mission had been on the ground early and had been able to establish direct contacts with all the relevant stakeholders, it could facilitate the release of the hostages.

Within the first month of its deployment, the security environment for the SMM had seriously deteriorated. While the Mission was being planned and during its initial deployment, the situation in eastern Ukraine had been tense, with continual demonstrations and picketing and an increasing number of administrative buildings being occupied by unidentified armed groups. On the whole, however, it had not been marred by violence. The pressure to get “boots on the ground” fast meant that practically no time was allowed for a proper selection process (monitors were chosen in fast-track mode based entirely on the contents of their CVs), pre-deployment training (initially only two days induction on the SMM and the general situation in Ukraine), or the build-up of a proper infrastructure (teams operated out of hotels). The political pressure for continuing deployment in this fast-track mode in the light of the Geneva Statement and the upcoming early presidential elections scheduled for 25 May meant that the SMM had to expand further in an increasingly deteriorating security environment and had little time for consolidation.

While the SMM continued to expand the number of monitors with a focus on eastern Ukraine, the Ukrainian government increasingly lost control over parts of the Donetsk and Luhansk oblasts, including Donetsk and Luhansk cities. Still, the SMM was able to operate in most parts of these oblasts, building on the contacts it had made and continued to establish with relevant stakeholders in the region. On 26 May, however, one day after the elections, a team of four SMM monitors from the Donetsk team was abducted by armed groups. On 28 May, a group of eleven monitors from the Donetsk team was also temporarily detained when trying to leave the area no longer controlled by the Ukrainian government. This group was set free the

same evening in Donetsk. However, the next day a group of four monitors from the Luhansk team was captured, too. At the same time, the overall security in the region deteriorated dramatically, as Ukrainian forces started a new offensive to regain territory lost in the previous weeks.

With fighting becoming increasingly intense, two monitoring teams held hostage by unidentified armed groups, and other teams in these areas at high risk of becoming targets, the SMM decided to freeze the further build-up of the Mission, to put on hold all operations in areas outside the control of the Ukrainian government in eastern Ukraine, and to reconfigure its deployment. Only a small group of monitors stayed behind in Luhansk and Donetsk cities, while the majority were redeployed to other locations.

By 25 May, two months after the start of the operation, the SMM had deployed 284 international staff members, 210 of whom were monitors. As the security situation had deteriorated continually during these two months, the entire Mission was in permanent crisis mode, struggling to build up a sustainable structure while dealing with multiple crises as well as adjustments to new political initiatives such as the Joint Geneva Statement. In the following weeks, Mission resources were primarily directed towards securing the release of the captured monitors, which finally happened on the night of 26-27 June.

In the meantime, the Chairmanship appointed Ambassador Heidi Tagliavini to Kyiv as the OSCE representative in a newly formed Trilateral Contact Group, which also included the Ukrainian Ambassador to Germany, Pavlo Klimkin,⁸ and the Russian Ambassador to Ukraine, Mikhail Zurabov. This group met for the first time on 8 June to discuss a possible political solution to the escalating crisis. Ambassador Tagliavini and her team worked separately from, but complementarily to and in close co-operation with the SMM, focusing on the political talks, while the SMM continued to focus on monitoring and eventually implementing agreements reached on the political level.

Against the backdrop of ongoing fighting and the hostage crisis, the SMM continued its operation in Ukrainian-controlled territory while also preparing – with the support of the CPC – for potential new activities with regard to the implementation of new political initiatives, such as a peace plan issued by the newly elected Ukrainian President Petro Poroshenko on 20 June.

President Poroshenko's peace plan triggered a new round of intensive high-level discussions on a solution to the crisis, including a meeting of the German, Russian, French, and Ukrainian foreign ministers in Berlin on 2 July. After this meeting, the four ministers made a joint statement, calling not only for an immediate ceasefire to be monitored by the SMM, but also

8 Following his appointment as Ukrainian foreign minister, Klimkin was replaced by former Ukrainian president Leonid Kuchma.

emphasizing the need for effective monitoring of the Ukrainian-Russian border.⁹

In this context, the OSCE paid increased attention towards achieving effective monitoring of the part of the Ukrainian-Russian border that was no longer under the control of the Ukrainian government. The CPC developed proposals for a border monitoring mission to be deployed at two checkpoints on the Russian side of the border and for the use of unarmed UAVs to monitor the stretches of border between checkpoints, known as the “green border”. On 24 July, the Permanent Council decided on the deployment of OSCE observers at two Russian checkpoints on the Russian-Ukrainian border.¹⁰ On 18 July, the Secretariat had issued an invitation to bid for a turnkey solution for the operation of UAVs in Ukraine. While the Secretariat was preparing to launch another, albeit relatively small mission of 16 monitors and was looking into the possibility of deploying UAVs for the first time under OSCE control, the SMM had a new challenge to deal with.

A New Crisis within the Crisis – The Crash of Malaysia Airlines Flight 17 in Eastern Ukraine

At 13:20 UTC on 17 July, Malaysia Airlines Flight 17 (MH17) from Amsterdam to Kuala Lumpur crashed in eastern Ukraine, near the town of Hrabove, 79 km east of Donetsk – all 298 people on board died. The preliminary report by the Dutch Safety Board found that “damage found in the forward part of the fuselage and cockpit section of the aircraft was consistent with the damage that would be expected from a large number of high-energy objects that penetrated the aircraft from the outside”.¹¹ Most international media reported that MH17 was shot down by a “Buk” anti-aircraft missile fired from territory “under control” of the “Donetsk People’s Republic” (DPR) and “Lugansk People’s Republic” (LPR).

During a video conference between the Trilateral Contact Group and representatives of the DPR and LPR on the evening of 17 July, agreement was reached to allow SMM monitors to access the crash site. The next morning, the SMM was on its way to the site. In the weeks to come, SMM teams led by Deputy Chief Monitor Alexander Hug visited the crash site almost daily, documenting the site; observing the removal of debris, dead bodies, and body parts; and facilitating the access of international forensic ex-

9 Cf. *Joint Declaration by the Foreign Ministers of Ukraine, Russia, France and Germany*, 2 July 2014, Berlin.

10 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1130, Deployment of OSCE Observers to Two Russian Checkpoints on the Russian-Ukrainian Border*, PC.DEC/1130, 24 July 2014.

11 Dutch Safety Board, *Preliminary Report, Crash involving Malaysian Airlines Boeing 777-200 flight MH 17*, The Hague, September 2014.

perts and investigators.¹² The crash site covered a large area, approximately ten by five kilometres, including fields and villages. Reaching the crash site involved crossing the front line, and safe access and work on the crash site became increasingly challenging as the front line moved closer to and finally cut through the site. Eventually, the SMM had to suspend its operations at the crash site for security reasons. However, with the help of the SMM, forensic experts and investigators had managed to examine the most important parts of the site, and bodies and body parts had been recovered and transported to the Netherlands. Once more, the presence of the SMM, its network of contacts, and its standing as an impartial actor had been crucial. Once more, the SMM had had to concentrate its resources and management on a specific “crisis within the crisis”.

The Ceasefire and the Role of the SMM

During July and August, the Ukrainian army and national guard managed to take back a good part of the territory formerly controlled by armed groups subordinated to the DPR and LPR, including their former stronghold of Sloviansk. SMM monitoring teams were able to visit Sloviansk, Kramatorsk, and other localities retaken by Ukrainian government forces, while also maintaining a presence in Donetsk.

In late August, just after the international community, and the OSCE in particular, had been concentrating their attention on dealing with a Russian humanitarian convoy bound for Luhansk and Donetsk, the tide turned again. Ukrainian forces, which had almost encircled Donetsk and Luhansk, suffered heavy losses and were forced to retreat. They also faced a new front further south at Novoazovsk, which threatened the strategically important port of Mariupol.

On 26 August, Russian President Vladimir Putin and Ukrainian President Poroshenko met in Minsk, but they did not achieve a breakthrough. On 3 September – the military situation on the ground had changed dramatically in the meantime – the two agreed on an immediate ceasefire, based on a seven-point plan proposed by Putin and President Poroshenko’s 20 June peace plan. On 5 September, the Trilateral Contact Group agreed in Minsk on joint steps for the implementation of these initiatives. This Minsk Protocol¹³ was com-

12 Cf. OSCE, *MH17: Timeline of a Tragedy*, at: <http://www.osce.org/ukraine-smm/121504>.

13 Cf. *Protokol po itogam konsultatsy Trekhstoronnei kontaktnoi gruppy otnositelno covmestnikh shagov, napravlennykh na implementatsiyu Mirnogo plana Prezidenta Ukrainy P. Poroshenko i initsiativ Prezidenta Rossii V. Putina* [Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin], at: <http://www.osce.org/home/123257>.

plemented on 19 September by a memorandum providing guidance on the implementation of some of the steps agreed two weeks earlier in Minsk.¹⁴

The 5 September Minsk Protocol (MP) and the 19 September Memorandum (MM) task the OSCE in particular to:

- monitor the ceasefire regime and the requirement that forces remain on their sides of their line of contact as of 19 September 2014 (MP Articles 1 and 2; MM Articles 1 and 2);
- monitor the prohibition of the use of weapons and offensive operations (MM Article 3);
- monitor the withdrawal and prohibition of deployment of weapons with a calibre greater than 100 mm (MM Article 4);
- monitor the prohibition of the deployment of heavy armaments and military equipment in the area delimited by the population centres of Komsomolskoe, Kumachevo, Novoazovsk, and Sakhanka (MM Articles 5);
- monitor the prohibition on the installation or laying of mines within the boundaries of the security zone (MM Article 6);
- monitor the withdrawal of all foreign armed formations, military hardware, as well as militants and mercenaries from the territory of Ukraine (MP Article 10, MM Article 9);
- monitor the Ukraine-Russia state border and, once created, the security zone in border regions of Ukraine and the Russian Federation (MP Article 4);

In effect, the SMM, a mission of civilian observers, was tasked through these documents to engage in activities – such as monitoring the ceasefire and verifying the withdrawal of weapon systems and armed formations – that could be regarded as tasks for a military peacekeeping mission. It is important to note that the SMM's new tasks were to be implemented in parallel with its other core activities, including monitoring the security situation and facilitating dialogue on the ground whenever possible.

To prepare the SMM for this role, the Mission had not only to reach its target strength of 500 monitors as soon as possible, it had also to be provided with the capacity to fulfil these tasks and to operate in a highly volatile security environment. The security situation in the east remained precarious as of early November:

14 *Memorandum ob ispolnenii polozheniy Protokola po itogam konsultatsiy Trekhstoronnei kontaktnoi gruppy otnositelno sovместnykh shagov, napravlennykh na implementatsiyu Mirnogo plana Prezidenta Ukrainy P. Poroshenko i initsiativ Prezidenta Rossii V. Putina* [Memorandum with respect to the performance of the provisions of the Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin], at: <http://www.osce.org/home/123806>.

- the ceasefire was not stable, and constant fighting and shelling continued on several parts of the front line, especially at Donetsk airport, around the major railway junction of Debaltseve, at a power station north of Luhansk, and near Mariupol;
- mines and unexploded ordnance (UXO) continued to pose a danger to monitors and limited the movement of ground patrols;
- armed groups not fully under the command and control of the DPR and LPR continued to operate in the region.

To prepare for its new role, the SMM:

- increased its planning capacities by taking on additional operational planners;
- increased its reporting and analysis capacity by taking on additional reporting officers and analysts;
- expanded the 24/7 operation room by taking on additional professional staff;
- prioritized military and related expertise in the recruitment process;
- ordered 70 additional armoured vehicles with B6-level protection and personal protective equipment for all staff;
- started to build up an enhanced medical evacuation capacity, including helicopters, armoured ambulances, and paramedics;
- started to install a high-frequency radio network for eastern Ukraine to complement the use of mobile and satellite phones and VHF for short-distance communication;
- adapted the operational concept for the use of UAVs to include the gathering of ceasefire-related information and situational awareness;
- organized pre-deployment and/or induction courses for new mission members, including hostility-awareness training and specialized training for ceasefire monitoring.

By “hardening” its activities in this way while nonetheless remaining a civilian monitoring mission, the OSCE aimed to create a presence on the ground that was capable of effectively performing its tasks under the original mandate, including the OSCE’s responsibilities according to the ceasefire agreements. However, even after taking all the steps described above, several crucial disadvantages in comparison to a military peacekeeping operation remained:

- *The SMM remains a soft target.* Unlike a military peacekeeping operation, the SMM has no force-protection element. Thus, lacking self-defense capability, it represents a “soft target”.
- *Limitations of equipment persist.* While the SMM uses armoured 4x4 vehicles with B6-level protection, which is adequate to protect against

gun shots and shrapnel, it does not have – and could not operate – armoured personnel carriers, helicopters protected against surface-to-air fire, or counter-battery radar.

- *Lack of extraction capacity:* As a civilian mission, the SMM also lacks critical capabilities such as mine clearance and the ability to extract personnel trapped in minefields, crossfire, or other extreme situations.
- *Limited logistical footprint and medical infrastructure:* Military units deployed as part of a peacekeeping operation include the appropriate logistical and medical infrastructure. As a civilian mission, the SMM has no medical back-up infrastructure other than a contract with an international company providing medical evacuation from a civilian airport. Putting such infrastructure in place through a commercial contract or as a civilian voluntary contribution – though it was looked at immediately – is a task that takes several weeks to complete and is still ongoing as of early November 2014.
- *Cultural and professional diversity:* Military units deployed as part of a peacekeeping operation have to co-ordinate with other units, but they consist of personnel with unified training, known command and control structures, the same mother tongue(s), and cultural background. SMM teams, by contrast, are multinational and combine personnel from different cultural and professional backgrounds, including very different skill sets and levels of language proficiency.
- *Limited skill sets:* While some SMM monitors have a military background, and most monitors should have undergone field security training before deployment, civilian monitors lack unified training on crucial issues such as mine awareness, identification of military equipment and other techniques crucial for the observation of ceasefires, and driving armoured vehicles.

These limitations notwithstanding, it remains generally accepted within the OSCE that the SMM should continue as a civilian operation and should not be transformed into an OSCE peacekeeping mission. This view is based on three main considerations:

- While the 1992 Helsinki Document makes it possible for the OSCE to undertake peacekeeping activities, the view remains widely held that the OSCE is not in a position to plan, deploy, and implement a peacekeeping mission for operational reasons.
- Key delegations remain politically of the view that the SMM has to keep its civilian character.
- Given the sensitivities on the ground, the general assessment remains that the “civilian character” of the SMM – while to a certain degree a weakness – is actually its main asset for ensuring its ability to operate in eastern Ukraine.

Any further “hardening” of the SMM or the inclusion of military elements would therefore need to complement the civilian mission, if it were to take place at all. In other words, the SMM has to keep its civilian character and civilian face. Nonetheless, an “add-on” military mission might be considered in support of the SMM, but it would need a separate mandate.

Considerations of how this could be undertaken commenced following the offer made by Germany, France, Italy, and the Russian Federation on 17 October in Milan to provide military UAVs in support of the SMM. According to informal discussions that started in Vienna immediately after the Milan meeting, the relevant military units would be deployed under a separate Permanent Council decision and would provide support to the SMM in one particular: the gathering of information using UAVs. Only the UAVs would fly over the conflict zone, and the military personnel – armed and in uniform – would remain well outside it. By early November, the outcome of political consultations on this proposal was not yet clear, however, the debate as such is indicative of the flexibility and creativity employed by the OSCE in response to the Ukraine crisis. Whether or not military UAVs will be used in an OSCE context, the Organization has already deployed (commercially operated) civilian UAVs, which carried out their maiden flight on 23 October near Mariupol. This was exactly four months after the idea of using UAVs in Ukraine was first voiced in an internal concept paper, and just over three months after the decision to take up that proposal was made. Given the lead times that such projects usually have, this, alongside the rapid deployment of the SMM in March, is another example how fast the OSCE is able to react.

Conclusions

The rapid deployment of the SMM in March 2014 was an extremely important achievement for the OSCE given how crucial time was in the rapidly changing environment of eastern Ukraine. However, in comparison to the challenges the SMM had to deal with once on the ground, the initial deployment was, in hindsight, the easier part of the operation. Driven by a series of consecutive “crises within the crisis”, an extremely dynamic and volatile situation on the ground, and high-level political demands for immediate action, the SMM and, by extension, the Secretariat and especially the CPC, were constantly stretched to and beyond their limits. There has not yet been time to consolidate and draw breath, and nor is there likely to be in the near future. The OSCE has been and remains forced to take risks on all levels, to demonstrate flexibility, and to be willing to strive for new horizons and dive into untested waters.

The Ukraine crisis elevated the OSCE to a level of relevance for high politics and the wider European security architecture that no one in the Organization would have dreamed of in autumn 2013. Against the background

of increasing polarization between East and West, the OSCE was the only actor acceptable to all sides to deploy a monitoring operation of this kind in Ukraine. It is this shift in relevance driven by geopolitical developments that empowered the OSCE in 2014, and it was the constant responsiveness of the OSCE, in particular the SMM, that perpetuated the relevance of the OSCE as main international vehicle for crisis response in Ukraine. Whether the OSCE retains its relevance in the international arena in the future will depend to a great extent on the success of the SMM, as will the question of whether OSCE will look at its field operations in a more “self-conscious” way, i.e. will see them as a valuable tool benefitting security in Europe and thus a mean to an end rather than an end in itself or something that serves only the Organization’s own purposes. In this respect as well, the rapid deployment of the SMM was the easy part.

Russia and Ukraine: Victory Is not Possible; Defeat Is not an Option

This contribution identifies Russia's perspective on the crisis in Ukraine and highlights, within an analytical framework, key debates and points of contention that have emerged during 2014. From a Moscow perspective, the European security system is characterized by NATO-centric dominance and balance-of-power Cold War "bloc mentalities" that the West has yet to overcome. Sergey Karaganov explains that the major cause of "Russia's confrontation with the West" was Western behaviour and Russia's reaction to this. The West "pursued a Versailles policy de facto, albeit in 'velvet gloves,' that is, avoiding direct annexations and contributions, but continuously limiting Russia's freedom, spheres of influence and markets, while at the same time expanding the sphere of its own political and military interests through NATO expansion, and its political and economic pursuits through EU enlargement. One lie followed another, including the promise that the states in this new European zone would come round and assume a more constructive stance with regard to Russia. But the opposite happened: the elites in the new EU countries, especially Poland and the Baltic states, became even more hostile and whipped up anti-Russian sentiment in the North Atlantic Alliance and the European Union."¹

Russia feels that it has been excluded from strategic decision-making in Europe and that unless it acts with force to uphold its legitimate state interests, its political and economic geostrategic interests (Eurasian Economic Union, EEU), identity (conservative modernization within a Greater Russian space or "*Russky Mir*"), and ideological preferences (strong executive authority within a popular autocracy), it will be ignored. As Russian Minister of Foreign Affairs Sergey Lavrov has noted: "The events in Ukraine were not a manifestation of new trends, but rather a culmination of the course implemented by our western partners for many years with regard to Russia."²

Russia neither trusts the West nor believes that it has received or is currently receiving the respect it deserves. Russia has had an integral role shaping European culture and politics for over three hundred years. Its emergence as a great European power was sealed with the Treaty of Nystadt (1721), which saw the defeat of Sweden in the Great Northern War. For Russia, the

1 Sergey Karaganov, The Watershed Year: Interim Results, in: *Russia in Global Affairs*, 18 December 2014, at: <http://eng.globalaffairs.ru/number/The-Watershed-Year-Interim-Results-17210>.

2 The Ministry of Foreign Affairs of the Russian Federation, *Speech by the Russian Foreign Minister, Sergey Lavrov, at the meeting with members of the Russian International Affairs Council, Moscow, 4 June 2014*, 4 June 2014, at: http://www.mid.ru/brp_4.nsf/0/F772ADD4C6B7E17744257CEF005C7A2C.

lack of trust can be attributed to perceived double standards and hypocrisy regarding Western interventions or approaches to possible interventions in Kosovo, Iraq, Libya, and Syria. History matters: Ancestral memories of 1941, 1919, and 1812 still influence the Russian collective psyche, as do enduring myths in Russian political discourse centred on NATO's broken promises and the fact that Russia has only been a nation-state, as opposed to the centre of an empire, since 1991.

Central to President Vladimir Putin's foreign policy philosophy is the notion of Moscow as a resurgent great power, with Russia rescued under his leadership from the "dustbin of history". Power-shifts and the rise of non-Western centres of global power promote the emergence of a multi-polar world with Russia as one of the independent poles and thus a key actor in global decision-making – a power that is now firmly on the "right side of history". Russian power has a broad base, built on Russia's economic strength – it is one of the top ten global economies (eighth), with the third largest sovereign wealth fund. As the July 2014 BRICS summit in Rio highlighted, an alternative democratic polycentric international order is being created. With the waning of the West, market-democratic universalism loses its appeal, and the political and economic model of "sovereign democracy" rises. This alternative and, in Russia's view, increasingly attractive model is one in which human rights, democracy, and humanitarian intervention are tools of the West, which uses the language of virtue to impose a *realpolitik* agenda on the world.³ Russia's nuclear triad (submarine-launched and land-based missiles and strategic bombers) secures strategic autonomy, and the stability of society and the state is prized as a core political value.

For Russia, the West's alleged support for a "fascist junta" in Kyiv and its weak response to Russia's attempt to uphold international order are symptomatic of the end of the Western-centric structure and order – the hegemonic status of the West is over. The West is no longer the unquestioned bearer of geopolitical order, economic power, and military supremacy. Beginning in 2004 and highlighted by his Munich Speech in February 2007, his speech at the Bucharest NATO summit in April 2008, and his March 2014 address to the Federal Assembly in Moscow, President Putin has consistently argued that the unipolar system is harmful and designed to "sweep us into a

3 Cf. Sergey Markov, [American Fantasies], in: *Komsomolskaya Pravda*, 27 March 2014: "Therefore, the new Cold War is not a struggle between two empires, but a struggle by one empire, which is in decline, but is unwilling to go and is desperately clutching at its might, against the entire world, especially those resisting it. It is not Russia, but precisely the majority of the world's countries unwilling to be held hostage by the fantasies of American senators and presidents that Washington is doomed to fight." (Accessed in translation via the LexisNexis database.) See also: Sergey Markov, After Kiev Coup, the West Will Focus on Moscow, in: *Moscow Times*, 27 March 2014, at: <http://www.themoscowtimes.com/opinion/article/after-kiev-coup-the-west-will-focus-on-moscow/496915.html>.

corner because we have an independent position”.⁴ According to this understanding, the US imposes its own model of globalization, economics, policy, and culture – and the role of other countries is secondary. At the Valdai Club in October 2014, President Putin went on to characterize US policy as dysfunctional, destabilizing, and decadent: “A unilateral diktat and imposing one’s own models produces the opposite result. Instead of settling conflicts it leads to their escalation, instead of sovereign and stable states we see the growing spread of chaos, and instead of democracy there is support for a very dubious public ranging from open neo-fascists to Islamic radicals.”⁵

“Maskirovka” vs Colour Revolution

This self-image and understanding of global power-shifts and their strategic effects is critical to any assessment of Russia’s actions in Crimea and eastern Ukraine. Three main necessary facilitating or enabling factors for Russian action were present in the case of Crimea: first, the assertion that a collapse of “legitimate executive authority” had taken place (with President Viktor Yanukovych fleeing the country) and that the interim authorities in Kyiv were a far right, neo-Nazi “junta”, which is how they were characterized in the Russian media and by leading political figures in Russia, including the president and foreign minister; second, the fact that Crimea boasted a majority “ethnic Russian” population with a common language, heritage, and identity, as well as supportive local elites; lastly, the existence of prepositioned Russian military bases as well as proximate military forces based on Russian territory.

The tools and capabilities needed to act can also be understood as three-fold. First, Russian state-controlled media propaganda provided a compelling one-sided narrative of Western hypocrisy, double standards, and interference in the domestic affairs of Ukraine, which was said to have resulted in chaos and the potential for spillover into Russia.⁶ Second, President Putin had the “political will” to act and was supported by compliant state institutions such

4 Address by President of the Russian Federation, Moscow, 18 March 2014, at: <http://eng.kremlin.ru/news/6889>. See also: Jonathan Eyal, How the West swept Russia into a corner, in: *The Straits Times*, Singapore, 24 March 2014.

5 President of Russia, *Meeting of the Valdai International Discussion Club*, Sochi, 24 October 2014, at: <http://eng.kremlin.ru/news/23137>.

6 Cf. Ulrich Clauß, Deutsches Meinungsbild im Visier von Putins Agenten [Putin’s Agents Target German Public Opinion], in: *Die Welt*, 12 June 2014, at: <http://www.welt.de/politik/deutschland/article128985210/Deutsches-Meinungsbild-im-Visier-von-Putins-Agenten.html>; Ulrich Clauß, Anatomie des russischen Infokriegs in Netzwerken [The Anatomy of Russian Information Warfare in Social Networks], in: *Die Welt*, 31 May 2014, at: <http://www.welt.de/politik/deutschland/article128584422/Anatomie-des-russischen-Infokriegs-in-Netzwerken.html>; Paulius Garkauskas, Rusijos propaganda nustebino net patyrusius ekspertus [Russian Propaganda Surprised Even Experienced Experts], *Delfi*, 31 March 2014, at: <http://www.delfi.lt/news/daily/lithuania/rusijos-propaganda-nustebino-net-patyrusius-ekspertus.d?id=64391398>.

as the Duma and the constitutional court. Third, strategic directives from the Kremlin were translated into action by Russian military intelligence exercising operational control through local paramilitaries (*Samoobrona*, members of the separatist “Self-Defence Force”) on the ground supported by Russian Special Forces (“polite little green men”).

The purpose and identity of such forces are highly contested. Edward Lucas, among others, argues that the conflict in eastern Ukraine is a case of *maskirovka* (disguised or camouflaged warfare) utilizing instruments of humanitarian and social war technology. As such, this is “new-generation warfare”, in which “psychological warfare, intimidation, bribery and propaganda”⁷ are used to undermine resistance, reducing the need for firepower. At the same time, special forces, paramilitaries, and local elites act in a coordinated manner under Kremlin direction. The scripted rhetorical-kinetic sequence – “ultimatums, declarations of war, invasions, counterattacks, second and third fronts, and finally a negotiated surrender, payment of reparations and a new territorial settlement” – is replaced by invasion by stealth. General Philip M. Breedlove, NATO’s supreme commander in Europe, in a blog posted on NATO’s website reported: “It’s hard to fathom that groups of armed men in masks suddenly sprang forward from the population in eastern Ukraine and systematically began to occupy government facilities. It’s hard to fathom because it’s simply not true. What is happening in eastern Ukraine is a military operation that is well planned and organized and we assess that it is being carried out at the direction of Russia.”⁸ In line with this perspective, the US State Department argues that Russia is actively seeking to destabilize eastern Ukraine: “While Russia says it seeks peace, its actions do not match its rhetoric. We have no evidence that Russia’s support for the separatists has ceased. In fact, we assess that Russia continues to provide them with heavy weapons, other military equipment and financing, and continues to allow

7 Edward Lucas, The Russian way of war, in: *European Voice*, 29 April 2014, at: <http://www.europeanvoice.com/article/the-russian-way-of-war>. For “new-generation warfare”, cf. Jānis Bērziņš, Russian New Generation Warfare: Implications for Europe, *European Leadership Network*, 14 October 2014, at: http://www.europeanleadershipnetwork.org/russian-new-generation-warfare-implications-for-europe_2006.html. See also Paweł Wroński, Rezerwa na wsiakij sluczaj, [Reserves Just in Case], in: *Gazeta Wyborcza*, 12 May 2014: “These changes are particularly important from the standpoint of the tactics known as ‘myatezhnye’ (mutinous) wars, which Russia is using in eastern Ukraine. There, regular armed forces have been at a loss to deal with ‘little green men’ – special forces soldiers concealing their identity, appearing as representatives of the local population.” (Accessed in translation via the LexisNexis database.)

8 Supreme Allied Commander Europe General Philip Breedlove, *Who Are the Men behind the Masks?* At: <http://www.aco.nato.int/saceur2013/blog/who-are-the-men-behind-the-masks.aspx>; see also: Andrew Higgins/Michael R. Gordon/Andrew E. Kramer, Photos link masked men in Ukraine to Moscow; Growing accusations tie them to Russian military and intelligence forces, in: *International New York Times*, 22 April 2014; Prof. Roman Kuźniar, Putin polubił wojnę, [Putin Has Grown Fond of Warfare], in: *Rzeczpospolita*, 8 April 2014.

militants to enter Ukraine freely. Russia denies this, just as it denied its forces were involved in Crimea – until after the fact.”⁹

A Russian analysis provides an alternative interpretation: “Colour revolutions” themselves are in fact “camouflaged aggression”, a new type of warfare in which the actions of an armed opposition are co-ordinated by foreign states’ military staffs, rather than manifestations of local protest against corrupt and badly failing authoritarian rule. The actions of separatists in southeast Ukraine can be seen as a kind of “colour counter-revolution”. The use of covert means, including NGOs, as a feature of contemporary warfare, has been highlighted by Chief of the General Staff of the Armed Forces of the Russian Federation, General of the Army Valery Gerasimov: “The events in Syria and Ukraine and the activities of Greenpeace in the Arctic serve as an example of this. The reaction time for the transition from political-diplomatic measures to the use of military forces has been maximally reduced.”¹⁰ At an international conference on security issues held by the Russian Ministry of Defence in Moscow in 2014, Vladimir Zarudnitsky, head of the Main Operations Directorate (GOU) of the Russian Ministry of Defence stated: “First, the countries organizing the overthrow of the undesirable government use their military potential to apply overt pressure, with the goal of preventing that state from using its security forces to restore law and order. Then, as the opposition launches military operations against government forces, the foreign states provide military and economic aid to the rebels. After that, the coalition of countries can carry out military operations to defeat the government forces and assist the armed opposition forces to seize power.”¹¹ He was referring to NATO rather than Russian contemporary practice.

In terms of norms, values, and beliefs, Russia has invoked the restoration of stability through support for “legitimate executive order”¹² in the

9 US Department of State, Office of the Spokesperson, *Russia’s Continuing Support for Armed Separatists in Ukraine and Ukraine’s Efforts Toward Peace, Unity, and Stability*, Fact Sheet, Washington, DC, 14 July 2014.

10 Chief of the General Staff of the RF Armed Forces General of the Army Valery Gerasimov, [The General Staff Plans Integrated Measures for Strategic Deterrence for the Prevention of Military Conflicts – Chief of the General Staff], *Interfax-AVN military news agency*, Moscow 27 January 2014. (Accessed in translation via the LexisNexis database.)

11 Cited in: Alexander Golts, Are Color Revolutions a New Form of War? In: *The Moscow Times*, 2 June 2014, at: <http://www.themoscowtimes.com/opinion/article/are-color-revolutions-a-new-form-of-war/501353.html>. See also the statements made by Russian Deputy Defence Minister Anatoly Antonov at a conference organized by the MGIMO Institute of International Relations, cited in: Russia not to allow NATO’s military challenges to turn into a threat – Russia’s DM, in: *The Voice of Russia*, 9 April 2014, at: http://sputniknews.com/voiceofrussia/news/2014_04_09/Russia-not-to-allow-NATOs-military-challenges-to-turn-into-a-threat-Russias-Deputy-DM-5916/.

12 Yuliya Latynina, [The People and Violence], *Yezhednevny Zhurnal*, Moscow, 14 April 2014: “Having fled from Kyiv on 21 February, Viktor Yanukovich headed to Kharkiv for the Party of Regions Congress. There Mr Yanukovich was supposed to say that power in Kyiv had been seized by fascists funded by the West, to proclaim a Donetsk Republic, and to request Russia to send in troops to provide protection against the Western fascists. But the organizers of the putsch chickened out, the congress was a fiasco, and Yanukovich

face of illegitimate Western-backed fascists determined to instigate a “pogrom”, “bloodbath” and “genocide”. In March 2014, Sergey Markov, a pro-Kremlin commentator, directly stated that the destabilization of Ukraine occurred: “as a result of Washington’s actions in Ukraine where it has staged a crude coup d’état and brought ultra-radicals, including neo-Nazis, to power.”¹³ Foreign Minister Lavrov echoed this analysis in June 2013: “We warned our western colleagues many times that it is inadmissible to swing the fragile internal political situation in Ukraine, about the serious consequences of creating a spot of instability in Europe. Despite this, there was gross interference in internal Ukrainian affairs, the anti-constitutional coup d’état based on ultranationalist and neo-Nazi forces was staged and supported.”¹⁴

Igor Zevelev captures well the different dynamics and logics in Russia’s changed strategic calculus: “By spring 2014 Moscow had developed a seemingly irrational combination of the logic and rhetoric borrowed from the discourses concerning three spheres: (1) national identity (involving the ideas of ‘compatriots abroad,’ ‘the Russian world,’ ‘a divided people,’ and ‘a greater Russian civilization’); (2) international security; and (3) domestic stability. In all these spheres, the Kremlin sees threats emanating from the West.”¹⁵ Russia was therefore determined to protect co-ethnics and Russophone compatriots from danger. The notion of righting “outrageous historical injustice” and reuniting “historically Russian land” is used to justify intervention, as is Russia’s historical great power role in the region, to use the metaphors of President Putin: “The ox may not be allowed something, but the bear will not even bother to ask permission. Here we consider it the master of the taiga, and I know for sure that it does not intend to move to any other climatic zones – it will not be comfortable there. However, it will not let anyone have its taiga either. I believe this is clear.”¹⁶ In addition, the fear of a post-Yanukovich Ukraine joining NATO and closing Russia’s military base in Sevastopol is also a factor: “We are against having a military alliance making itself at home right in our backyard or our historic territory. I simply cannot imagine that we would travel to Sevastopol to visit NATO sailors.”¹⁷

In domestic terms, Russia’s gains are numerous. First, the demonstration of Russian military and national power helps to mobilize and consolidate a base in support of the president among the structures of state security (*siloviki*). The ideological construct of “*Russky Mir*” appeared to provide Putin with a malleable concept and framework for action. On 27 July 2013,

got drunk and flew off to Donetsk in a helicopter.” (Accessed in translation via the LexisNexis database.)

13 Markov, cited above (Note 3) (author’s translation).

14 *Speech by the Russian Foreign Minister, Sergey Lavrov, at the meeting with members of the Russian International Affairs Council, Moscow, 4 June 2014*, cited above (Note 2).

15 Igor Zevelev, *The Russian World Boundaries: Russia’s National Identity Transformation and New Foreign Policy Doctrine*, in: *Russia in Global Affairs*, 7 June, 2014, at: <http://eng.globalaffairs.ru/print/number/The-Russian-World-Boundaries-16707>.

16 President of Russia, cited above (Note 5).

17 *Address by President of the Russian Federation*, cited above (Note 4).

on the 1025th anniversary of the Christianization of Kievan Rus, President Putin highlighted centrality of a “single people” in the *Russky Mir*: “We know today’s reality of course, know that there are the Ukrainian people and the Belarusian people, and other peoples too, and we respect all the parts of this heritage, but at the same time, at the foundations of this heritage are the common spiritual values that make us a single people.”¹⁸ By March 2014, Federation Council speaker Valentina Matviyenko declared: “Russia has a special mission, we are responsible for the Russian world,” while Chairman of the State Duma CIS affairs committee Leonid Slutskiy (Liberal Democratic Party of Russia, LDPR) echoed these sentiments: “We participate in a geopolitical, civilisational battle for the Russian world, for the Russian language, and we have no right to allow a collapse of the Russian world.”¹⁹ A spirit of euphoria was captured by Deputy Speaker of the State Duma Sergey Zheleznyak (of the United Russia party) who characterized the joining of Crimea to Russia as a “triumph of unification, of reunification of Russian spirit, Russian culture, Russian history, Russian civilizations”.²⁰ He further asserted that Russians are “peacekeepers, we are the carriers of traditional values which can save the world from disaster”.²¹

Second, such sentiments reinforced the strong conservative rebound that had occurred in Russian society following Putin’s return to the presidency in 2012, thus maintaining and enhancing the legitimacy of Russia’s system of governance.²² Domestic political “consolidation” – an alternative interpretation characterizes this process as a further “tightening of the screws” – can now be justified as a necessary response to Western sanctions and in opposition to Western values, norms, and beliefs, propagated in Russia by an unpatriotic “fifth column”, “foreign agents”, and “national traitors”.²³ In Russia, official internal narratives that seek to explain unprecedentedly high opinion poll ratings through 2014 for the president would note his ability to frame

18 President of Russia, *Orthodox-Slavic Values: The Foundation of Ukraine’s Civilisational Choice conference*, 27 July 2013, at: <http://eng.kremlin.ru/transcripts/5783>.

19 *Sunday Night with Vladimir Solovyev*, Rossiya 1 TV, Moscow, in Russian, 1930 UTC, 2 March. Transcribed from: russia.tv/video/show/brand_id/21385/episode_id/971115

20 Special edition of the talk show “*Politika*”, Channel One TV, Moscow, 2010 UTC, 18 March 2014. (Accessed in translation via the LexisNexis database.)

21 Ibid.

22 Cf. Aleksandra Samarina, [Vladimir Putin’s New Majority. President Relies on Indigenous Russians. Or Is It Citizens of Russia?] in: *Nezavisimaya Gazeta*, 9 October 2012; Liliya Shevtsova, [Death throes], *Yezhednevny Zhurnal*, 5 February 2013; Aleksandra Samarina, [Kremlin’s Theory of Strength of Materials. Fragmentation of Elite Growing in Light of Decline in Popularity of Country’s Top Leaders], *Nezavisimaya Gazeta*, 24 August 2012. (All three accessed in translation via the LexisNexis database.)

23 Andrey Kolesnikov, [A Game of “Zarnitsa”. Presidential Staff Invite Russian Citizens To Engage in Teambuilding – To Rally Around the Kremlin and the Russian Orthodox Church on the Basis of “Patriotism”] (the headline alludes to the Soviet-era wargames known as “zarnitsa”), in: *Novaya Gazeta*, 24 October 2012. (Accessed in translation via the LexisNexis database.) See also: Brian Taylor, *Putin’s Crackdown: Sources, Instruments, and Challenges*, Ponars Eurasia Policy Memo 277, September 2013, at: <http://www.ponarseurasia.org/memo/putin%E2%80%99s-crackdown-sources-instruments-and-challenges>.

and deliver public policy as well as foreign and security policy in ways that connect with the societal preferences of a “silent majority”. Putin’s support rests on a broad constituency consisting of middle-income, conservative nationalists; the politically timid and apathetic; and the exhausted who either yearn for, or at least are prepared to tolerate, a strong hand and authoritarian stability against less certain and predictable alternatives. Putin’s approach and agenda chime with a traditional political culture supportive of the notion that Russia under Putin has been restored to great power status with its associated emotion-laden (patriotic pride, dignity, respect) values, and fearful of disorder and chaos (humiliation and terror).

Although Putin assumed power in 2000 through the non-charismatic route – he was selected from within the system – he now manifests primarily as a leader with a national mission, the only individual able to protect and safeguard a patriotic electorate and so regenerate and strategically renovate the nation. As Vyacheslav V. Volodin, a presidential deputy chief of staff, stated in October 2014: “If there’s Putin – there’s Russia, if there’s no Putin – there’s no Russia.”²⁴ President Putin’s regime, which could theoretically remain in power until 2024, can become “anti-fragile” and resilient if continuous short, victorious virtual or actual wars and crises with consequent external reactions maintain regime legitimacy even while domestic economic performance stalls due to a declining industrial and economic base on the cusp of authoritarian stagnation. Such a foreign policy further squeezes a minority entrepreneurial and creative class that is unable to function at home in the face of a state-sponsored “sovereign democracy” ideology that has morphed into triumphalist conservative nationalism in the context of an ongoing chronic state of emergency.

Third, Russia has instrumentalized the Ukrainian crisis to consolidate its wider conception of an alternative domestic order that is conservative and patriotic – defining itself in opposition to the West and its values. Russia has framed Ukraine’s crisis in terms of a contest between rival civilizational models that rest on different norms, values, and beliefs – Russia invests itself as a bearer of alternative values it is prepared to defend, with force if necessary: “The country’s conservative rebound is real. The question is the degree to which he [Putin] can manipulate social change.”²⁵ “Orthodoxy, Autocracy, Nationality” becomes the neo-traditional state dogma – fuelled by pride, patriotism, paranoia, and populism. Russia understands itself to be leading an ideological alliance of states that privilege ultra-conservative traditional fam-

24 Cited in: If there is no Putin, there is no Russia, in: *Pravda.ru*, 23 October 2014, at: http://english.pravda.ru/society/stories/23-10-2014/128877-putin_russia-0.

25 Maxim Trudolyubov, Russia’s culture wars, op-ed, in: *International New York Times*, 8 February 2014. See also: Liliya Biryukova et al., [Spiritual ties to be exported. For first time defence of traditional values becomes official aim of Russian propaganda abroad. Several ministries and departments to coordinate this work], *Vedomosti*, 13 January 2014; Tatyana Stanovaya, [In An Attempt To Understand The President’s Intentions], *Politkom.ru*, 16 December 2013. (Both accessed in translation via the LexisNexis database.)

ily values and respect for authority above the relativist liberal values of a morally bankrupt West.²⁶ Russia's internal perception and official (increasingly stereotypical) strategic narratives highlight the embattled bear caught in an existential trap – to fight or be conquered. Russia's imperial history, ethnicity, and identity, as well as a blurring and instrumentalization of the distinction between opposition and treason, are now tools in the service of power.

Timothy Snyder argues: "Eurasia was meant from the beginning as an ideological and political rival to the European Union, not just something that sits next to it and has a similar name. It is based on opposite principles – not the support of liberal principles but opposition to liberal democracy."²⁷ Russia has moved from a soft vision of Europe (via the failed "Medvedev Initiative" – a legally binding collective security treaty proposal that fell on stony ground) to a hard division of Europe via the use of undeclared military force with impunity in response to "the West's refusal to put an end de facto and de jure to the Cold War".²⁸ The EU is viewed through a zero-sum prism – Russia or Europe? The EU's Association Agreement is now declared to be incompatible with Russia's Eurasian Economic Union concept. Increased antagonism towards NATO as a "strategic adversary" helps reinforce a besieged fortress mentality and justify a 770-billion US dollar, ten-year rearmament and modernization programme, while virtual/cyber and proxy normative battles with NATO can increase as Russia pressures CIS states to limit military exercises under NATO's Partnership for Peace (PfP) and other forms of co-operation.

Not only does political, social, economic, and even cultural estrangement from the West provide ideal incubation conditions to nurture this conception, but to repudiate Crimea's annexation would be to undermine Russia's foundational narrative and special mission: its very identity. If the West (in the shape of EU and NATO member states) has been training mercenaries and snipers, and supporting neo-Nazis and violent anti-Semites in Ukraine – something that prominent Duma deputies and serious analysts are seriously, or at least publically, contending – why should Russia be concerned with disapproval from such quarters? On the contrary, criticism would indicate that Russia is in the right. Lev Gudkov, head of the Levada Center, has highlighted a two-week-long propaganda and disinformation campaign, unprecedented in post-Soviet times, aimed at manipulating public opinion. It is built

26 Cf. Timothy Snyder, Fascism, Russia, and Ukraine, in: *New York Review of Books*, 20 March 2014, at: <http://www.nybooks.com/articles/archives/2014/mar/20/fascism-russia-and-ukraine>.

27 Cited in: Jack Grimston, Moscow meddling in Bosnia, warns Ashdown, in: *The Australian*, 17 March 2014, at: <http://www.theaustralian.com.au/news/world/russia-meddling-in-bosnia-warns-ashdown/story-fnb64oi6-1226856285941?nk=c0649e9c0e2bab0ea9609ce952d54ecec>.

28 Sergey Karaganov, Europe and Russia: Preventing a New Cold War, in: *Russia in Global Affairs*, 7 June 2014, at: <http://eng.globalaffairs.ru/number/Europe-and-Russia-Preventing-a-New-Cold-War-16701>.

on several simple ideas and techniques: “infringement of the rights of Russians and the Russian-speaking population, threats to their wellbeing and lives”,²⁹ discrediting the supporters of the Euromaidan pro-European protest movement (labelling them bandits, Nazis, Banderites); “chaos and lack of leadership in Ukraine” since opponents of Yanukovich took power; and so on – has ensured negative mobilization of a greater part of the Russian society, reviving its dormant imperial complexes.³⁰

President Putin’s strategic calculus as to the likely costs and benefits of the annexation of Crimea must have concluded that the benefits outweigh the costs. At worst, Putin calculates that the West will be alienated in the short term, at best that Russian action can divide and highlight splits between those states that view Russia as strategic partner and those that consider it primarily an adversary.³¹ This thinking is clearly informed by Western historical practice, not least the experience of a divided and half-hearted EU and NATO reaction to the Georgia crisis in 2008 (the “Tagliavini Report”).³² Following the financial crisis, solidarity and shared responsibility are less in evidence – Western states prefer to act according to their own immediate interests and priorities, privileging this above the longer-term interests of the preservation of peace in the international system. Economic interests and interdependence, whether it be Russian gas (Germany), arms sales (France), or banking and investments (UK), also tend to moderate Western responses. The US’s perceived need to use Moscow’s leverage in global strategic hotspots, to act with it in concert to contain the fallout in Syria, manage the Iran nuclear dossier, or the six-party talks on North Korea’s nuclear programme, constrains the backlash. The ability of Russia’s public intellectuals to articulate a compelling narrative of moral equivalence shapes an internal perception that Russia is now a free actor in the international system.³³

In terms of foreign policy gains, we can break these into three. First, regarding Ukraine, Russia is presented with a geopolitical victory in the form of its ability to “divide and destabilize” or “partition and destroy” Ukraine.

29 *Situatsiya v Ukraine i v Krymu* [The Situation in Ukraine and Crimea], Levada Center Press Release, 13 March 2014, at: <http://www.levada.ru/13-03-2014/situatsiya-v-ukraine-i-v-krymu>. (Accessed in translation via the LexisNexis database.)

30 Ibid.; see also: Anna Arutunyan, Kremlin to tighten screws in wake of Kiev unrest, in: *Moscow News*, 24 February 2014, at: <http://themoscownews.com/politics/20140224/192255055.html>.

31 Cf. Tomasz Bielecki, Zmusić Putina [Force Putin], *Gazeta Wyborcza*, 8 March 2014; Leon Hadar, Will America re-pivot to Europe? Whether Ukraine crisis strains US-EU ties or solidifies them, US policy towards E Asia may be affected, in: *The Business Times Singapore*, 12 March 2014.

32 Cf. Independent International Fact-Finding Mission on the Conflict in Georgia, *Report*.

33 Aleksey Pushkov, chairman of the State Duma’s International Affairs Committee, has stated: “If the West has recognized the Kiev Maidan as ‘an expression of the Ukrainian people’s will’, then it should recognize that the people of Crimea also have the right to express their will.” At: https://twitter.com/Alexey_Pushkov/status/438604919395078144; See also: Valeriya Chepurko et al., [Fedor Lukyanov, political analyst: is February 2014 in Kiev a copy of October 1993 in Russia?], *Komsomolskaya Pravda*, 20 February 2014. (Accessed in translation via the LexisNexis database.)

Nana Gegelashvili, director of the Centre for Regional Problems of the Russian Academy of Sciences' United States and Canada Institute, argues that Russia's role as a power broker in the CIS has been reinforced: "Russia, as the successor of the USSR, is still capable of regulating and determining their territorial integrity – the key problem of practically each post-Soviet country."³⁴ From a Russian perspective: "The principle of responsibility to protect is perceived in Russia as nothing more than the efforts by the society of democratic states to reap the benefits of democratic peace theory by means of military intervention. Russia is worried that the West has a pre-established consensus about which side to support in internal conflicts (rebels over non-democratic governments) and that its frequent commitment to regime change leads not to settlement but to the further escalation of conflicts."³⁵ This has the effect of binding the wider CIS periphery to the Russian Federation in a dependency relationship, while also underscoring Russia's "order-producing" and "managerial" role in the region and thus its "centre of global power" status.

However, Russia's rhetoric in support of "Novorossiia" and the "Russky Mir" have resulted in a number of reversals that became more apparent as the year progressed. First, we can look to a shift from Central Asian bandwagoning to balancing behaviour, and growing doubts in the region as to the EEU's objectives, costs, and benefits. Central Asian states are uneasy at Russian use of force against a former Tsarist territory with a limited history of statehood and internal divisions. As Alexander Cooley noted with regard to Kazakhstan: "Though officially supportive of Crimea's referendum, Kazakh authorities are concerned about the potential for Russia to similarly interfere in Kazakhstan on the pretext of defending the rights of the country's sizable Russian minority (many of who hold Russian passports), as well as the potential damaging impact of Russian media campaigns."³⁶ Indeed, President Nazarbayev used his annual address in 2014 to underline Kazakh statehood and Kazakhstan's right to make its own strategic choices – China and the Silk Road were highlighted, the EEU was not mentioned.³⁷ Prior to this, President Nazarbayev had also stressed the economic rather than political nature of the EEU, stating: "Whenever the rules specified by the treaty are neglected or defied, Kazakhstan retains the right to forsake Eurasian Union membership.

34 Nana Gegelashvili, [Effects of the Ukrainian Crisis: The Georgian dimension], *Politkom.ru*, 11 April 2014. (Accessed in translation via the LexisNexis database.)

35 Yulia Nikitina, *Russia's Policy on International Interventions: Principle or Realpolitik?* Ponars Eurasia Policy Memo 312, February 2014, at: <http://www.ponarseurasia.org/memo/russia%E2%80%99s-policy-international-interventions-principle-or-realpolitik>.

36 Ryskeldi Satke, Kazakhstan Opposition Fears Ukraine's "Russian Spring", in: *The Diplomat*, 12 April 2014, at: <http://thediplomat.com/2014/04/kazakhstan-opposition-fears-ukraines-russian-spring>.

37 Official Site of the President of the Republic of Kazakhstan, *The Address of President of the Republic of Kazakhstan N. Nazarbayev to the people of Kazakhstan. November 11, 2014: Nyrlı Zhol – The Path to the Future*, 11 November 2014, at: http://www.akorda.kz/en/page/page_218343_.

Astana will never belong to organizations that compromise Kazakh sovereignty. Our sovereignty is our most precious asset. This is what our grandfathers fought for. We will do everything to protect it.”³⁸ Belarus has exploited opportunities to drive up costs of integration with Russia to gain concessions.

States in the region also resist being dragged into a political battle between Russia and the West and will look to use China to hedge and balance. China combines neoliberal economics with political authoritarianism, and a narrow legal positivist perspective on respect for international law, statehood, and borders: “China has never interfered in Central Asia’s internal politics, never voiced an opinion on inter-regional disputes like borders or water rights, and never, publicly, had anything but praise for Central Asian leaders. It is in China’s interest that the situation remains as it is now.”³⁹ China’s brand and normative appeal has greater resonance than before when contrasted with that of a neo-imperial self-styled “Master of the Taiga”, particularly when underwritten by a 40 billion US dollar fund to develop the “Silk Road Economic Belt” through Central Asia – which some have dubbed a “Marshall plan with Chinese characteristics” – complemented by an Asia Infrastructure Investment Development Bank, launched in October 2014, with expected initial subscribed capital of 50 billion US dollars.

Second, Russia can challenge “North Atlantic interests”, the US’s credibility as the guarantor of order, and NATO’s position as the legitimizing framework of the US as a European power. As signatories to the 1994 quadrilateral Budapest Memorandum on Security Assurances,⁴⁰ which provided statehood guarantees to Ukraine in return for denuclearization, the US, France, and the UK have seen their credibility and that of the Non-Proliferation Treaty (NPT) regime itself undermined. North Korea and Iran will draw their own conclusions from this. The Atlantic order is challenged by Russia’s ability to question the territorial status quo that has remained sacrosanct for 25 years. NATO Deputy Secretary General Alexander Vershbow has commented: “We have seen Russia rip up the international rulebook. President Putin and his government have tried to change borders at the barrel of a gun. They have actively subverted the government of a neighbouring state. And they have proclaimed a right to limit the sovereignty of territories which have at some point in history been part of Russia, or where large Russian-speaking communities live. All these actions call into question fundamental principles

38 Sergei Strokan, Kazakhstan sees the Eurasian Union as a purely economic alliance and nothing more, in: *Kommersant*, 1 September 2014, p. 6.

39 Bruce Pannier, *China’s Limits in Central Asia*, RFE/RL, 30 November 2014, at: <http://www.rferl.org/content/china-central-asia-/26717574.html>.

40 Cf. *Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, signed on 5 December 1994 by Presidents of Ukraine, the Russian Federation and the United States of America, and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland*, Annex to United Nations General Assembly/Security Council, A/49/765 and S/1994/1399, 19 December 1994.

that Russia subscribed to, and they put at risk the post-Cold War order that we have built with such effort together with Russia, not against it.”⁴¹

However, Western sanctions were in fact increased, and, alongside falling oil prices, Russia’s economy imploded in 2014, with capital flight, rouble devaluation, and rising inflation all portending a very difficult 2015. The Russian economy became hostage to the Ukrainian crisis, and the Ukrainian crisis itself highlighted a strategic trilemma from which Putin is unable to extricate himself or his country. Simply put, how can Russia maintain influence in Ukraine and by extension throughout the “Russian World”, preserve good relations among great powers, and also be at the heart of a new international order? How to break the rules and still be loved? Putin’s problems are multiple. The downing of a civilian passenger airliner on 17 July 2014 did much to turn European opinion, particularly in Germany. An admission of culpability would indicate that Putin was either unable or unwilling to control his own military and intelligence services. If unwilling, then the international community has to conclude that Russia has chosen to be a state sponsor of terrorism – in other words, a pariah, in need of sanctioning, isolation, and containment. On the other hand, if he was unable, then it follows that Russia’s military and intelligence services are autonomous, able to undertake unauthorized arms transfers and not just shape but determine Russia’s foreign and security policy. The emperor would truly have no clothes: Russia would appear to be a failing state, an unreliable and unstable partner for the West, and an unattractive global brand unable to even present a vision of an alternative international order, let alone lead one. The great power truce would be in jeopardy.

However, if President Putin backs off from oxymoronic “clear covert” support for the rebels, “real” Russian nationalists will talk of abandonment and appeasement in the context of their inevitable defeat. More importantly, Russian influence in eastern Ukraine will be visibly curtailed, at least in the short-term. Putin will have “lost Ukraine”, gained the liability of Crimea, effectively damaged the Russian economy, and scared many of Russia’s neighbours – to what end? Logically, therefore, Russia appears boxed in, with one self-defeating option left open: to deny culpability loudly and repeatedly and focus on shifting blame by elaborating conspiratorial explanations. Hence, the dominant official line is that, rather than a nexus between Russia and the rebels, there is in fact a connection between the US and Europe and the “fascist junta” in Kyiv, who are plotting to discredit Russia.⁴²

Third, though annexation by force on grounds of minority protection is anathema to China, Russia could still maintain equality of relations with

41 NATO Deputy Secretary General Ambassador Alexander Vershbow, *Looking towards the Wales Summit*, Rome, 13 June 2014, at: http://www.nato.int/cps/en/natolive/opinions_111056.htm.

42 Cf. Graeme Herd, Blown out of the sky: Putin and Russia’s strategic “trilemma”, in: *The Conversation*, 4 August 2014, at: <https://theconversation.com/blown-out-of-the-sky-putin-and-russias-strategic-trilemma-30059>.

China – indeed, a display of calibrated power would enhance Russia in the eyes of its strategic partner. From a Russian perspective, the threat of China’s economic and demographic domination in Central Asia is not considered as great a strategic threat as the US provoking a “Colour Revolution” in Ukraine. Russia also has an important global utility for China. Putin’s Russia is viewed as a geostrategic counterweight to the US, even if there are normative strings attached. China does not want Xinjiang to become the Ukraine of Central Asia, or a Donetsk People’s Republic referendum transposed to Hong Kong, though annexation of territory (Crimea) may tempt “security perimeter” hardliners in China with regard to island disputes. China seeks both to contain any potentially destabilizing fallout from the Ukraine conflict from spreading to its borders and to minimize the possibility of Russia’s implosion, given Russia’s utility in the international system.

However, when China calculates how best to balance its needs for co-operation with Russia on a global level with growing competitive tensions with Russia in Central Asia, it does not have to take into account the prospect of alienating Russia and driving it into a US partnership or alignment. Similarly, if Russia will not give up on Ukraine, it cannot hedge against the risks of becoming dependent on Chinese capital and technology. Thus, while China will not actively oppose or contradict face-saving Eurasian Union rhetoric emanating from Moscow designed to bolster power and prestige, the Collective Security Treaty Organization (CSTO), the Eurasian Customs Union, and the EEU will increasingly be understood as virtual constructs and Russia as a virtual pole in the international system: “Russia will gradually change and fit into the niche that has been assigned to it in the world design – an important player, but not a decisive one, independent to the extent that its share of the global economy permits. In other words, extremely moderately.”⁴³

Conclusions:

The annexation of Crimea and the ongoing destabilization of eastern Ukraine have brought into sharp focus key prior characteristic trends in the European security order. Russia’s self-perception of its standing, power, and status and its historical and psychological justifications for its actions in Crimea differ radically from the views of its neighbours in the Euro-Atlantic space. Russia appears to have emerged not only as a fully fledged strategic adversary to the “political West” but also with the belief that the West needs a strategic adversary – the US to bind European partners to its foreign and security policy agenda (maintaining primacy), Europeans to distract voters from domestic woes. By contrast, US and European leaders have characterized the

43 Fyodor Lukyanov, [Apologia of unspoken words], *Rossyskaya Gazeta* website, Moscow, 24 December 2014. (Accessed in translation via the LexisNexis database.)

annexation as “illegal and illegitimate”, a “land grab” and Putin as a “thief”, “delusional”, and operating “without basis in reality”. External perceptions of Russia focus on its economic vulnerabilities and political instabilities.

Regime stability and political ambition are functions of the price of oil, and the Russian economy has contracted sharply as the price of oil has fallen to under 50 US dollars per barrel. Russia’s lack of allies and the prospect of stagnation rather than great power renewal and resurgence look set to be the reality. As the Valdai Club speech demonstrated, President Putin is well able to provide a compelling critique of the current international system, but has yet to articulate a grand vision of an alternative to a liberal, capitalist, and democratic order led by a US network of alliances, institutions, geopolitical bargains, client states, and democratic partnerships.

Is President Putin practising suicidal statecraft, or is he gambling that the design and implementation of strategic renovation of the state can only occur under the painful impetus of an anti-Western strategic context? If the latter, channelling the next phase of Russia’s historical development along a populist, anti-Western imperial restoration path secures elite preferences for what constitutes “sustainable order”: It crushes internal dissent; promotes technological sovereignty; increases the importance of the Russian-led integrationist EEU; accelerates Gazprom’s pivot to Asian energy markets; stimulates Russia’s domestic food production – “now growing at between 6% and 10%”⁴⁴ – and constrains and controls “Near Abroad” political transformations. Russia’s closed elite is young, cynical, dynastic, pragmatic, and extremely rich – 110 billionaires control 35 per cent of Russian GDP, the equivalent of 420 billion US dollars.⁴⁵ This elite is a combined political and economic group, resistant to foreign influence, operating in a closed political system and it isolates and ring-fences strategic economic areas from foreign capital. Russia’s elite supports the ongoing shift in Russia from legal-constitutional to traditional-charismatic legitimation since, were the corporatist nationalist state to reform, power continuity would not be possible.

Three destabilizing logics appear to be at work, serving to lock Russia into cycles of confrontation. First, the greater Russia’s economic weakness, the more likely assertive and anti-Western foreign and security policies are to emerge to compensate and distract. An escalation in “nuclear diplomacy” and signalling as cash gets scarce and budgets are squeezed is already occurring, as Putin responds to pressure to justify the political utility of high nuclear expenditure. Second, Russian internal propaganda ensures that the lower levels of external trust translate into higher levels of internal, albeit negative, mobilization. The logic here being that, to maintain societal support in an economic crisis, Putin needs to find an enemy, then declare a war – and

44 The end of the line, in: *The Economist*, Moscow, 22 November 2014, at: <http://www.economist.com/news/briefing/21633816-more-decade-oil-income-and-consumer-spending-have-delivered-growth-vladimir-putins>.

45 Cf. Ron Synovitz, *Russia Has Highest Level of Wealth Inequality*, RFE/RL, 10 October 2013, at: <http://www.rferl.org/content/russia-billionaire-wealth-inequality/25132471.html>.

Russia has not only run out of credible internal scapegoats, but its security services are loyal and powerful. Third, the worse the pain the greater the gain. The logic here being that pain and gain are not evenly distributed. In order to undertake structural reform of the Russian economy, some current elite vested interests will be undermined. Although destabilized elites could contemplate a palace coup, Putin has freed himself from elite dependency through garnering public support, and he himself can still determine who wins and who loses, thus ensuring loyalty. So the more some sections of the elite suffer, the greater societal support and the greater the prospect of real reform. Given the context of the 70th anniversary of victory in the Great Patriotic War (1941-45) in 2015, the ongoing Ukrainian crisis will increasingly be reified through the lens of endurance, suffering, and sacrifice before final victory – helping consolidate a societal base in a time of economic hardship.

Thus, when we look to 2015, rather than a “charm offensive” in Western capitals, Russia appears set to escalate conflict in Ukraine’s east. Putin’s shrinking inner circle (Russia’s securitocracy) have a vested interest in maintaining conflict – it secures or ring-fences funding for their corporate interests. In addition, they gamble that a continuous state of emergency will lead to structural economic reform and so serve as the foundation for the strategic renovation of a “great power” state. 2015 will indicate whether this is indeed suicidal statecraft or if the gamble might be successful.

What Makes Russia Tick?

The crisis in and around Ukraine that started in the autumn of 2013 has several disturbing aspects:

- It has shown that – in spite of numerous official declarations and documents – there is no genuine partnership between Russia and the Euro-Atlantic community. Real partnerships should be based not only on common interests in the field of security, but on shared values and common perceptions of international and domestic developments. Instead, the USA and Russia are still pursuing the disarmament agenda of the Cold War – now complemented by the fight against terrorism.
- In the last decade, we have witnessed severe geopolitical competition in the post-Soviet space. On two occasions (Georgia in 2008, Crimea in 2014), Russia has departed from the territorial status quo defined by the collapse of the Soviet Union.
- It would be a great mistake to reduce the Ukraine crisis to the dilemma “Who should Ukraine be with – Russia or Europe?” Ukraine has no alternative to partnership with both Europe and Russia, who, in turn, would be well advised to co-operate with Ukraine, instead of competing in and around it.
- The developments in Ukraine were evidence of a very deep crisis among Ukraine’s political elites. Neither Russia nor the West noticed the rise of aggressive nationalism in Ukraine in late 2013 and early 2014.
- The developments in Crimea and Ukraine dramatically changed the political situation inside the Russian Federation. The level of mutual intolerance between “patriots” and “liberals” is so high that it is leading to deep divisions in Russian society. Furthermore, the economic aspects of this situation (the costs of integrating Crimea, the sanctions, and the dramatic fall in the price of oil) could place severe strains on the Russian economy.

All in all, this has been the most serious crisis of the European security system since the end of the Cold War. Russia and the West have been following the worst parts of Cold War logic by supporting whichever forces in a third country (Ukraine) proclaim their adherence to one or the other. The result has been a civil war.

Note: First published in: *Sicherheit und Frieden – Security and Peace*, S+F 3/2014, pp. 218-220 (in German).

Here it makes sense to come back to the main question of this contribution: “What makes Russia tick?”

After the collapse of the USSR, Russia declared itself a democratic country, signaling to the West that it would like to be integrated into the Euro-Atlantic community as an equal partner. The fact is, however, that Russia was very weak in the early 1990s, and its future was unpredictable. The West’s reply was that Russia should start a process of democratization by building a system of effective institutions, putting in place democratic and civil control over the military and secret services, and promoting the development of civil society and communication between civil society and the state bureaucracy – in other words performing certain “housekeeping” tasks, which, no doubt, were in the interest of Russia itself. But Russian society – both elites and the population as a whole – felt offended and humiliated, as it appeared that the West did not appreciate Russian efforts to transform the communist system.

During the 1990s and early 2000s, Russia made several efforts towards integration into Euro-Atlantic institutions. Though those efforts were not very well articulated and sometimes unclear, the main vector of Russian foreign policy was still integration into the West. Bearing in mind the complicated political situation that prevailed within Russia, where there was no consensus among elites on the issue of integration or even partnership with the West, it is clear that the Russian government was then more European and more Euro-Atlantic than the majority of the society, whose thinking continued to be governed by stereotypes dating from the Cold War period.

The situation changed dramatically in 2005-2006, when the global economy (galloping oil and gas prices) pushed Russian elites into thinking that they should correlate Russia’s new “economic might” with a new political role in the international arena. Since then, all major Russian foreign policy documents have reflected the fundamental view that Russia no longer wishes to follow an international agenda shaped by others, but would like to participate in shaping that agenda together with key actors such as the USA and the EU on an equal basis.

In the Russian view, the West betrayed the notion of an “equal partnership” and ignored Russian national interests in several situations, including the following:

- when NATO started its air campaign against Yugoslavia in 1999;
- in continuing the process of NATO enlargement despite all Moscow’s protests;
- when the USA and the UK launched a military operation against Iraq despite the lack of clear evidence that Saddam Hussein’s regime had weapons of mass destruction;
- when UN Security Council Resolution 1973 on Libya was – in Russia’s assessment – misused to overthrow the Gaddafi regime;

- when Russia's views on conventional armed forces in Europe and missile defence were misinterpreted in ways that did not take seriously Russian interests or Russia's vision of its own security.

But the Russian leadership's most crucial concern was connected with the process of extending NATO enlargement into post-Soviet space. While Germany and France, in spite of pressure from Washington, resisted granting Membership Action Plans to Georgia and Ukraine at NATO's Bucharest Summit in April 2008, a formula was ultimately found according to which those countries would become members of NATO, yet without a concrete timetable. This was perceived by Russia's political and military leadership as a promise that the two countries would be integrated into NATO, and the Kremlin openly declared that Russia would use every means at its disposal to prevent Georgian and Ukrainian integration into the Alliance.

During his first visit to Berlin in June 2008, Dmitry Medvedev, Russia's president since May, presented a Russian initiative for a prospective European Security Treaty (EST), which aimed at Russian integration into a modified security system. Of course, this proposal had not been fully worked out, and the South Ossetia crisis and, subsequently, the global financial crisis meant that the international community never discussed the EST proposal seriously. Instead, NATO-Russia co-operation in the framework of the NATO-Russia Council was frozen in the wake of the Russia-Georgia war and only revived in December 2009. Only on the eve of NATO-Russia Summit in Lisbon in 2010 was the EST discussed between President Medvedev, Germany's Chancellor Angela Merkel, and French President Nicolas Sarkozy at a short summit in France. However, the "reset" in US-Russia and NATO-Russia relations that had been launched in March 2009 never got beyond the level of rhetoric, as disagreements over NATO's missile defence system were so serious as to prevent both sides from taking any steps to make it a practical reality.

Later on, the lack of political will in Russia, the developments in North Africa and the Middle East (the "Arab Spring"), the crises in Libya and Syria and the different understandings of global security challenges in Russia and the West (in spite of the existence of documents on common security threats) resulted in a situation in which the dramatic lack of trust between Russia and the West (in spite of positive practical co-operation on the NATO-Russia track) again became a serious factor in their relationships.

When Vladimir Putin returned to the Kremlin as president, the main vector of Russian foreign policy shifted from the Euro-Atlantic to the Euro-Asian space. On the one hand, this reflects an objective geopolitical tendency (the USA also made the pivot to Asia), on the other hand, it is a result of the subjective perceptions of Russian elites that the West does not want to accept Russia as an equal partner.

Since the EU and Russia started to play tug-of-war over Ukraine, we have witnessed the revival of old patterns of behaviour from the Cold War period, when one country or another was used as a staging ground for the achievement of geopolitical goals. The “reunification” of Crimea with Russia helped Russian leaders to deal with several problems. First, Russia demonstrated once again that without its participation it is no longer possible to solve problems in the post-Soviet space (including the Euro-Atlantic integration of individual post-Soviet states). Second, it underlined the fact that it influences the shaping of the international agenda. And third, it made clear that Ukraine is a core Russian interest, as its alignment is crucial not only to Russian security, but to Russia’s conservative political base.

Here it should be noted that the recent deterioration in the Russian domestic situation occurred independently of Russian policy vis-à-vis Ukraine, as its economy is entering a period of stagnation. This was obvious in 2013, which saw slowing economic growth, declining state revenues, inflation, and other problems including a very high level of corruption in the Russian bureaucracy, the lack of effective institutions, incomplete separation of powers among the various branches of government, insufficient feedback between civil society and the state, and an absence of democratic and civil control over the military and secret services. Sooner or later, this type of state will always face challenges and risks that it cannot solve. For Russia, Ukraine represents a classic propaganda attempt to shift attention from domestic problems and to blame all the country’s difficulties on enemy activities and sanctions.

The Ukraine crisis is not over, the presidential elections mark only a certain stage in its evolution, but some lessons could be learned from developments in the four months up to May 2014:

- The “information warfare” practiced by all sides during this crisis has been so extreme as to make objectivity all but impossible; the international community should elaborate a “code of conduct” for reporting on such events;
- Russia cannot be excluded from the discussion on the future of the post-Soviet space. Russia, Europe, and the USA should co-operate – not compete and not confront each other – in this region;
- It is obvious now that the Euro-Atlantic security system that existed before the crisis will no longer be able to operate as it used to – neither institutionally, nor in substantive terms. The move of both sides towards mutual deterrence is a great challenge for their partners beyond Europe, who are not ready to accept either the Western position, or the Russian reaction. That is why the responsibility of political elites and the expert community in the USA, Europe, and Russia is to rethink conflict prevention measures as well as the way they interact during various kinds of crisis.

Ukrainian Civil Society from the Orange Revolution to Euromaidan: Striving for a New Social Contract

This is the Maidan generation: too young to be burdened by the experience of the Soviet Union, old enough to remember the failure of the Orange Revolution, they don't want their children to be standing again on the Maidan 15 years from now.

Sylvie Kauffmann, The New York Times, April 2014¹

Introduction

Ukrainian civil society became a topic of major interest with the start of the Euromaidan protests in November 2013. It has acquired an additional dimension since then, as civil society has pushed for reforms following the appointment of the new government in February 2014, while also providing assistance to the army and voluntary battalions fighting in the east of the country and to civilian victims of the war. In the face of the weakness of the Ukrainian state, which is still suffering from a lack of political will, poor governance, corruption, military weakness, and dysfunctional law enforcement – many of those being in part Viktor Yanukovich's legacies – civil society and voluntary activism have become a driver of reform and an important mobilization factor in the face of external aggression.

This contribution examines the transformation of Ukrainian civil society during the period between the 2004 Orange Revolution and the present day. Why this period? The Orange Revolution and the Euromaidan protests are landmarks in Ukraine's post-independence state-building and democratization process, and analysis of the transformation of Ukrainian civil society during this period offers interesting findings.² Following a brief portrait of Ukrainian civil society and its evolution, the contribution examines the relationships between civil society and three other actors: the state, the broader society, and external actors involved in supporting and developing civil society in Ukraine. The relationship between civil society and these three counterparts is mutually reinforcing in each case: Civil society acts proactively with respect to the other actors, seeking partnership and setting an agenda, while the other actors create an "operating environment" for civil society ac-

1 Sylvie Kauffmann, Ukraine's Activists Are Taking No Chances, in: *The New York Times*, 25 April 2014, at: <http://www.nytimes.com/2014/04/26/opinion/kauffmann-ukraines-activists-are-taking-no-chances.html>.

2 For a good account of the various phases of civil society development since independence, see: Mridula Ghosh, *In Search of Sustainability. Civil Society in Ukraine*, Berlin 2014.

tivities. The way the state treats civil society, popular support for and trust in civil society, and the activities of external actors all play an important role in either stimulating civil society development or, on the contrary, creating obstacles for its activities.

This contribution adopts a broad definition of civil society as “the sum of institutions, organizations, and individuals located between the family, the state, and the market, in which people associate voluntarily to advance common interests”.³ From this perspective, civil society includes both formally registered organizations and informal, spontaneous coalitions of citizens.

This contribution argues that Ukrainian civil society, despite still suffering from a lack of sustainability, difficulties in effectively influencing the reform process and reaching out to the people, and an over-dependence on external funding, has made an important qualitative leap since the days of the Orange Revolution. This concerns primarily the way civil society is organized and its self-perception, but also the three relationships mentioned above. Today, Ukrainian civil society sees itself as a fully fledged actor in the reform process and demands its inclusion in policy-making. To this end, it has become more consolidated, as various civil society movements, monitoring and advocacy networks, and voluntary initiatives have mushroomed, initially in the first years of Yanukovich’s presidency from 2010, but more so during and after Euromaidan. Ukrainian civil society’s self-perception of its role in the country’s development echoes Charles de Gaulle’s famous saying that “politics are too serious a matter to be left to the politicians”.

Understanding this qualitative shift in Ukrainian civil society and its role in Ukraine’s transformation is very important. This perspective counterbalances or at least supplements the state-centred approach to assessing developments in Ukraine, which still prevails. Without taking civil society into account, one cannot have a comprehensive understanding of current developments in Ukraine.

Ukrainian Civil Society: A General Portrait and Overview of Its Evolution

Since the Orange Revolution, there has been a steady increase in officially registered civil society organizations (CSOs) in Ukraine. By 2014 there were already 75,414 non-governmental organizations (NGOs), known officially as “civic organizations”, as well as 28,851 trade unions, 15,904 associations of co-owners of multiple-family dwellings, 15,708 “charitable foundations or organizations”, 1,369 self-organized territorial communities, and 276 profes-

3 Helmut K. Anheier. *Nonprofit Organizations. Theory, management, policy*, London 2005, p. 9. Cf. also Michael Edwards, *Civil Society*, Cambridge 2014.

sional organizations.⁴ These different forms of civil society organization reflect the diversity of aims and activities they pursue.

NGO is the most widespread form of registration of a civil society initiative in Ukraine. Yet, although there were over 75,000 such organizations registered in 2014, only some 3,000-4,000 of those, according to Ukrainian experts, are active and functional, whereas the rest exist only on paper or terminate their registration after a short period of time.⁵

When it comes to the work carried out by active NGOs, a poll conducted among 623 NGO leaders in 2010 revealed that 44 per cent occupied themselves primarily with such issues as “children and youth”, 27 per cent focused on civic education and another 27 per cent on human rights, while 25 per cent said they worked with social issues and problems.⁶

This data does not reflect informal civil society networks and voluntary activities, which have become very widespread in the recent years, as will be highlighted later on in this paper. Neither does it include protest actions, which is another important aspect of civil society activity.

International indices that have been quantifying civil society activity in many countries over years are useful means of assessing the level of development of Ukrainian civil society in comparative regional and temporal context. These include the Civil Society Organization Sustainability Index (CSOSI) of the United States Agency for International Development (USAID) and the Nations in Transit report of Freedom House. Unfortunately, Ukraine is not included in the CIVICUS Index of the Johns Hopkins Center for Civil Society Studies, which would be another valuable source of information.

According to the 2013 USAID index, Ukrainian civil society belonged to the category “sustainability evolving”,⁷ which lies between “sustainability enhanced” and “sustainability impeded”. This was true for six of seven indicators,⁸ the exception being “advocacy”, where Ukrainian civil society showed “enhanced” sustainability. According to USAID, Ukrainian civil society’s sustainability has steadily improved throughout the period 1997-2013, unlike, for instance, that of Russia, which has declined.⁹ In 2013, Ukraine was doing generally better than other countries of the region, which includes

4 Official statistical data from the National State Registry of Ukrainian Enterprises and Organizations is available at: <http://www.ukrstat.gov.ua>. Data as of 1 August 2014. Crimea and Sevastopol are excluded from the statistics.

5 Cf. Liubov Palyvoda/Sofia Golota, *Stan ta Dynamika Rozvytku Neuriadovykh Organizatsii Ukrainy. 2002-2010 Roky* [State and Dynamics of Development of Non-Governmental Organizations of Ukraine. 2002-2010], Kyiv 2010, p. 18.

6 Cf. *ibid.*, p. 23.

7 Cf. USAID, *2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, 17th Edition – June 2014, pp. 223-230, at: <http://www.ngo.ee/sites/default/files/files/+E&E%202013%20CSOSI%20Full%20Report.pdf>.

8 The seven indicators are: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image.

9 Cf. USAID, cited above (Note 7), p. 253.

Russia, the western Newly Independent States (NIS), and the Caucasus, on almost all indicators.¹⁰

Freedom House shows a similar trend, although the change in this case is incremental. Civil society is one of the seven indicators or dimensions of democracy of the composite Nations in Transit Index.¹¹ Thus, Ukrainian civil society's performance improved from 3.00 in 2005 to 2.75 in subsequent years and to 2.50 in 2014.¹² Civil society development has generally outperformed the other six dimensions of democracy in Ukraine as assessed by Freedom House (the overall democracy score in 2014 was 4.93). As in the case of the USAID index, Freedom House finds that Ukrainian civil society does better than those of other Eurasian states (post-Soviet countries) and even those of most countries in the Balkans. Ukraine's score (2.5) is above the median of the entire post-Communist region, which is 3.00.¹³

These quantitative indicators reflect the positive evolution of civil society in Ukraine over the past ten years, i.e. since the Orange Revolution. This story will be examined in more detail below through analysis of relations between civil society and the state, the broader society, and external actors.

Civil Society and the State

Civil society-state relations are vital for civil society development. The state matters for the activities of civil society in four respects. First, it creates the overall "operating environment", which depends on the state of democracy and rule of law. Aspects of democracy such as freedom of association, freedom of peaceful assembly, media freedom, a free and fair judiciary, and access to public information matter a lot and affect civil society directly. Second, the state creates a very specific environment for the functioning of civil society, something known as the "regulatory framework". This covers registration procedures, taxation policies, and other very specific matters that regulate routine aspects of the everyday functioning and work of civil society organizations. Third, many civil society organizations aim at influencing the state and its policies, particularly those that are involved in advocacy. To what extent are the state and its various bodies ready to listen to and co-operate with civil society? Is this co-operation institutionalized and regulated by certain procedures, that, for instance, oblige officials and civil servants to take on board proposals made by civil society, or at least respond to them?

10 Cf. *ibid.*, p. 9.

11 The indicators are: electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework and independence, and corruption, see Freedom House, *Nations in Transit, 2014 Nations in Transit Data*, at: <https://freedomhouse.org/report-types/nations-transit#.VJLD-8kTVph>.

12 The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest; see *ibid.*

13 Cf. Freedom House, *Nations in Transit 2014: Ratings and Democracy Score Summary*, at: <http://freedomhouse.org/sites/default/files/Data%20tables.pdf>.

Whether civil society is taken seriously and can affect public policy depends directly on the responsiveness of the state. Fourth, civil society organizations can also partially play the role that the state itself is supposed to play. The state can outsource areas of responsibility, such as the provision of social services, to non-governmental organizations, for instance, by sub-contracting them to take care of the homeless, elderly people, or people with special needs. This model works very effectively in many countries, especially if the state provides funding and other necessary conditions for these activities.

One can better understand how these dimensions of civil society-state relations developed in Ukraine by identifying three phases since the Orange Revolution: the post-Orange Revolution period; Yanukovich's presidency between 2010 and 2014, including the Euromaidan protests; and the post-Euromaidan period. Approaching developments in this way shows that there is no clear link between the overall operating environment, which concerns the state of democracy and political freedoms as a whole, and more specific dimensions of state-civil society relations. While the changes in the overall operating environment are evident when one compares the three periods, the other dimensions of civil society-state relations demonstrate a certain continuity.

Thus, the period after the Orange Revolution was characterized by free and fair elections, relative media freedom, and freedom of association and peaceful assembly. This created a positive environment for civil society activities. At the same time, political infighting and weak state capacity created problems with the regulatory environment and with state-civil society co-operation. Despite continuous pressure from NGOs, the legal framework they operated in remained deeply unfavourable – among the worst in the CIS region. Civil society representatives complained that it took more time to register an NGO than a business. A study conducted in 2007-2008 showed that around half of all civil society councils advising the central public authorities (19 ministries and 36 other central authorities) and only two out of 26 councils at the regional level were functional.¹⁴ On the other hand, there were cases of successful civil society-state co-operation, which had to do with the willingness of individual politicians or civil servants to work together with civil society. For instance, in June 2008, the Civil Society Council to the Ukrainian side of the EU-Ukraine Cooperation Committee¹⁵ was created. Although the Council was initiated by the Deputy Prime Minister for European Integration in the cabinet of Yulia Tymoshenko, representatives of civil society determined its composition, which included active and professional civil society leaders and opinion-makers. The Council was closely involved in the

14 Cf. Galyna Usatenko (ed). *Vzayemodiia Vlady I Hromadskosti Cherez Mekhanizmy Hromadskykh Rad. Stan I Perspektyvy* [Interaction between Civil Society and Authorities through Civil Society Councils. State and Prospects], Kyiv 2008.

15 The EU-Ukraine Cooperation Committee was one of the bilateral EU-Ukraine institutions created to implement the Partnership and Cooperation Agreement between the EU and Ukraine.

consultation process on issues pertaining to EU-Ukraine relations and Ukraine's European integration policy, until this practice was terminated soon after Yanukovich became president in 2010. Nevertheless, such success stories were rather rare, while there was no systematic policy of consultations with civil society.

During Yanukovich's presidency, the general operating environment may have been less favourable, but the mixed nature of the situation becomes clear when other dimensions of state-civil society relations are considered. Elections were no longer free and fair, as exemplified by the local elections in the autumn of 2010 and the parliamentary elections in the autumn of 2012. During this period, civil society started facing certain problems. For instance, in September 2010, Ukrainian NGOs were reported to have been attacked by the Security Service of Ukraine (SBU). It was only the strong reaction of civil society itself, reinforced by external pressure, that forced the authorities to step back,¹⁶ although such incidents continued to occur sporadically. The Ukrainian Helsinki Human Rights Association reported that conditions for civil society deteriorated in the years following Yanukovich's election – i.e. in 2010 and 2011.¹⁷ Yanukovich's presidency also saw the deterioration of conditions for peaceful assembly. The practice of banning protests through court decisions became widespread: During Yanukovich's presidency, the authorities succeeded in banning planned protest actions or gatherings through court decisions in as many as 89 per cent of cases.¹⁸ The dispersal of protests by force also became common. A prominent example is the way the authorities dealt with the so-called "taxation Maidan" – protests of representatives of small and medium-sized businesses against the draft tax code that was expected to worsen conditions for entrepreneurs. These protests took place in November 2010 and were on a scale not seen since 2004. More than thirty thousand people protested in Kyiv and several thousand in other places all over Ukraine. Yet, after half a month, the protesters were dispersed by municipal workers, while some ten criminal investigations were launched by the authorities against the organizers of the protests. Although the authorities agreed to introduce some amendments demanded by the entrepreneurs, major provisions that the protesters opposed were adopted. As a result, a large share

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- 16 The Security Service's response is described at: *V SBU zayavili, chto u nih net pretenzy k fondu "Vidrodzhennia"* [SBU said they have no claims for the fund "Renaissance" (International Renaissance Foundation)], Censor.net, 8 September 2010, at: http://censor.net.ua/news/131499/v_sbu_zayavili_chto_u_nih_net_prenziyi_k_fondu_quotvidrodjennyaquot.
- 17 Cf. Ukrainian Helsinki Human Rights Association, *Annual Human Rights Report for 2010*, at: <http://helsinki.org.ua/index.php?id=1298307189>; *Annual Human Rights Report for 2011*, at: <http://helsinki.org.ua/index.php?id=1332322255>.
- 18 Cf. Tsentrl Polityko-Pravovykh Reform, *Svoboda Myrnykh Zibran' u Praktytsi Administratyvnykh Sydiv. Analitychnyi Ogliad Sudovoi Praktyky za 2010-2014 Roky* [Freedom of Peaceful Assembly in the Practice of Administrative Courts. Analytical Overview of Court Practice during 2010-2014], Kyiv, 1 April 2014, at: <http://piket.helsinki.org.ua/files/docs/1399375699.pdf>.

of small and medium-sized businesses in Ukraine were forced to enter the shadow economy.

Finally, the violent response to the Euromaidan protests marked the culmination of Yanukovych's authoritarian rule. On November 30, one week after the protests started, dozens of protesting students who stayed overnight were brutally beaten by "Berkut" riot police. More instances of violence occurred on 1 December during clashes near the presidential administration building and on 10-11 December as riot police tried to clear Maidan during the night. In January-February the situation became more critical: On 22 January, the first protesters were killed, and on 18-20 February, the death toll reached nearly 100, many shot by snipers. Yet in the case of Euromaidan, each outbreak of violence resulted in more people joining the protests, which became increasingly radical. When the protests spread to eastern Ukraine, the ultras – the radical football fans there – joined the protests in support of Euromaidan. Finally, on 16 January the so-called "dictatorship laws", which made the very act of protest illegal, were passed. Among other innovations, the laws labelled NGOs "foreign agents".¹⁹

Despite these brutal authoritarian policies, which became more acute during the Euromaidan protests, civil society organizations generally faced no serious restrictions in their everyday work during Yanukovych's presidency. At this time, i.e. between February 2010 and February 2014, civil society could function relatively freely, especially when one compares this with the situation in Russia, Belarus, and Azerbaijan, where the phenomenon of imprisonment of civil society activists is widespread.

Moreover, it was during Yanukovych's presidency that Ukrainian civil society succeeded in improving the regulatory framework for its activities. First, the new law on access to public information was adopted in 2010, which increased the transparency of public authorities and made it easier for citizens to obtain information. Later on, in March 2012 a new law on public associations was adopted, which came into effect in 2013. The law simplified registration procedures, eliminated regional boundaries for activities, and allowed associations to conduct profit-making activities as long as they furthered the organization's purposes. An analysis published a year after the law came into force argued that it had indeed become easier to register an NGO (less time, a standard set of documents). Yet, raising money for NGO activities was still a problem, since the necessary amendments to the taxation code had not been introduced. As a result, NGOs that conducted "entrepreneurial" activity would lose their non-profit status.²⁰ It was also during this time that the online register of civil society organizations was created.²¹

19 Cf. Chesno, *Kolesnychenko-Oliynyk laws: infographics*, 17 January 2014, at: <http://chesno.org/news/1815>.

20 Cf. Maksim Latsiba/Anastasiya Shimchuk/Anastasiya Krasnosil'ska, *Umovy diyalnosti hromadskykh ob'ednan* [Terms for the Activities of Civil Associations], at: [http://www.ucipr.kiev.ua/userfiles/NGO_activity2013\(2\).pdf](http://www.ucipr.kiev.ua/userfiles/NGO_activity2013(2).pdf).

21 See: <http://rgo.informjust.ua>.

Furthermore, in February 2013 the new law on charity and charitable organizations came into force. It simplified registration, provided for better control over the use of charitable money, and established new charitable instruments, such as endowments.

Finally, the state adopted its strategy and action plan as part of its policy for promoting civil society development in Ukraine. By November 2013, twenty three regions of Ukraine endorsed regional programmes that supported civil society development. In the international arena, Ukraine joined the Open Government Partnership and adopted an action plan to increase government transparency and accountability. These developments stood in stark contrast to the overall deterioration of democracy during Yanukovich's presidency.

Interestingly, the deterioration of democracy under Yanukovich provoked consolidation of Ukrainian civil society in the form of the emergence of advocacy coalitions and networks. This proved to be an important resource during the Euromaidan protests and afterwards. The first such coalition was formed shortly before the presidential elections in February 2010. It was not yet clear who would win the elections, but the disillusionment with the results of the Orange Revolution stimulated a more proactive stance on the part of civil society. The so-called "New Citizen" platform, launched by over 50 NGOs,²² was specifically aimed at monitoring the presidential election campaign, the promises and programmes of different candidates, and demanding that those promises become a part of public policy after the election. The campaign, which was launched in November 2009 under the motto "These are not politicians that will change Ukraine, but responsible New Citizens", has since focused on reforms including advocating better access to information and has prepared requests for information to public authorities on numerous occasions. In May 2010, soon after the 2010 presidential elections, when it became clear that Yanukovich was serious about limiting freedom of media, a network of journalists called "Stop Censorship" was launched.²³ The network, or rather movement, of over 130 journalists, civil society activists, and NGOs aimed at reporting any violations of the freedom of media and at advocating media freedom. In October 2011, a year before the parliamentary elections, the "Chesno"²⁴ movement was launched.²⁵ The first Chesno campaign was called "Filter the Parliament". Founded by twelve initiators with the participation of more than 150 organizations, it aimed to alert Ukrainian society to potential members of parliament with a record of corruption and other problems. The movement played an important role during Euromaidan and has continued to be active since then.

22 The website of New Citizen is at: <http://newcitizen.org.ua/en>.

23 See: <http://stopcensorship.wordpress.com>.

24 "Chesno" is Ukrainian for "fair" or "just". It also sounds very similar to the Ukrainian word for garlic, which is traditionally considered to be a means of warding off evil.

25 With an English-language website at: <http://chesno.org/en>.

Finally, after Euromaidan was over, the so-called Reanimation Package of Reforms (RPR) was launched.²⁶ RPR brought together some 300 experts in various areas of reform, who have accumulated substantial expertise over the years. Crucially, the RPR has a counterpart in the parliament – the Platform of Reforms – which is a group of 24 MPs from different parties. The RPR also established the Reforms Support Centre to the Cabinet of Ministers. It aims to create a bridge between the government and the RPR. As a result, ten important laws advocated by the RPR have been adopted since March 2014. Thanks to those laws, independent public broadcasting was launched, the autonomy of universities was established, the risk of corruption was reduced, and better access to information was secured, among other achievements.²⁷ Several RPR activists were elected to parliament in the October 2014 elections, and this gives hope that co-operation between civil society and the legislature will improve.

Civil Society and the Broader Society

To be successful in advocacy, civil society needs to be able to mobilize the broader society. This presupposes an ability to reach out to society with its messages, but it also implies that there is a certain degree of trust between the people and the representatives of civil society organizations. Both components still constitute a problem for Ukraine. Media with a broad reach is concentrated in the hands of oligarchs who own most of the major TV channels and newspapers. Civil society mostly uses the internet to transmit its messages. While the use of the internet is growing in Ukraine – 49.8 per cent of the adult population of Ukraine went online in September 2013 and the pace of growth is 16 per cent per year,²⁸ its opinion-making potential is still limited. At the same time, the level of distrust in civil society among the broader society still exceeds the level of trust. In March 2013, 40 per cent of those polled trusted NGOs, but 45 per cent did not.²⁹

Despite this, the improvement over the situation ten years ago is obvious. In October 2004, almost 32 per cent trusted NGOs, while almost 45 per cent did not. By March 2013, trust had increased to almost 40 per cent (largely due to a fall in the number of those who did not state a preference), although distrust remained at more or less the same level. Moreover, those

26 See: <http://platforma-reform.org>.

27 More detailed information on the achievements can be found at: http://platforma-reform.org/?page_id=448.

28 Cf. Kiev International Institute of Sociology, *Dynamics of Using the Internet in Ukraine*, at: <http://www.kiis.com.ua/?lang=eng&cat=reports&id=199&page=8>.

29 Cf. Razumkov Center, *Do you trust Non-Governmental Organizations?* (recurrent, 2001-2013), at: http://razumkov.org.ua/eng/poll.php?poll_id=81.

who distrusted completely (as opposed to partial distrust) fell from 21.2 per cent in October 2004 to 17.8 per cent in March 2013.³⁰

Despite the decline in people expressing a willingness to take part in protests in recent years, Euromaidan proved that the polls did not tell the whole story, and that people were willing to take to the streets under certain conditions. The Kiev International Institute of Sociology, which has been measuring the willingness to protest for many years, discovered that the proportion of citizens willing to protest fell from 36 per cent in December 2004 (during the Orange Revolution), to 32 per cent in February 2009, to 25 per cent in February 2011 and as low as 22 per cent in November 2013, right before Euromaidan.³¹ The Euromaidan protests changed the situation in two respects. First, many more people than ever before showed a readiness to go out of their homes, stand up, and join others to make a difference. Second, civil society has demonstrated its ability, if not to mobilize people to protest, at least to provide the necessary logistics and infrastructure for the protests and to channel the energy of the protests in a constructive way.

A study based on the analysis of some 200 online Ukrainian media resources revealed that between 21 November 2013 and 23 February 2014 at least 3,950 protest actions took place throughout Ukraine. This is more than during the whole of 2013 up to 20 November (3,428) and more than the annual average for 2010-2012.³² Of this number, only 365 protests opposed the Euromaidan protests, while the others were directly aimed at supporting them. This data indicated that the mobilization potential of people who stand for democracy and reforms is much higher than that of people who prefer a more paternalistic mentality. Moreover, according to another public opinion poll, the number of people who belonged to civic movements – most of which appeared specifically to meet various Maidan needs – more than doubled between December 2013 (six per cent) and February 2014 (14 per cent). This despite the fact that the majority of protesters were not affiliated with any political parties or civil society organizations or movements (70 per cent).³³ The scale of voluntary activism during the Euromaidan protests and thereafter has been particularly impressive. A large number of people representing a wide range of professions and backgrounds spent time at Maidan

30 Cf. *ibid.*

31 Cf. Kiev International Institute of Sociology, *Gotovnist naseleennia Ukraini do uchasti v aktsiakh sotsialnogo protestu (do 20-h chisel listopada 2013)* [The willingness of the population of Ukraine to participate in actions of social protest (up to 20th November 2013 numbers)], at: <http://www.kiis.com.ua/?lang=eng&cat=reports&id=214&page=7>. The last poll was taken the day before Prime Minister Mykola Azarov announced that the Association Agreement would not be signed.

32 Cf. Centre for Society Research, *Statistics from Maidan protest events: participants, geography, violence*, 2014, at: http://www.cedos.org.ua/system/attachments/files/000/000/052/original/CSR_-Maidan_-_9_Jul_2014_-_eng.pdf?1406658801. See also <http://www.cedos.org.ua/uk/releases/36> for a summary of the report.

33 Cf. Democratic Initiatives Foundation, *Maidan-December and Maidan-February: what has changed*, February 2014, at: <http://www.dif.org.ua/en/publications/press-relizy/vid-mchi-sho-zminilos.htm>.

helping to clean or cook, donated money, or brought food, clothes, and other things protesters living at Maidan might have needed.

Today, people are eager to donate to the army and to voluntary initiatives that provide support to the army, voluntary battalions, and the civilian population affected by the war. According to the data of the largest Ukrainian bank, PryvatBank, which launched a special support programme for the army, Ukrainians donated over 3.4 million Ukrainian hryvnia (UAH) (ca. 150,000 euros) to the army between June and September 2014, with the average age of donors being 38-40.³⁴ According to one opinion poll, 77.7 per cent of Ukrainians provided support to the army and to internally displaced persons between May and September 2014.³⁵ Given this, it is not surprising that voluntary initiatives came top in opinion polls asking about the level of trust in public and civic institutions in Ukraine: On a scale of nought to ten, trust in volunteers reached 7.3 points, far above trust in public authorities.³⁶

Civil society played an instrumental role in supporting the protest movement from the very first day. As the protests started, many NGOs and their representatives managed to quickly organize significant elements of the logistics behind Maidan, while continuing to play their role as opinion-makers, critics of the authorities, and advocates of more proactive EU policies. Among the most visible initiatives during Euromaidan were Auto-maidan³⁷ – a movement of car-owners, who developed a special form of protest by using their cars to provide protesters with help or even to protect the barricades from the police; Euromaidan SOS³⁸ – an initiative that gathered information on people who needed help (missing, detained, injured, etc.) – after the protests it turned into an initiative that helps people who fled from Crimea and the warzone in eastern Ukraine; an initiative of lawyers who offered free legal assistance; a medical service consisting of volunteer medics,³⁹ and the Civic Sector of Euromaidan⁴⁰ – mostly young people representing NGOs, who not only volunteered at Maidan, but also provided expertise to international organizations that tried to influence developments in Ukraine, and produced regular updates in English about developments in the

34 Cf. PryvatBank, *Kto pomogaet armii Ukrainy – infografika PrivatBanka* [Who Helps the Ukrainian Army: PriyvatBank infographics], at: <http://privatbank.ua/news/kto-pomogajet-armii-infografika-privatbanka/?&nomob=1>.

35 Support took many forms, including financial contributions, donations of clothing, food, medicines, etc, and participation in voluntary activities. For more details, see: *Fora Demokratichni initsiatiivi, 32,5% ukraintsiv osobysto perekazaly svoi koshty na rakhunky ukrainskoi armii. Seliany vidznachylys vyshchoiu dobrochynnistu, anizh miski zhyteli* [32.5 per cent of Ukrainians personally transferred funds to the accounts of the Ukrainian army. The rural population was more generous than city dwellers], at: http://dif.org.ua/ua/commentaries/sociologist_view/32anizh-miski-zhiteli.htm.

36 See the results of the public opinion poll carried out by the Kyiv International Institute of Sociology and Zerkalo Nedeli [Mirror Weekly] in December 2014, *Narod y Vlast* [People and Power], at: <http://opros2014.zn.ua/authority>.

37 Cf. <http://www.facebook.com/automaiddan>.

38 Cf. <http://www.facebook.com/EvromaidanSOS>.

39 Cf. <http://www.facebook.com/Medsluzhba2013>.

40 Cf. <http://www.facebook.com/hrom.sektor.euromaidan>.

country. A large number of people were also involved in translating important texts into various languages, monitoring foreign media, and so on – all on a voluntary basis. These are just a few examples of the many civic initiatives that were active during the protests.

The link between protest activities and civil society is not entirely straightforward. One can agree with Lucan Way, who argues that during the protests Ukrainian civil society was effective in the role of the “traffic cop” – it directed and facilitated the protest activity that emerged. When civil society is effective in this role, the protests are more likely to receive the resources they need to last and to influence political outcomes. Yet, according to Way, Ukrainian civil society was rather weak in the role of the “dispatcher” or mobilizer – it was not capable of bringing people onto the streets or mobilizing other forms of pressure.⁴¹

There is a clear difference between the role of civil society in the Orange Revolution, including post-Orange Revolution developments, and now. First, civil society was not the driving force behind the 2004 protests, which were primarily led by the political opposition. Moreover, unlike the situation in 2013, the protests in 2004 did not come as a surprise – both the political opposition and civil society prepared for them in advance, as they had anticipated the fraudulent vote. Thus, one of the most prominent groups at that time, the PORA civil society initiative, was in close contact with similar groups from Georgia (Khmara) and Serbia (Otpor) for some time before the protests started. Second, after the successful immediate outcome of the Orange Revolution – a free and fair vote that resulted in the election of the opposition candidate Viktor Yushchenko as president – civil society failed to sustain the pressure on the political elites in order to push for changes to the system and for reforms. So many civil society leaders joined the new authorities that there was a fear that civil society was losing its ability to exert pressure on the state. Trust in the new authorities was so high that civil society gave them a free hand and did not provide the necessary pressure and checks from below.

This contrasts strongly to the Euromaidan protests. For one thing, Euromaidan started spontaneously, and the political opposition played a marginal role. In fact, during the three months of active protests from November 2013 to February 2014, the political opposition was not able to set the agenda, but had to react and follow the mood in the street. Civil society, by contrast, was quick to organize the necessary infrastructure to support Euromaidan and to co-ordinate the donation of funding, food, clothes, and medicines from ordinary people. Moreover, after Euromaidan, civil society took a very different approach from that which prevailed after the Orange Revolution. It demonstrated a strong sense of responsibility for developments in the country and was quick to begin pushing for reforms, as elaborated above.

41 Cf. Lucan Way, Civil Society and Democratization, in: *Journal of Democracy*, 3/2014, pp 35-43.

External actors have always played an important role in shaping and supporting civil society in Ukraine. Until recently, the major functions of external actors with respect to Ukrainian civil society were financial support and capacity building. Significant support has been provided by the US (through USAID, the National Endowment for Democracy [NED], the National Democratic Institute [NDI] and the National Republican Institute [NRI]), the EU and its member states, the Council of Europe, the United Nations Development Programme (UNDP; the latter often funded by the EU to implement projects in Ukraine) and the International Renaissance Foundation (although a Ukrainian foundation, it is a part of the international Open Society Foundations network funded by George Soros). One can argue that without this external support, which has been the major source of funding for Ukrainian civil society since independence, Ukrainian civil society would not have become what it now is.

The role of external actors, primarily the EU, has changed since the European Neighbourhood Policy (ENP) was launched or, more specifically, since the EU-Ukraine Action Plan was signed in February 2005.⁴² The latter event coincided with the successful immediate outcome of the Orange Revolution – the inauguration of a president elected by means of free and fair elections. With the signing of the EU-Ukraine Action Plan, the EU presented Ukraine with a list of proposed reforms ranging from democracy and the rule of law to audio-visual policy and technical standards. The document was heavily criticized for being merely a lengthy “shopping list”⁴³ that fails to set priorities. Nevertheless, this was the first time that the EU had set Ukraine any kind of “homework”. Although the Action Plan and its successor document – the Association Agenda⁴⁴ – were largely ignored by Ukraine’s political elites, they became important points of reference for civil society and guided the actions of mid-level bureaucracy.⁴⁵ Finally, the EU-Ukraine Association Agreement, which the Ukrainian Verkhovna Rada and the European Parliament are expected to ratify during 2014, opens the door for Ukraine’s

42 Cf. EU Neighbourhood Library, *EU-Ukraine Action Plan*, at: <http://www.enpi-info.eu/library/content/eu-ukraine-action-plan-0>.

43 Cf. Karen E. Smith, The outsiders: the European neighbourhood policy, in: *International Affairs* 4/2005, pp. 757-773.

44 Cf. European Commission – External Relations, *EU-Ukraine Association Agenda*, adopted by the EU-Ukraine Cooperation Council on 23 November 2009, at: http://www.eeas.europa.eu/ukraine/docs/2010_eu_ukraine_association_agenda_en.pdf.

45 Cf. Katarzyna Wolczuk, Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy, in: *Europe-Asia Studies* 2/2009, pp. 198-207. See also Iryna Solonenko, European Neighbourhood Policy Implementation in Ukraine. Local Context Matters, in: Erwan Lannon (ed.), *The European Neighbourhood Policy’s Challenges*, Brussels 2012, pp. 345-379.

large-scale Europeanization.⁴⁶ The objectives indicated in these documents and reinforced by statements made by various EU actors largely coincide with the reform objectives advocated by civil society. In this way, the EU indirectly empowered civil society and strengthened its role in the domestic reform process.

The EU has also directly engaged Ukrainian civil society in dialogue. In recent years, almost no official visit from the EU has taken place without a meeting with civil society organizations. Such meetings provided the EU with alternative information on domestic developments in Ukraine, but also signalled that the EU was willing to break the government's monopoly in the EU's dialogue with Ukraine. One prominent example was the meeting that followed the EU-Ukraine Summit in December 2011, at which José Manuel Barroso, the President of the European Commission, and Herman Van Rompuy, the President of the Council, met local civil society organizations for the first time, signalling that civil society plays a political role. Similarly, during the Euromaidan protests and afterwards, almost all visits by Catherine Ashton and other EU representatives were accompanied by separate meetings with civil society representatives. This practice of treating civil society as a partner that provides alternative information but helps to promote the same reform objectives, has become established.

When it comes to funding civil society, the EU has developed a diverse range of instruments. For instance, through the Non-State Actors and Local Authorities in Development programme (NSA-LA), the EU allocated 2.9 million euros to Ukraine for the period 2011-2013. Through the European Instrument for Democracy and Human Rights (EIDHR), the EU allocated 3.6 million euros to Ukraine in the same period.

On top of that, the EU launched new instruments to support civil society, such as the Civil Society Facility, which aims to support the capacity of CSOs to engage in reforms, and the European Endowment for Democracy. The latter specifically targets non-registered initiatives and has already supported 16 initiatives in the areas of the media, social activism, and advocacy in Ukraine since it was launched in 2013.⁴⁷ With these instruments, the EU's support for civil society in its neighbourhood, including Ukraine, has almost doubled.

The EU provides further support to CSOs in Ukraine via other international organizations. These include the Council of Europe and the UNDP. The Council of Europe administers "Joint Programmes", which are funded by the EU. They are the locus for expert meetings and capacity-building activities. They target not only public actors with a key role in the human rights situation, such as judges, but also CSOs and journalists. The UNDP has been

46 Ukraine will have to transpose up to 80 per cent of the *acquis communautaire* into its national legislation, which is expected to lead to profound reforms.

47 For more information, see the list of projects with detailed descriptions at: <https://www.democracyendowment.eu/we-support/?country=15>.

running the “Community Based Approach to Local Development” project since 2008. This project mobilizes local communities to undertake collective action, such as launching a school bus service to reach remote villages or reconstructing a school using energy-saving technologies. The value of the project is that it shows how local problems can be solved locally and at relatively low cost when people from a community get together. Over 15 million euros was spent during 2008-2011, and 17 million euros has been committed for 2011-2015.⁴⁸

Yet, it is important to note that funding for civil society constitutes only a very small proportion of EU funds allocated to the Ukrainian state. A study conducted by the Open Society Institute – Brussels back in 2011 showed that only 0.3 per cent of total EU funding allocated to Ukraine supports civil society organizations.⁴⁹ Even after new instruments doubled the amount of support provided to civil society, as noted above, it is still less than one per cent of the total. The EU’s real leverage thus seems to be less in funding, but more in a different capacity – as a partner and an important point of reference for civil society.

External democracy promotion through civil society has been criticized for leading to the emergence of “political service providers” – elitist NGOs funded by Western donors, but alienated from their constituencies.⁵⁰ There might be some truth to this, yet it is exactly this kind of civil society that now constitutes the core group promoting reforms in Ukraine. Due to Western funding, which, among other things, enabled Ukraine to draw upon the experience of successful post-Communist transformation in Central and Eastern Europe, these NGOs – or rather think-tanks – have accumulated important expertise that, once channelled into networks such as the Reanimation Package of Reforms, provide for strong advocacy.

Conclusions: Civil Society in Ukraine as a Driving Force for Reforms and a Helper of the Weak State

Looking back at developments in Ukraine since November 2013, one cannot miss the crucial role that civil society and citizens’ activism have played. Under different conditions, the decision of the Ukrainian leadership to suspend preparations to sign the Association Agreement would not have met

48 For more information, see the project’s website, at: <http://cba.org.ua/en>.

49 Cf. Open Society Institute – Brussels, *Assessment of the 25 May 2011 Joint communication from HR/VP Ashton and the Commission, “A New Response to a Changing Neighbourhood”*, June 2011, p. 1, at: <http://www.opensocietyfoundations.org/sites/default/files/2011-06%2520OSI-B%2520Assessment%2520of%2520Joint%2520ENP%2520Com.Final.pdf>.

50 Cf. Irene Hahn-Fuhr/Susann Worschech, *External Democracy Promotion and Divided Civil Society – The Missing Link*, in: Timm Beichelt/Irene Hahn-Fuhr/Frank Schimmelfennig/Susann Worschech, *Civil Society and Democracy Promotion*, Basingstoke 2013, pp. 11-41.

with any resistance. This was, for instance, the case in Armenia in September of the same year. Had that been the case, Yanukovych would have been able to consolidate his power even more and win a second term in 2015. A strong case can thus be made that civil society and citizens' activism in Ukraine accelerated the pace of change in the country.

Clearly a great deal of progress has been made by Ukrainian civil society since the Orange Revolution. One aspect of this concerns relations with the state, the broader society, and external actors. The new governments appointed after the Euromaidan protests have demonstrated a greater willingness to co-operate with civil society and to take its expertise on board. The situation with the parliament is mixed. Although a number of new faces entered parliament following the early elections in October 2014, it is still dominated by politicians from the old regime. And while it has managed to adopt some key laws advocated by civil society, resistance to overhauling the rules of the game is still strong. There is more trust in civil society among the broader society, while thanks to the protests and external aggression, the separation between civil society and the broader society has become blurred – many more people have become involved in informal civic networks and voluntary activities or have become donors. International actors are increasingly perceiving civil society as a partner, not merely a recipient of funding. The other aspect is the evident change in civil society's self-perception. It is no longer the kind of civil society that trusts the democratically elected authorities to do the job, as was the case after the Orange Revolution, but has become a driving force for reforms on its own account. Not only does civil society set demands and articulate expectations, it builds coalitions with reform-minded MPs and members of the government and exercises oversight.

Apart from natural evolution in the course of the past decade, there are two further likely reasons for the growth of Ukrainian civil society. First, the lesson of the Orange Revolution was learnt: Without strong mechanisms of societal control and pressure, the chances that policy-making will be transparent and serve the well-being of the society are low. Second, Yanukovych's rule paradoxically made an important contribution to the consolidation of civil society, which took a central role in the Euromaidan protests and post-Euromaidan developments.

Civil society today is challenging the foundations of the social contract that prevailed throughout Ukraine's post-independence transformation and persisted after the Orange Revolution. According to this contract, the state did not provide for public welfare, but allowed "state capture" by a small circle of people with privileged access to public resources. In this situation, society did not receive the expected benefits from the state, but tried to survive despite the state through avoiding taxes and supporting corruption. These days, Ukraine's civil society is trying to promote a rather different ethos, one in harmony with the famous words of US President John F. Kennedy: "Ask not what your country can do for you; ask what you can do for your country."

While the bulk of the Ukrainian population still prefers to live according to the old rules, a new type of citizen has emerged alongside them, and this gives great hope for the future.

Lessons to Learn: The Effect of the Ukraine Crisis on European and Euro-Atlantic Security

If one item dominates the 2014 European security agenda, it is the Ukraine crisis. Though it has varied in intensity, there is still no end in sight to the process that started in late 2013. Policy analysts and scholars of international relations have all focused their attention on this situation. However, both face problems. Policy analysts are unable to draw long-term conclusions from current events as they are blinded by their daily, if not hourly, flow. Scholars of international relations superimpose, for the sake of consistency, theoretical frameworks that explain certain developments and processes, disregarding those that do not fit their paradigms. Then, in order to retain their explanatory power, they make concessions to other schools of thought that in turn reduce the consistency of their theories. In attempting to contribute to these exchanges and analyse what is of lasting relevance, I have to accept the constraints of my research. Yet while my analysis must rest on a certain world view, I seek to avoid being taken hostage by one school of thinking on international relations or another.

The task is difficult and closest to that of an investigative historian seeking not to analyse the past but to make projections of the future. What is the relationship between regional (European or Euro-Atlantic) developments and global ones? What bearing will the current crisis have on European security in a few years time? Will it reshape our thinking about various aspects of international security? Will we conclude that this was a turning point of history – the end of the post-Cold War era? Or will it appear as merely a little hiccup, after which we will return to “business as usual”? Will it result in a reshuffle of the roles of European and Euro-Atlantic institutions? Will it contribute to a rearrangement that unleashes unpredictable processes for the two countries directly affected, Russia and Ukraine? Last but not least, is what we may learn from the crisis fundamentally new?

The Roots of the Ukraine Crisis

When analysing the Ukraine crisis, it is necessary to start with some facts and a short history of Ukraine. Ukraine is a large country with an official area of more than 600 thousand square kilometres and a fast declining population of currently between 42.5 and 44.5 million people, depending upon whether the population of Crimea is counted. Ukraine was in the south-west of the Soviet Union and now lies between three other former Soviet republics (Belarus, Moldova, and Russia) and four members of the European Union and NATO

(Hungary, Poland, Romania, and Slovakia). Those seven states are Ukraine's land neighbours. Consequently, if we are ready to accept that the two groups of states are organized along different principles, Ukraine lies between two worlds. Ukraine, or, more accurately, a large part of current Ukraine, spent 337 years as part of the Russian empire and then the Soviet Union. In fact, the borders of the Ukrainian Soviet Socialist Republic (SSR) only became identical with those of independent Ukraine (as of 1 January 2014) in 1954, when Crimea became part of the Ukrainian SSR. Yet however much one might be tempted to conclude that there is a shared Ukrainian identity on the basis of this shared history, it is clear that people in different parts of the country think differently and are exposed to different media influences. Nor will the current high-intensity operation in the south-east of the country contribute to greater unity.¹ A division between Kyiv and Moscow is also gradually emerging within the Orthodox Church.

Ukraine's economic and political performance since independence has not been particularly convincing. When independence was declared in August 1991, and confirmed in the referendum of 1 December 1991 with more than 92 per cent of the vote, Kyiv had only rudimentary experience in managing state affairs. In this regard it was in a similar situation to most other former Soviet republics, except for the Russian Federation, which had inherited the Soviet state apparatus. Hence, in the early years, Ukraine could attribute many of its problems to insufficient experience. However, the management of the state has never been more than partially successful. Ukraine went through various ups and downs. Phases of high hopes were followed by disillusionment, only to be followed by high hopes once again. Rein Muellerson has summed up the challenges Ukraine has faced: "Ukraine was on the edge of becoming a failed state even before it finally exploded [...]"²

However, a few things have remained constant. (1) Ukraine's population has been in constant decline. Since independence, it has fallen from 52 million to 44.5 million (42.5 million excluding Crimea). There is no change in sight to this trend. The humanitarian crisis in south-east Ukraine is likely to contribute to further population decline due to the resettlement of many to the Russian Federation even if Donetsk and Luhansk oblasts do not secede. (2) Ukraine's total GDP is 337.4 billion US dollars while Russia's is 2,553 billion, making them the 42nd and 7th largest economies in the world, respectively, as of 2013.³ (3) Ukraine does not generate high per capita GDP.

1 The contrary view can only be supported if one already assumes the separation of the Donbas from Ukraine. See: Gerhard Simon, *Die Ukraine. Ein gespaltenes Land? [Ukraine: A Divided Country?]* In: *Blinde Flecken im Diskurs über den Ukraine-Konflikt [Blind Spots in the Discourse on the Ukraine Crisis]*, in: *S+F, Vierteljahresschrift für Sicherheit und Frieden* 3/2014.

2 Rein Muellerson, *Two Worlds – Two Kinds of International Law? Geopolitics Dressed in the Language of Law and Morals*, in: *Russia in Global Affairs* 2/2014, at: <http://eng.globalaffairs.ru/print/number/Two-Worlds--Two-Kinds-of-International-Law-16704>.

3 Cf. Central Intelligence Agency, *The World Factbook*, at: <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2001rank.html>.

In 2013, GDP was 7,400 US dollars per head (while in neighbouring Russia it was 18,100).⁴ (4) Ukraine is a corrupt state. In 2013, it ranked joint 144th (of 175) on Transparency International's corruption perception index (while Russia, which is also highly corrupt, was ranked joint 127th).⁵ (5) The political establishment is closely linked with oligarchic structures, whose interests also massively shape political decisions. Whether there is a general tendency towards deterioration as has been suggested ("all-pervading corruption [...] has constantly increased from President to President, from administration to administration")⁶ or this is an exaggeration is open to question. What we can conclude for certain is that the situation has definitely not got better, and Ukraine's governments have betrayed the hopes of its people twice in the first decade of the 21st century: once just after the Orange revolution and then again during the final years of the presidency of Viktor Yanukovich.

Ukraine's foreign relations reflect the poor performance of Ukraine as a state. It is frequently heard in Kyiv that the country mattered to the world as long as it had not given up its nuclear weapons, which it did in December 1994.⁷ This is a gross exaggeration. It would be better to conclude that during the initial years of independence, Ukraine mattered *in part* because of its nuclear weapons, whereas thereafter it has mattered less, because its performance as a state has been wanting. Ukraine has been a weak and failing state during most of its sovereign existence. This does not mean that one should condone its disintegration or show understanding towards its greedy large neighbour, which has sought to control Kyiv's political destiny without taking responsibility for its problems. It does mean, however, that it is impossible to understand the processes of 2014 without a realistic and critical view of Ukraine's recent history. The picture is far from reassuring – neither when one looks back, nor for the foreseeable future. Ukraine is a burden on the international community because it is unable to manage its own affairs. Although this may be most clearly visible in terms of disagreements in the Ukrainian political establishment, the foundations are directly linked to the fact that, in Ukraine, political power has meant economic influence and personal enrichment (whether legal or not) – a trap from which there is no obvious escape. It is clear that the new Ukrainian government elected on 26 October 2014 remains dedicated to this matter, and it has made it part of its le-

4 Cf. Central Intelligence Agency, *The World Factbook*, at: <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html>. Both are based on data from 2013.

5 Cf. Transparency International, *Corruption Perception Index 2013*, at: <http://www.transparency.org/cpi2013/results>. In 2014, the difference in ranking between the two states was less, with Russia at joint 136th and Ukraine at joint 144th. Cf. Transparency International, *Corruption Perception Index 2014*, at: <http://www.transparency.org/cpi2014/results>.

6 Muellerson, cited above (Note 2).

7 See e.g. Michael Crowley, Don't Worry, Ukraine Won't Go Nuclear, in: *Time Magazine*, 12 March 2014, at: <http://time.com/21934/ukraine-crimea-russia-nuclear-weapons>. The article cites Ukrainian politicians who express their regret over Ukraine's 1994 decision to give up its status as a nuclear weapon state.

gislative programme. However, since some members of the new Verkhovna Rada who are essential for political stability and the functioning of the legislature are known to have been involved in corruption, the declared determination of the Ukrainian leadership is unlikely to deal with corruption at the highest levels. Corruption is therefore likely to concentrate at the higher echelons of power, as happened in Georgia a decade or so ago. However, one should not underestimate the importance for the population that something is seen to be done.

The weakness of the Ukrainian state caught between two political systems has presented a challenge. This partly stems from the country's geographical position and partly from its geostrategic importance. As mentioned, Ukraine is a large state. It has the second largest population and the third largest territory in the former Soviet area. In addition, Ukraine is at the western edge of the former Soviet space that connects and separates Russia from the West. Ukraine is important as both a bridge and a divide. As Zbigniew Brzezinski concluded in 1997: "Without Ukraine, Russia ceases to be a Eurasian empire. [...] However, if Moscow regains control over Ukraine, with its 52 million people and major resources as well as its access to the Black Sea, Russia automatically again regains the wherewithal to become a powerful imperial state [...]"⁸ Irrespective of whether one agrees with Brzezinski's point, it is important to note that Ukraine is of special importance for the Russian Federation. Russia's influence over Ukraine has been crucial to its sense of leadership in the former Soviet area. Whenever Russia has felt that Ukraine is not under Moscow's control, it has acted upon the matter. This was the case when Moscow directly interfered with the Ukrainian presidential elections in 2004, and also in 2014, when President Yanukovich, who had been ready to tilt towards Moscow again in the autumn of 2013, fell from power. These were the two cases when Russia's reaction was most visible, but there were many other instances in which Moscow acted more subtly.

Before moving on to analyse the consequences of the crisis for international relations, I would like to submit two initial theses: (1) If Ukraine were not such a weak state and did not have such problems of governance, it would not be such an easy target for rivalry between Russia and the West. This has not only characterized Ukraine in the recent past, but will remain true in the future. With its internal socio-economic and political weakness, incomplete rule of law, and massive requirement for external funds, Ukraine will remain a volatile player in the international system. It is extremely doubtful whether Ukraine could break out of this situation under the current conditions. (2) Despite its internal divisions, Ukraine is not an example of a clash of civilizations but rather of a *clash of orientations*. Such unsettled areas are prone to rivalry between major actors within the international system. Kyiv's relative importance and "doubly peripheral" position will con-

8 Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, New York 1997, p. 46.

tribute to the importance of every kind of haggling around Ukraine's future course and political alignment.

One must not underestimate the role of Russia in this conflict either. Russia's fundamental problem is one very well known to sociologists: It is status hierarchical. Moscow has had severe difficulties in adapting to a lesser status in the international system since the end of the Soviet Union. This is understandable, as adaptation is always difficult. However, the Russian Federation has been trying to re-establish its standing in the international community by relying on means that may not be accepted or appreciated by the world at large. The military build-up is an example of the former; the reliance on energy resources as a means of political influence, of the latter. There are reasons for both. The former is partly to compensate for the decade during which Russia's armed forces were the prime losers of transformation. The latter is a result of a shortage of other means of influence.⁹ As in the case of all great powers, the status of the Russian Federation should ideally be based on a complex set of sources of power, including economic innovation, modernity, and a way of life that inspires imitation. However, Russia apparently does not have the patience and sophistication to understand this. It can only be hoped that Moscow will not fall into the trap of increasing its military strength further beyond the needs of defence, and thus becoming bankrupt in the same way as the Soviet Union.

A New Cold War?

Up to May or June of 2014, experts still widely held the view that the deterioration of relations between the Russian Federation and the West did not resemble the Cold War. If the Cold War is defined as the opposition between two mutually exclusive and antagonistic models in socio-political, economic, and ideological terms, there is no reason to contemplate its reappearance. However, if we start out from a more permissive definition of the Cold War or the "Cold War structure", then it may be argued that there are similarities. A Russian specialist has already referred to this by stating: "We have entered a new cold war. However, this one will be more unpredictable than the previ-

9 I would like to emphasize that I think the Russian Federation is fully entitled to sell gas to suppliers that are ready to pay according to an agreement, and that if a partner has a record of not paying their arrears, it is understandable if prepayment is required. Ukraine and its advisors have drawn the same conclusion, and Kyiv made the first prepayment on 6 December 2014. Ukraine prepaid 378.22 million US dollars for one billion cubic metres of gas. See *Russia's Gazprom receives prepayment from Ukraine for gas supplies*, Reuters, 6 December 2014, at: <http://www.reuters.com/article/2014/12/06/us-ukraine-crisis-gas-idUSKCN0JK07D20141206>.

ous bipolar one. The matter is not about Ukraine. Ukraine has only been a symptom. I do not have trust in managed chaos.”¹⁰

Officials are more cautious. Speaking to the UN General Assembly, German Foreign Minister Frank-Walter Steinmeier only spoke of “old ghosts and [...] new demons”,¹¹ but his message was clear: The threat of “old ghosts” is very much present in our time. A similar though less coded message was delivered by NATO Secretary General Jens Stoltenberg who said: “NATO does not seek confrontation with Russia [...] nobody wants a new Cold War”.¹²

However, experts in Russian affairs remain divided. Although there has been a consensus that there is no Cold War in the sense of the one that existed between 1948 and 1989 or 1991, a different kind of Cold War could well be possible. Mark Kramer emphasizes three major differences: the absence of an alternative ideology, the incomparably weaker military might of the Russian Federation vis-à-vis that of the Soviet Union, and the nature of Russian society: Whereas the Soviet Union was a closed society, the Russian Federation is not. Strobe Talbott is of the view that this “Cold War” centres around “Great Russian chauvinism”. Now, as during the Cold War, Russia exercises “tough oversight” over its (then the Soviet Union’s) neighbours, though Fedor Lukyanov has identified important differences, namely in the fact that this oversight is not based on deterrence and is not global in ambition. Nevertheless, he concludes that, in bilateral relations between the Russian Federation and the West, a new Cold War is there.¹³

The two systems are different, first and foremost, in terms of their political systems. One is liberal, the other is not. One places the individual and his or her rights at the centre of policy-making, the other does not. One has the rule of law, the other on the whole does not. When illiberal regimes do have certain elements of the rule of law, they are either there to pay lip service to the expectations of the world at large or in order to position themselves in the world economy (by attracting foreign investment and providing conditions for international trade). And even though the liberal state is also compelled to interfere in the life of the individual – partly in order to provide for the state’s own security and survival and partly to provide for the services

10 Vladimir Orlov, *Kak sobesednik na PIRy* [In conversation about the PIR Center] in: *Indeks Bezopasnosti*, No. 110, Autumn 2014, p. 172, at: <http://www.pircenter.org/media/content/files/12/14115643880.pdf> (author’s translation).

11 Federal Foreign Office, *Speech by Foreign Minister Frank-Walter Steinmeier at the 69th session of the United Nations General Assembly*, 27 September 2014, at: http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2014/140927_69_General_Assembly_UN.html.

12 North Atlantic Treaty Organization, *NATO: a unique Alliance with a clear course. Speech by NATO Secretary General Jens Stoltenberg at the German Marshall Fund, Brussels*, 28 October 2014, at: http://www.nato.int/cps/en/natohq/opinions_114179.htm.

13 Cf. Chevo khochet Putin? Eksperty iz Rossii, SShA i Evropy otvechayut na voprosy The New Times [What Does Putin Want? Experts from Russia, the USA and Europe Answer Questions from The New Times], in: *The New Times*, 10 November 2014, at: <http://www.newtimes.ru/articles/detail/89422>.

the population expects – the foundations of such interference are very different. The conception of the state's role in illiberal/authoritarian/dictatorial systems is increasingly an *etatism* that allows those regimes to control the society and thus prolong their power. However, what it boils down is not only a set of principles but also good governance, including relatively low (or at least declining) levels of corruption. Declarations of democracy cannot compensate for massive shortcomings in governance. Hence for many, including Ukrainians, democracy demonstrates its superiority in daily life.

However, there is one major difference between the current situation and the Cold War rivalry, at least for the time being. The alternative system exists, but its ideology is not seeking to expand, or not yet. This may well be due to a realistic assessment of international power relations and the inferior “appeal” of such regimes. This may result in an inferiority complex and hence aggressive international behaviour. The liberal model, though not victorious, is certainly predominant, though some have argued that the liberal order is not suitable for the tasks states face in our era. Hence, even if it is not propagated, the “illiberal” model¹⁴ (with its many variations) presents itself as an option. China in particular (but also a few other states, such as Turkey and Vietnam) appears to provide a viable alternative: It offers the combination of high economic growth and authoritarian politics.¹⁵ It is undeniable that this has some appeal among rulers that would like to perpetuate their hold on power. Russia may well belong to this group. However, its economic growth, unlike China's, is based on low-value-added production and exports.

In sum: Even if it is not a comprehensive alternative and tends not to actively seek to expand its influence, there is an emerging alternative organization of society that may find it difficult to coexist with a different system in the long run. Hence, it is not the absence of the alternative model but its non-expansionistic nature that gives us the impression that the current co-existence will not result in a Cold War-like relationship. It may instead result in a peaceful enduring rivalry.

Another difference to the Cold War is that military power and the use of force are not central to the current confrontational relationship. This may be due to various factors, including the obvious superiority of one party in the contest, a desire to avoid the nuclear brinkmanship that brought mankind to the edge of annihilation at least once during the Cold War, the fact that other fields provide more accommodating means for the rivalry to play out, and, last but not least, the fact that states tend to rely on their comparative advan-

14 The term “illiberal”, borrowed from Fareed Zakaria and widely used in the political science literature these days, is euphemistic. In fact it is used to refer to a variety of authoritarian political systems. See Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, New York 2007 (revised edition).

15 I would warn against expanding this to states that benefit from the richness of their natural resources. Those states benefit from windfall profits partly because the value of natural resources and fuels tends to rise. Due to what is known as the “resource curse”, this may actually interfere with modernization and economic diversification.

tage. Although the Russian Federation is implementing an ambitious military modernization programme, Moscow is well aware that armed forces are not the key in this conflict with other power centres of the world. However, Moscow has been sharpening its comparative edge with respect to other states of the former Soviet Union, including Ukraine.

There is one additional reason why the Cold War parallel may be tempting to draw. Many leading politicians of our time were raised during the Cold War. The Cold War is a common point of reference, and it may be tempting to use Cold War parallels. This is even more tempting when there are certain similarities. Hence, the two factors taken together, the fact that the Cold War is not too distant in history and that actors increasingly use it as a reference point for the interpretation of their actions, may result in a perception of a “Cold War-ish” situation.¹⁶

Where views differ fundamentally between Russian and Western assessments of the current conflict is over the *reasons* for the current situation. As the Russians like to say: “*Kto vinovat?*” – “Who is to blame?” Russia sees a world where some (above all the US-led West and NATO) constantly violate the interests of others. The Russian President expressed this in his address to the Valdai Club: “A unilateral diktat and imposing one’s own models [...] instead of settling conflicts [...] leads to their escalation, instead of sovereign and stable states we see the growing spread of chaos.”¹⁷ Russia’s foreign minister, Sergey Lavrov, echoed this view, calling attention to the fact that the “policy of ultimatums and philosophy of supremacy and domination do not meet the requirements of the 21st century and run counter to the objective process of development for a polycentric and democratic world order”.¹⁸ Russia also questions the sound judgement of the West. The title of a further speech by Lavrov makes this clear: “It is time for our western partners to concede they have no monopoly on truth”.¹⁹ For the Russian Federation, therefore, Ukraine is a battlefield but not the rivalry proper. The true rivalry concerns the orientation of countries in various parts of the world, but particularly states in Russia’s vicinity, including states that were part of the Soviet Union. Russia finds further loss of influence unacceptable and is doing

16 It is not surprising that an influential Russian commentator has already referred to the Cold War parallel, while many Western analysts emphasize major differences between now and the Cold War era. See Aleksandr Prokhanov, *Zdravstvui, kholodnaya voina!* [Hello, Cold War!], in: *Zavtra*, 7 August 2014, at: <http://www.zavtra.ru/content/view/zdravstvuj-holodnaya-vojna>.

17 *Vladimir Putin Meets with Members of the Valdai Discussion Club. Transcript of the Final Plenary Session*, 25 October 2014, at: http://valdaiclub.com/valdai_club/73300/print_edition.

18 The Ministry of Foreign Affairs of the Russian Federation, *Address by Russian Foreign Minister Sergey Lavrov to the 69th session of the UN General Assembly*, New York, 27 September 2014, at: http://www.mid.ru/brp_4.nsf/0/CDEA7854FF002B5A44257D62004F7236.

19 Sergey Lavrov, *It Is Time for Our Western Partners to Concede that They Have no Monopoly on Truth*, Speech at the First Forum of Young Diplomats, Moscow, 25 April 2014, in: *International Affairs*, 4/2014, at: [www.eastviewpress.com/Files/IA_FROM THE FOREIGN MINISTER_No. 4 2014.pdf](http://www.eastviewpress.com/Files/IA_FROM%20THE%20FOREIGN%20MINISTER_No.4.2014.pdf).

its utmost to stop it. Moscow is – possibly rightly – afraid that further loss of influence could, in the long term, threaten Russia's status in the international system. Tough rhetoric followed by, if necessary, tough actions may help Russia to compensate for its weaknesses in global processes.

The Role of Europe in International Security

During the Cold War, Europe was the centre of global conflict and hence was an importer of security. On the Western side, security was imported from the US, whereas in the East, it depends upon whether we consider the Soviet Union to have been a European state or not. With the end of the Cold War era, Russia soon became a security exporter, contributing first to stabilization of its neighbourhood and, not much later, to areas further afield. This occurred in parallel with the sudden decline of Europe's need for military might to provide for its own security. While there have been armed conflicts, including civil (and then international) wars in the former Yugoslavia and in the Caucasus, the security perception of the overwhelming majority of the population in Europe has improved compared to the Cold War. The size of defence forces shrank, military acquisitions were postponed, and, according to some, a large part of Europe went on strategic holiday. There were a few exceptions, first of all in those states that have traditionally played a role in military power projection, such as France and the UK; then in those few that used the period of absence of threat to carry out modernization, including the Netherlands and recently also Russia; and finally in those states that had residual external threat perceptions, such as some of the Baltic states and Poland.

While a number of armed conflicts demonstrated that military security had not become fully irrelevant in Europe, relatively little happened as a consequence. Not even the Georgia-Russia war served as a wake-up call to most countries in Europe. European states could refer to the fact that Georgia started the hostilities on the 7th of August, and Russian assertiveness was confined to the former Soviet area anyway. NATO certainly contributed to a perception of security that offered the feeling of a free ride to many European states. Moreover, the consecutive financial, banking, and economic crises, which have spilled over into a social crisis in Europe, did not make increased defence spending a realistic option. Ukraine has provided the necessary adrenalin and resulted in a general recognition of the renewed relevance of military security: Though military security is neither exclusive nor ultimate, it is a factor that cannot be ignored.

Will Europe now act in the field of military security, and what will it do? There has been pressure from two directions: (1) A number of states have felt exposed by the challenge to Ukraine's territorial integrity and are, understandably, afraid that Ukraine may only be the first step in a series of Russian

territorial claims. These fears were confirmed by statements made by populist Russian politicians such as Vladimir Zhirinovskiy, and by leaked reports from bilateral talks (between Petro Poroshenko and Putin and between Poroshenko and EU Commission President José Manuel Barroso). (2) The US also seized the opportunity to reassure the most concerned states, while reminding NATO member states of their reluctance to allocate adequate resources for defence and calling for them to increase their commitment.

What will happen next is unclear. The Baltic states and Poland could benefit from strong symbolic coupling of their defence with that of the United States. Such reassurances would carry the message that NATO and all its members are sincere about their commitments, including Article 5 of the Washington Treaty. Even though it would be difficult to imagine Russia so badly miscalculating power relations as to directly challenge a NATO member, such a reminder may well be necessary to various audiences. It is important that: (1) The Russian political and military leadership is reminded of the geographical limits of its action radius. (2) The US political establishment and population is reminded that America has a commitment to its European allies. This is of particular importance after 15 years during which military security has been taken for granted in Europe, and in view of allegations about US retrenchment during the second administration of President Barack Obama. (3) Other NATO member states and their populations, including countries that feel directly threatened by Russia, would be reassured. It may be far-fetched to conclude that the US reassurance policy of spring 2014 and Washington's request that European NATO capitals either increase their defence commitment or live up to existing commitments are directly linked. However, it would have been very difficult for any member state to deny that allied solidarity requires increased defence spending and procurement. Defence economists may conclude that the call for NATO members to spend at least two per cent of their GDP on defence is ineffective, as it will not necessarily contribute to the improvement of defence capabilities. However, the symbolic importance of the increased defence commitment may well be important to all the audiences listed above.

What will follow is relatively easy to predict, particularly if we start out from two alternative scenarios. (1) If Russia retains its revisionist attitude or some other credible threat emerges on the horizon, declaratory NATO solidarity will last, and the cohesion of the Alliance may not suffer after the significant reduction of foreign troops in Afghanistan. There will be a "new glue" holding NATO together that goes beyond words. It may also mean that the member states will only selectively lag behind on the commitments they undertook at the Wales summit in September 2014. (2) If, however, the Ukraine crisis remains a one-off episode in European security, several member states will find one pretext or another to lag behind their commitments, and the age-old burden-sharing debate will be renewed once again.

It is essential that NATO is retained as a major forum for political exchanges. There are several reasons for this. Here, I would like to emphasize just one, which relates to the Ukraine crisis. The crisis has demonstrated that some NATO member states stretch free-riding to the limit. It is sufficient to mention those countries that wanted to weaken the resolve of the West when reacting to Russia's backing of separatists in eastern Ukraine. This may be more of an issue for the European Union. However, since four of those states are also NATO members, it may be important to take advantage of the different composition and the presence of the US at Alliance forums to deal with this issue. The US is one of the few international actors that can put pressure upon states such as the Czech Republic, Hungary, Italy, and Slovakia.

Irrespective of which scenario prevails, it can be taken for granted that the relevance of military security will increase in Europe, and forums associated with it will gain in importance. The Ukraine crisis made it clear that the relevance of the European Union in military matters remains virtual at best and non-existent at worst. Time and again, the EU has relied on its strengths, ranging from sanctions to endlessly seeking (and occasionally achieving) compromise at the negotiating table.

The US and Western Europe concurred that undermining the territorial integrity of a state was unacceptable. However, there were differences in the interpretation of Russia's actions and in reactions to them. The West had every reason to be careful. For the last 25 years, it has advocated the right to self-determination and the emergence of new states on that basis, attributing less importance to respect for territorial integrity and the inviolability of borders. Thus, it created an imbalance between basic principles of international law. The decalogue of the Helsinki Final Act, the foundation and the single most important document of the OSCE, was applied inconsistently. Indeed, the West was able to present good arguments for this approach (oppressive regimes, ethnic cleansing, massive violation of human rights, etc.). If we take a "value-neutral" look at the matter, it is clear that interventions occurred in the name of the right to self-determination. Now, the West needs to understand that it has embarked upon a dangerous path. It would have been better to argue for a measured approach that would balance the principle of self-determination with the prohibition on the use of force against the territorial integrity and the political independence of a state. Maybe this lesson will be learned now. The Russian Federation will certainly not miss an opportunity to remind the West of what Foreign Minister Lavrov has already expressed in the following terms: The West is: "rejecting the democratic principle of the sovereign equality of states enshrined in the UN Charter and tries to decide for everyone what is good or bad. Washington has openly declared its right to the unilateral use of force anywhere to uphold its own interests. Military interference has become common, even despite the dismal outcome of the use

of power that the US has carried out in recent years.”²⁰ Though one may argue over whether it was the use of force that brought poor results or the subsequent post-conflict peace-, nation-, and state-building efforts that failed, there is certainly an element of truth to the claim that sovereign equality and the prohibition of the threat and use of force have not flourished during the last 15 years, but have actually weakened significantly.

When Russia took action, integrated Crimea into its territory, and legitimized this in a referendum, some felt very strongly that this was both illegal and politically unacceptable. The US consistently argued against this step: “The illegal ‘referendum’ held on Sunday in Crimea violated the Constitution and the sovereignty of Ukraine, and will not be recognized. Crimea is Ukraine. Only one participating State pretends that it is anything other than Ukraine”, said the US ambassador to the OSCE Permanent Council.²¹ Others remained silent, or at least less vocal. Some may even have taken the view that this was acceptable. The majority of the population of Crimea (58 per cent) is ethnically Russian; a referendum was held, and while it might not have been fair, it created facts on the ground. If one argues that the transfer of control of Crimea was legitimate on the basis of geostrategic needs, it is also clear why the Russian Federation wanted to gain full sovereign control over Crimea. With the regime change in Kyiv, Moscow could no longer be sure that its lease on the Sevastopol naval base (extended in the 2010 “Kharkiv Pact” between presidents Yanukovych and Medvedev to 2042 and possibly beyond) would be respected. Russia pursued a different track than in the aftermath of the Georgia-Russia war, when it had recognized the independent statehood of the pseudo-states of South Ossetia and Abkhazia. In the more recent case, Russia absorbed Crimea and Sevastopol into the Russian Federation. This clearly indicates that Russia was aware that it could not gain international support for state recognition, and also that Crimea is a very different case from Abkhazia and South Ossetia in historical terms, as it belonged to the Russian Soviet Federative Socialist Republic only 60 years ago and has a Russian ethnic majority.

There is a lesson to learn from the way the Crimea issue was handled by the West. Clearly, attempts to placate (not to mention appease) the Russian Federation were unsuccessful. However, it is understandable that the West did not want to react disproportionately to this challenge, which could be interpreted in various ways. It is uncertain whether such a relatively soft reaction contributed to Russia’s increasing “appetite” and hence to the deterioration of the conflict.

20 Address by Russian Foreign Minister Sergey Lavrov, cited above (Note 18).

21 United States Mission to the Organization for Security and Co-operation in Europe, *Interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe* as delivered by Ambassador Daniel B. Baer to the Permanent Council, Vienna, 21 March 2014, at: http://osce.usmission.gov/mar_21_14_monmission.html.

If the annexation of Crimea is seen merely as a move from revisionism to revanchism,²² there is no way to understand it. Grasping Russia's motivations also requires empathy with a state that has lost every square kilometre it gained over the last three centuries. Gaining or regaining territory can be appealing, particularly in those parts of the world that live in the modern paradigm, in Robert Cooper's terms,²³ under which sovereignty matters, territory means control, and borders separate. The Russian Federation lives under this paradigm, and this has been exacerbated by a recent history of humiliation, as the French commentator Dominique Moisi put it.²⁴ Putin turned back the clock and helped many Russians to regain their pride. This is the source of his soaring popularity, which has reached levels that leaders of established democracies can only dream of. Yet there is a price tag to this popularity. In the short term, it is a very significant drop in the approval of Vladimir Putin and the Russian Federation internationally.²⁵ In the longer run, as sanctions hurt Russian citizens in every stratum of the population, President Putin's popularity may become more volatile. Many in the former Soviet area share the view that this is the ultimate purpose of Western sanctions: To destabilize the Russian leadership and foster a change of regime or system. Whether this is a well-founded concern, part of an effort to generate solidarity in Russian society, or a symptom of a wounded psyche is open to question. It can be taken for granted that the coalescence of internal and external factors that fuelled the so-called colour revolutions of the last decade still reverberates (artificially maintained in part by Russian propaganda). Portraying Russia as a victim may help the Russian leadership to generate popular support domestically.

Some have stated that they believe the Russian leadership will be satisfied with the annexation of Crimea and will not pursue further adventures. However, the population of some parts of eastern Ukraine also wish to re-define their status inside Ukraine or even join the Russian Federation. The former would require devolution of power, or even the transformation of Ukraine into a federation. Those who live in the post-modern paradigm and believe that devolution is not such a big deal do not take into account the following: (1) There is not a single federation in Eastern Europe with real devolution of power and significant financial autonomy of its composite en-

22 As early as 2009, not long after the five-day war of August 2008, Sergey Karaganov warned that "Russia may turn from a revisionist state changing the disadvantageous rules of the game imposed on it in the 1990s into a revanchist state." Sergey Karaganov, *The Magic Numbers of 2009*, in: *Russia in Global Affairs* 2/2009, at: http://eng.globalaffairs.ru/number/n_13036.

23 Cf. Robert Cooper, *The Breaking of Nations – Order and Chaos in the Twenty-first Century*, London 2004.

24 Cf. Dominique Moisi, *The Geopolitics of Emotion: How Cultures of Fear, Humiliation and Hope Are Reshaping the World*, New York 2010.

25 Cf. Pew Research Global Attitudes Project, *Russia's Global Image Negative amid Crisis in Ukraine. Americans' and Europeans' Views Sour Dramatically*, 9 July 2014, at: <http://www.pewglobal.org/2014/07/09/russias-global-image-negative-amid-crisis-in-ukraine>.

ties. The multinational “federations” of East-Central and Eastern Europe have all disintegrated. Russia, which continues to be a federation, has recentralized power and hollowed out the power of the federal entities, while strengthening regions. This process is part and parcel of “virtual democracy”.²⁶ (2) In Eastern Europe, there is little trust in promises and constitutional regulations. In light of bitter experience, the population knows that such promises and rules hold only as long as political power relations do not change and give way to new arrangements. (3) Devolution deprives the central authorities of power and resources. In a state as deeply corrupt as Ukraine, such a process would deprive the central authorities of the sweetest fruit of political power: the possibility of private enrichment. Taking these factors together, it is clear why Ukraine was strongly opposed to devolution. The issue of devolution (even if short of autonomy) was a contentious aspect of the April meeting of the Russian and Ukrainian foreign ministers (in the company of the US Secretary of State and the EU High Representative for Foreign Affairs and Security Policy) and the matter was only resolved in September 2014, when the Minsk Protocol of the Trilateral Contact Group agreed to “implement decentralization of power”. However, it is apparent that the issue remains contentious, as the Ukrainian authorities would not like to see this implemented – even less on the basis of such an ambiguous formulation.

It is important to understand that Ukraine’s offer of limited autonomy to the people of Donetsk and Luhansk was both very weak and poorly communicated. Kyiv was hesitant to accept the need to devolve power, grant these areas a special status, and respect Russian as an official language alongside Ukrainian. Furthermore, the “offers” made to those regions were very poorly communicated internationally. Hence, many people worldwide only saw the casualties in eastern Ukraine (the Donetsk Basin or “Donbas”) and not the attempts to resolve the conflict by political means. Ukraine’s armed forces have also performed poorly. Their problems with equipment and basic training have been highly visible. This has demonstrated that Ukraine’s recent attempts at defence reform were foiled by corruption and ineffective management. Furthermore, Ukraine gave the impression that it did not care how many casualties it suffered or how much property and infrastructure were destroyed. That is why I would be tempted to call Ukraine’s war in the Donbas a “Zhukovian” campaign. Memorably, Marshal Zhukov cared extremely little about casualties during the Red Army’s advance from Khalkhin Gol to Berlin. While success on the battlefield can sometimes legitimize high casualty figures, including civilians, and the destruction of infrastructure and property, this was not the case in Ukraine’s Donbas campaign. It is unlikely that Kyiv’s intention was to demolish Donetsk and Luhansk if Ukraine hoped to maintain sovereign control over those territories.

26 Cf. Andrew Wilson, *Virtual Politics: Faking Democracy in the Post-Soviet World*, New Haven 2005.

Kyiv's decision to stop subsidizing the secessionist Donetsk and Luhansk oblasts and to sever its relations with them²⁷ may be emotionally burdensome for many Ukrainians. However, it is creating a situation in which the Russian Federation will have to take more responsibility for the region. Ukraine has thus pushed Donetsk and Luhansk into Russia's arms. This is the first time that Ukraine has created a trap for Russia and not the other way around. Moscow is forced to choose between extending Russian sovereignty to Donetsk and Luhansk oblasts or merely providing support and assistance. If Russia chooses the former, it will gain the territory but will face a difficult task in avoiding criticisms of imperialism. If it chooses the latter path, Russia will have to take responsibility for costs ranging from the current account deficit to supporting economic recovery. However, it is unclear whether Ukraine has a long-term strategy of "disposing of" Donetsk and Luhansk with the burden they represent, or if it only wants to punish the two areas for the vote in November 2014 that brought separatists to power. If Kyiv has such a long-term strategy, it will have to cease its military operations and accept that the territories are, in fact, lost.

Sanctions: A Message Short of Direct Military Confrontation

Western reactions to developments in Ukraine have revealed differences between the US and the EU. These are easy to understand. The US applies a different policy mix and is more likely to rely on coercion than the EU. Sanctions play a privileged role in US policy and are applied routinely. Although the EU has also applied sanctions in many cases, it always gives the impression that it would prefer not to have to. Behind this, there is a fundamental difference: The EU is a trading bloc, and more than 40 per cent of its total GDP comes from external trade. By contrast, foreign trade only accounts for 15.7 per cent of US GDP.²⁸ Furthermore, Russia is a major trading partner for Europe, not only as a source for the import of hydrocarbons and a market for high-value Western European products, but also as a major investment market, though this varies from state to state. Russia is thus considerably more important as a trading partner for the EU than it is for US.

27 Cf. Ukraine scraps human rights treaty for rebel areas, cuts services, freezes banks, 16 November 2014, in: *RT.com*, at: <http://rt.com/news/205919-ukraine-blockade-rebel-areas>. More accurately, the President and the government of Ukraine decided to cease providing social payments in the Donetsk and Luhansk areas (areas not under the control of the government in Kyiv) to those who do not register in an area under the control of the government of Ukraine by 31 December 2014. See Office of the United Nations High Commissioner for Human Rights, *Report on the human rights situation in Ukraine*, 15 December 2014, para. 34, p. 8, at: http://www.ohchr.org/Documents/Countries/UA/OHCHR_eighth_report_on_Ukraine.pdf.

28 Cf. Eurostat, *EU 28 exports and imports as a percentage of GDP by year (2013)*, at: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/File:EU_28_imports_and_exports_as_a_percentage_of_GDP_by_year.png.

The EU and its member states have introduced sanctions gradually, which has made it possible for the Russian Federation either to adopt measures to de-escalate the conflict or to reciprocate. The EU's sanctions consisted of a combination of: (1) measures against members of the Russian political leadership and economic establishment, including travel bans and freezing bank assets (later also applied to Donetsk- and Luhansk-based separatists); (2) trade restrictions; (3) investment bans accompanied by constraints on technology transfers. The measures were not supported by every member state, reflecting their national interests. The UK and Luxembourg had problems with banking sanctions; France with trade, including the export of military items, and, in particular, with the suspension of delivery of two Mistral helicopter carriers. Germany, home to more than 6,000 companies that do business in Russia, had problems with sanctions on trade and investments. Last but not least, a few states were generally sceptical about whether sanctions would serve any purpose at all. Most prominently, the Hungarian prime minister said that "Russian sanctions shot in our own leg".²⁹ Prime Minister Viktor Orbán was of course warned by his partners of the danger of weakening EU solidarity, which gave him one more opportunity to pick a fight with the EU. It is apparent that a number of EU states have problems supporting sanctions against Russia. Interestingly, these are not the states that have been the prime losers of the sanctions policy. Hungary, in addition to its rhetorical opposition, even cut off its "reverse" gas supply to Ukraine and tried to set demands for solidarity with the EU sanctions regime. The Czech Republic had a different problem. President Miloš Zeman has a certain "predisposition" to be supportive of the position of the Russian Federation. Although the total damage caused to EU trade was estimated at approximately at five to six billion euros by mid-November 2014, certain economic segments and states have been particularly exposed.

In turn, the Russian Federation introduced sanctions of its own. Russian retaliatory measures, such as the banning of agricultural imports, hit some EU member states, including Poland and Lithuania, severely. However, most states, rather than trying to undermine the sanctions regime, tried their best to benefit from the EU fund created to compensate for the loss. Russia's sanctions were fairly limited, which is understandable in view of the asymmetrical economic power of the two sides, as well as Moscow's dependence on Western markets, investment, and technology. Their introduction was accompanied by declarations for domestic consumption that the country can withstand the sanctions, and that they would actually help domestic production and innovation. Such propaganda notwithstanding, it has become clear very quickly that the Russian economy will face difficulties in the long run. The first warning signals came from the Russian banking sector and from large enterprises that could not manage their finances without access to for-

29 Orbán: Russian Sanctions "Shot in Our Own Leg", 18 August 2014, in: *Hungary today*, at: <http://hungarytoday.hu/cikk/orban-russian-sanctions-shot-leg>.

eign resources. They turned to the government to help them out. The state did not really have much of a choice, and started to provide financial assistance from reserves and the state pension fund. The government has also contemplated increasing income taxes, which are currently very low (13 per cent). The Russian Federation was careful to avoid applying sanctions that would have really hurt, such as closing Russian airspace to foreign airlines or stopping the export of hydrocarbons. Moscow had no desire to enter a sanctions arms race, or to provide arguments to those in the West who wanted to introduce further sanctions against Russia. Russian companies reacted to the sanctions by trying to draw the maximum benefit from the situation. One Russian oil company asked the government to help it out with more than 40 billion US dollars, while it turned out that it had more than 25 billion dollars on its books. The prices of certain foodstuffs soared in a number of regions. In response, the Russian government considered introducing (temporary) price controls for certain socially important products. However, as of November 2014, none has yet been introduced.

Damage to the Russian economy has been accumulating for a host of reasons. The fact that Russian companies and banks have been facing difficulties in refinancing loans has reduced the creditworthiness of the Russian Federation and put the rouble under pressure. The loss of value of the Russian currency has been steady. This has resulted, on the one hand, in increasing inflation, making imports more expensive. On the other hand, however, a weak rouble could help Russian exports in the long run. The massive drop in the price of crude oil, which may be heralding a lasting period of relatively low oil (and hence gas) prices, will reduce the profitability of some large Russian enterprises, thus shrinking the tax base. Irrespective of President Putin's reassuring statement that "the nation has enough resilience to weather the storm. Due to the dollar's rise, oil was traded higher than the Russian 2014 budget expected in the first half of the year, so the current low price won't force a correction",³⁰ the situation may be critical in the long run, as oil production costs are far higher in Russia than in a country like Saudi Arabia. At his annual press conference in December 2014, the Russian President reiterated that higher oil prices would return due to the growth of the world economy, and hence that Russia hoped to "bridge over" a difficult period that may last for a few years.³¹

30 At the press conference he held in Brisbane upon the completion of the G20 summit meeting on 16 November 2014, President Putin minimized the effect of declining oil prices. However, the Russian government is ever more frequently contemplating options by means of which funds could be liberated and resources collected to sustain the standard of living of Russian citizens. In an indirect recognition of this, President Putin pointed out at the same press conference that: "We will see what happens next year. If this continues, we'll correct our spending, but it won't affect our social obligations." Putin: Economic Blockade of E. Ukraine 'a big mistake', in: *RT.com*, at: <http://rt.com/news/205931-g20-putin-press-conference>.

31 See President of Russia, *News conference of Vladimir Putin*, 18 December 2014, at: <http://eng.kremlin.ru/news/23406#sel=18:36,18:83>.

Some find the EU sanctions insufficient and view their gradual introduction as a mistake. However, it was precisely the gradual introduction that has given the Russian Federation an opportunity to understand that the longer term consequences may well be difficult to bear. No access to capital, no new investment and hence limited access to critical technologies is a dangerous mix for Russia. The damage may go well beyond limiting access to Western consumer goods or subjecting a growing list of individuals to travel bans.

The situation has very clearly demonstrated that Western Europe and the Russian Federation are deeply interdependent in economic terms, and that Europe, even taking into account the hydrocarbon sector, does not unilaterally depend upon Russia. Russia badly needs the income from its trade surplus with Europe. The sanctions have also increased Russia's interest in growing its trade with partners that did not join the sanctions, while also seeking investment from such countries, above all China. In sum, both sides have fallen into a kind of trap. Although they may be able to afford the short-term losses, in the long run, they may induce processes that further contribute to the rearrangement of relations in the world economy. The Russian Federation, irrespective of the "smokescreen" (strategic partnership, best friends) it uses to cover the reality of Chinese-Russian relations, is not interested in further increasing its dependence on Chinese investment or trade. Lasting EU, US, and Japanese sanctions may precisely induce such dependence in the medium to long term. The investment deal signed on the "*Sila Sibiri*" ("Power of Siberia") gas pipeline followed by a further deal signed in November 2014 to supply China with 30 billion cubic meters of gas in the next 30 years (complemented by the sale of part of Rosneft's share of Vankorneft to the state-owned China National Petroleum Corporation)³² may bring relief to the Russian economy, but creates a lasting dependence. The entire situation illustrates that in economic terms the world has become polycentric.

Russia had high hopes that the EU sanctions would be lifted soon and regularly referred to an expectation that the EU would discuss them at the end of September 2014. Moscow pretends that the sanctions were introduced as a result of the conflict in eastern Ukraine and Russia's involvement in it – i.e. that they have nothing to do with Crimea, which is never mentioned. This is certainly smart diplomacy on Russia's part, enabling Moscow to act both resolutely and in a conciliatory manner by opening the door to the lifting of sanctions as if they had been imposed without just cause. Bearing in mind how complex and "thoughtful" EU decision-making is, it would certainly take some time to lift sanctions, particularly if Russia takes the line of Sergey Karaganov, according to whom "Western delusions triggered this conflict and Russians will not yield".³³ It is noticeable however, that the Russian Fed-

32 Cf. Andy Tully, Russia, China sign new huge gas deal, in: *Oilprice.com*, 10 November 2014, at: <http://oilprice.com/Latest-Energy-News/World-News/Russia-China-Sign-New-Huge-Gas-Deal.html>.

33 Sergey Karaganov, Western delusions triggered conflict and Russians will not yield, in: *Financial Times*, 15 September 2014, at: <http://karaganov.ru/en/publications/349>.

eration's proactive policy and long-term economic engagement with some EU member states has not been unsuccessful at dividing the EU. This is at least a partial success for Russia and a lesson for the EU. The EU has, however, been able to maintain the sanctions regime, gradually extending and expanding it as the situation has not improved on the ground.

It remains uncertain whether the top leadership of the Russian Federation understands the workings of the EU (and its co-operation with other power centres, above all the US) and the complexity of the long-term economic consequences of the sanctions. At least one analyst has doubts.³⁴ Only the faces seen on Russian television at meetings of various government bodies indicate that there are other politicians who are well aware of the economic troubles on the way.

The Reappearance of the OSCE

The two most important European and Euro-Atlantic institutions, NATO and the EU, did largely what was expected of them. Yet there was one organization, the Organization for Security and Co-operation in Europe (OSCE), that gained greatly in importance due to the Ukraine crisis. What were the reasons for this organization's rapid rise to prominence? There are several factors, four of which matter most: (1) The OSCE has every (widely recognized) state of Europe and North America among its participating States. They are all there as equals. (2) The OSCE's comprehensive security concept is particularly suitable for addressing conflicts that have complex spillover effects. In addition to the politico-military aspects at its centre, the Ukraine crisis soon led to a complex humanitarian emergency, complete with asylum seekers and internally displaced persons, not to mention internal democratic processes, such as elections and their monitoring. (3) The OSCE, which had crossed the frontier of internal jurisdiction earlier than other international institutions, was well placed to address these issues. (4) The participating States were willing to rely on the OSCE as a complementary channel of diplomacy and conflict management.

Other factors, less important than these four, included the fact that the country holding the OSCE's Chairmanship in 2014, neutral Switzerland, had credibility with every participating State, including the parties to the conflict. Switzerland also possessed a highly professional team and eventually found diplomats with understanding of the region.

34 Cf. Veronika Eschbacher, Putin denkt überhaupt nicht über Wirtschaft nach: Der russische Ökonom Wladislaw Inozemtsew über die Wirtschaftspolitik Russlands [Putin hasn't considered the economy at all: The Russian Economist Vladislav Inozemtsev on Russia's Economic Policy], in: *Wiener Zeitung*, 14 November 2014, at: http://www.wienerzeitung.at/nachrichten/europa/europastaaten/706177_Putin-denkt-ueberhaupt-nicht-ueber-Wirtschaft-nach.html.

There were four areas where the OSCE made a difference: (1) maintaining diplomatic communication in Vienna; (2) facilitating exchanges between the parties to the conflict, including “non-state actors” as the representatives of the self-declared independent republics became known; (3) providing for election observation in two cases (though not in another two); (4) establishing and extending the Special Monitoring Mission.

The diplomatic exchanges in Vienna took place at working level, but complemented higher-level direct exchanges between leaders. This was essential, as personal and telephone exchanges between top leaders were infrequent. This was partly due to the exhaustion of some leaders, who had done their best to keep channels of communication open in the hope that it would help reason to prevail. However, when it was noticed that high-level communication at the levels of heads of states or government and foreign ministers was being abused to claim international recognition of certain dubious Russian actions, high-level communication became sparse, and some leaders may have felt personally betrayed. I think it is clear that the German government’s view has evolved significantly, and Germany has moved from being a leader of the reconciliation-with-Russia camp to a country that was ready to take a more hard-line view by September 2014. This was probably due to a feeling of betrayal by Russian leaders at both head-of-government and foreign-minister level. The Russian leadership tried to instrumentalize Germany, partly by demonstrating that it continued to have international legitimacy and partly in order to gain time while also being economical with the truth in confidential exchanges. Although Germany continued to engage with the Russian Federation and act to promote reconciliation, the Russian Federation certainly lost the trust of a major supporter.

The OSCE’s observation and encouragement of talks between the Russian Federation, Ukraine, and the separatist forces in eastern Ukraine was essential to achieving a breakthrough. The fact that Ukraine was the previous chair and hosted the OSCE Ministerial Council meeting during the earliest days of the crisis focused the minds of many participating States. The fact that the arrangements agreed in Minsk in September have gradually fallen apart demonstrates that Europe is increasingly facing a protracted conflict – one more in addition to Transdniestria, Nagorno-Karabakh, and the terminated, though unresolved conflicts around Abkhazia and South Ossetia. However, there is one major difference: In this case, the Russian Federation is a direct party to the conflict. Even though there are the separatist forces on the ground, they are heavily dependent upon Russian economic, humanitarian, political, and military support.

Conclusions

The conflict that has raged in and around Ukraine since late 2013 will have lasting repercussions on international security, and European security in particular.

- Europe will face a lasting non-Cold-War type redivision between an enlarged West and a shrinking East. Elements of confrontation and co-operation will coexist.
- European security thinking will regain its multi-factoral character, and military security its importance. The nearly three decades of declining importance attributed to military security since the mid-1980s has come to an end.
- In accordance with the above, NATO will regain its relevance in European security and gain a new wherewithal following the “completion” of the operation in Afghanistan. Most European states will have to find better excuses for their declining defence commitments than heretofore.
- The dissatisfaction of the United States with its European partners will remain, as far as their policies regarding joining enforcement measures and giving them priority in the policy mix are concerned.
- The European Union will remain disunited in its reaction to the actions of the Russian Federation. Germany’s role as the state that stands between those that would like to give up on sanctions and those that would follow a hard-line position as long as their own economy is not affected directly will become more pronounced. Germany’s position in the EU will be key due to the scale of its investment and trade relations with Moscow.
- The Russian Federation will continue to legitimize its actions in support of the introduction of a revamped “Brezhnev doctrine”, limiting the sovereign choice of former Soviet republics generally and undermining the territorial integrity of Ukraine specifically. Moscow will justify this partly by reference to supposed Western (primarily US) conspiracies and by (im)moral equivalence with the West’s military action in Serbia/Kosovo in 1999, in 2003 in Iraq, and the misuse of the UN Security Council’s approval of enforcement action in Libya.
- Russia no longer has a problem only with the aspiration for NATO membership among former Soviet republics, but also with their Western orientation more broadly, including any aspirations for EU membership. This denies the sovereign choice of other states in the post-Soviet space more than ever.
- The Russian Federation will increase its efforts to integrate the former Soviet republics into Moscow’s orbit, be it in the Collective Security Treaty Organisation (CSTO), the Customs Union, or the coming Eurasian Economic Union. However, these efforts will remain only partly

successful, as Russia's support for states that join those organizations remains volatile. Some of Russia's actions in relation to Ukraine and some of Moscow's ill-advised pronouncements will inspire fear more than friendship in many post-Soviet states.

- The large majority of the Russian population will identify with Russia's alienation from the West. This will give the political leadership of the Russian Federation an opportunity to limit individual freedoms and further curtail democracy.
- The Russian Federation will increase efforts to modernize its defence sector and will allocate further resources to domestic law enforcement. This may complicate Russia's economic development. It is uncertain whether it will result in the further weakening of Russia's economic competitiveness and in what time frame.
- The Russian Federation has lost most its investment in soft power. Russia's standing in the world will suffer in a lasting way. Moscow's attempt to regain status in the world will remain largely unsuccessful due to the inadequate mix of sources of power and influence the country has been relying upon.
- Some states beyond Europe may draw lessons from the Ukraine crisis for their nuclear policy and find reassurance in seeking nuclear weapon capacity. Both the "military immunity" that the Russian Federation has due to its possession of the world's largest nuclear arsenal, and the perceived weakening of Ukraine as a result of Kyiv's relinquishment of nuclear weapons may have highly unfortunate side effects.
- The course of events has demonstrated that the Russian Federation is heavily interdependent with European economies, and the longer term potential consequences of the application of sanctions is likely to make Russia think twice. Official communications from the Russian leadership have been disconnected from reality as far as the impact and longer term effect of sanctions are concerned.
- Ukraine will remain heavily dependent upon foreign money. It is questionable whether international financial institutions, the EU, and its member states will be willing to subsidize the transformation of Ukraine in the long term.
- Ukraine's bid for integration in the West via EU membership is likely to be in vain unless the EU makes a strategic choice and ignores every other factor of Ukraine's compatibility with EU membership requirements. The postponement of the entry into force of the Deep and Comprehensive Free Trade Agreement (DCFTA) between the EU and Ukraine to late 2015 indicates how burdensome Kyiv may become for the EU and how doubtful the West is concerning Ukraine's economic viability.

- The goodwill and the determination of Ukraine's new leaders may remain insufficient to bring about the necessary rapid socio-political and economic transformation of the country.
- Ukraine will effectively lose a part of the Donbas, which will relieve it of the burden of funding the economic recovery of Donetsk and Luhansk oblasts.
- Ukraine will be more ethnically or nationally homogeneous following the territorial losses. It is an open question whether this will result in stronger national unity than in the last 23 years of recent independent Ukrainian statehood.

Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges

Election Observation as a Point of Contention between the Russian Federation and ODIHR

The history of election observation by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the political evolution of post-Soviet Russia have been interconnected since the very beginning. The second ever ODIHR long-term election observation mission was sent to the Russian Federation in 1996,¹ though election-day observation had already been conducted in 1993 and 1995 by the CSCE/OSCE Parliamentary Assembly, with some ODIHR involvement.² Meanwhile, post-Soviet Russia took the first steps of its democratic transition. The earliest reports released by ODIHR praised the positive developments of Russian democracy. After 2000, following internal and international developments, Moscow has re-established a more assertive foreign policy, which entails a less idealistic and more pragmatic view of international co-operation. At the same time, while refining its long-term observation methodology, ODIHR started to express its concern at the shortcomings of Russian electoral processes and made clear that “as time progresses, lack of experience is becoming increasingly less valid as an argument to explain election irregularities in OSCE participating States”.³ Since then, Russia has started to perceive election observation as a potential form of interference in its internal affairs.

This contribution focuses on the last decade of the debate on ODIHR election observation between the Russian Federation, ODIHR, and other OSCE participating States. It sheds light on Moscow’s and ODIHR’s goals and the strategies both use in managing their relationship. Finally, it aims to draw some conclusions concerning possible developments, taking into account the wider context of Russia’s participation in the OSCE as a whole.

Note: The opinions expressed in this article are the author's own and do not necessarily reflect the view of the OSCE/ODIHR.

- 1 Cf. OSCE/ODIHR, *Report on the Election. International Observer Mission. Election of President of the Russian Federation 16th June 1996 and 3rd July 1996*, Warsaw, 12 July 1996. All information and reports of ODIHR election observation activities in Russia are available at: <http://www.osce.org/odihr/elections/russia>.
- 2 Cf. Peter Emery, OSCE Parliamentary Assembly Election Monitoring: The 1995 Russian Elections, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 211-224. See also: OSCE Parliamentary Assembly, *The First Decade of OSCE PA Election Observation 1993-2003*, at: <http://www.oscepa.org/election-observation>.
- 3 OSCE/ODIHR, *Challenges to OSCE election commitments*, at: <http://www.osce.org/odihr/elections/43736>.

The focus of Russian discontent over election observation is essentially political in nature, as it involves the interpretation of fundamental CSCE/OSCE political documents. In fact, Moscow and other Commonwealth of Independent States (CIS) capitals are no longer willing to abide by the spirit of key OSCE commitments, endorsed in the past by Soviet and Russian leaders. Hence, their goal is to promote a very strict interpretation of ODIHR's mandate, if not to call into question key human dimension commitments stated mainly in the 1990 Copenhagen Document, whose implementation is monitored by ODIHR. Moscow has contested the legitimacy of ODIHR election observation on both legal and technical grounds, and took action aimed at limiting its effectiveness and autonomy. Russian and CIS representatives have restated their claims in a number of documents and statements over the last ten years.⁴ At the same time, while rejecting the spirit of the Copenhagen Document, they did not deny their adherence to the letter of the agreement.

From the legal point of view, Russia pointed out that CSCE/OSCE documents are only *politically binding* and that the Organization would be strengthened if its normative framework evolved into fully-fledged *legally binding* international treaties. Furthermore, it questioned the legal significance of ODIHR's methodology and attacked the practices the Office has established over the years to fulfil its mandate on the basis of key CSCE/OSCE documents.⁵ Moscow sees ODIHR not as an independent watchdog,

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- 4 Cf. Delegations to the OSCE of Armenia/Republic of Belarus/Republic of Kazakhstan/Kyrgyz Republic/Russian Federation/Republic of Tajikistan/Republic of Uzbekistan, *Basic Principles for the Organization of ODIHR Observation of National Elections*, annex to: Draft Decision on OSCE/ODIHR Observation of National Elections. PC.DEL/898/07, 18 September 2007, hereinafter: *Basic Principles*; Armenia/Belarus/Kazakhstan/ Kyrgyzstan/Russian Federation/Tajikistan/Ukraine/Uzbekistan, *Appeal of the CIS Member States to the OSCE Partners, Astana 15 September 2004*, at: http://www.mid.ru/bdcomp/brp_4.nsf/e78a48070f128a7b4325699005bcb3/70f610ccd5b876ccc3256f100043db72; Belarus/Kazakhstan/Kyrgyzstan/Moldova/Russian Federation/Tajikistan/Ukraine/Uzbekistan, *Statement by CIS Member Countries on the State of Affairs in the OSCE*, Moscow 3 July 2004, at: <http://archive.kremlin.ru/eng/text/docs/2004/07/74223.shtml>.
- 5 *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, Copenhagen 1990, at: <http://www.osce.org/de/odihr/elections/14304>; *Charter of Paris for a New Europe*, Paris 1990, at: <http://www.osce.org/node/39516>; *Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE*, Moscow 1991, at: <http://www.osce.org/odihr/elections/14310>; Prague Document on Further Development of CSCE Institutions and Structures, in: *Second Meeting of the Council*, Prague 1992, pp. 13-21, at: <http://www.osce.org/mc/40270>; CSCE, 1992 Summit, *CSCE Helsinki Document 1992: The Challenges of Change*, Helsinki, 9-10 July 1992, at: <http://www.osce.org/mc/39530>; CSCE, *Budapest Document 1994: Towards a Genuine Partnership in a New Era*, Budapest, 6 December 1994, at: <http://www.osce.org/mc/39554>; Charter for European Security, Istanbul 1999, in: OSCE, Istanbul Summit 1999, *Istanbul Document 1999*, at: <http://www.osce.org/mc/17502>; OSCE, Ministerial Council, Brussels 2006, *Decision No. 19/06, Strengthening the Effectiveness of the OSCE*, MC.DEC/19/06, 5 December 2006, at: <http://www.osce.org/mc/23209> (hereinafter: *MC Decision No. 19/06*), OSCE, Summit Meeting, Astana 2010, *Astana Commemorative Declaration. Towards a Security Community*, SUM/DOC/1/10/Corr.1, 3 December 2010, at: <http://www.osce.org/node/74985>.

but as an instrument for technical election assistance along lines agreed between ODIHR and the host country. Russia and like-minded OSCE participating States have therefore put forward several reform proposals aimed at subordinating key aspects of ODIHR's election observation activity to the political consensus at the intergovernmental level. These include the following: Election Observation Missions (EOMs) should be sent to all participating States in the same format and with the same number of observers; the appointment of EOM staff and the publication of reports should be agreed by the host country; public statements by the missions should be avoided before the publication of the report; and technical recommendations should be made only if requested by the host State.⁶ Since Russia's ultimate goal was not to reinforce but to renegotiate core principles of the Copenhagen Document and to submit ODIHR's autonomy to political consensus, the majority of participating States rejected this approach.

As a consequence, the Russian challenge moved to technical issues, where it targeted particular aspects of ODIHR's early methodology that, it was claimed, resulted in "double standards", including the concentration of EOMs "East of Vienna", the fact that the majority of observers came from "West of Vienna", the disenfranchisement of Russian non-citizens in the Baltic Republics, and alleged double standards in assessing electoral processes in NATO-oriented and non-NATO-oriented newly independent States. As shown below, ODIHR has taken many steps to meet Moscow's criticisms, yet without conceding on issues of substance. On the contrary, ODIHR turned this criticism into an opportunity to improve its efficiency and autonomy. As a result, however, these arrangements did not reduce Russia's aversion to election observation and its willingness to curb ODIHR's independence.

Russian concerns about election observation increased after the so-called colour revolutions, when contested elections brought about changes of regime unfavourable to Moscow in Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005).

From the perspective of both Western and Russian stakeholders, these events showed that election observation is a very effective tool for mobilizing civil society and opposition forces against electoral frauds, thus destabilizing political regimes.⁷ It would be misleading, however, to link ODIHR election observation with political upheavals. Its reports pinpointed facts, but they were neither deliberately designed nor able to provoke public anger by themselves. Nevertheless, following colour revolutions and ODIHR's highly critical assessment of Russian elections in 2003/2004, Russian criticism of the Warsaw-based institution became harsher. Not only did allegations of

6 Cf. *Basic Principles*, cited above (Note 4).

7 Cf. Radio Free Europe/Radio Liberty, *Putin aide sees "Color Revolutions" as threat to Russian sovereignty*, RFE/RL Newslines, 6 March 2006, at: <http://www.rferl.org/content/article/1143587.html>; US Agency for International Development (USAID), *Rising Democracy*, September 2005, p. 9, at: http://pdf.usaid.gov/pdf_docs/PDADF571.pdf.

“double standards” and calls for drastic reforms intensify, Moscow also tried to prevent ODIHR from carrying out its activity.

For instance, Russia and other CIS countries (Belarus,⁸ Uzbekistan⁹) placed concrete barriers in the way of election observation, including late and limited invitations to observe and late visa issuance to observers. In 2007 and 2008, the Russian Central Election Commission invited only 70 observers, just one month before the elections, thus preventing ODIHR from deploying a meaningful long-term observation mission. Further delays in processing visas for observers ultimately resulted in ODIHR’s decision not to send a mission to observe Russian parliamentary and presidential elections.¹⁰ Russia reacted by reaffirming that its only obligation under the Copenhagen Document “is to invite foreign observers for elections” and that any other “attempt to compel member States to obey the rules under which no one has ever signed,” such as a timely and unconditional invitation to the Office, “looks obviously absurd”.¹¹

An additional factor with a major negative impact on ODIHR’s work is that, since 2005, the approval of the annual budget has been matter of often heated negotiations within the OSCE Permanent Council, and it has been approved only after mutual concessions, usually well after the beginning of the new financial year. Furthermore, Moscow refuses to soften its zero nominal growth policy towards the OSCE’s budget. As a result, the resources available are decreasing in real terms from year to year.¹² Financial restrictions are a tool that Russia can use effectively, and ODIHR – and election observation

8 Cf. Andrei Zagorski, Election Observation in the OSCE Area: Political Challenges, in: Daniel Warner/Vesna Marinkovic (eds.), *OSCE Future Operations and Leadership*, CIG Occasional Paper 2/2008, Geneva 2008, pp. 134-159, here: p. 149.

9 Cf. Robert Mitchell, History and mandate of election observation: the OSCE/ ODIHR experience, in: Hans Schmeets (ed.), *International election observation and assessment of elections*, Statistics Netherlands, The Hague/Heerlen 2011, p. 75; see also: OSCE/ ODIHR, *Limited Election Observation Mission Final Report. Republic of Uzbekistan. Presidential Election. 23 December 2007*, Warsaw 23 April 2008, at: <http://www.osce.org/odihr/elections/uzbekistan/31599>.

10 Cf. OSCE/ODIHR, *ODIHR unable to observe Russian Duma elections*, Press Release, Warsaw, 16 November 2007, at: <http://www.osce.org/odihr/elections/49175>; OSCE/ ODIHR, *OSCE/ODIHR regrets that restrictions force cancellation of election observation mission to Russian Federation*, Press Release, Warsaw 7 February 2008, at: <http://www.osce.org/odihr/elections/49438>.

11 Ministry of Foreign Affairs of the Russian Federation, *Russian MFA Spokesman’s Commentary Regarding Nonparticipation of OSCE ODIHR in Observation of Parliamentary Election in Russia*, Moscow 16 November 2007, at: http://www.mid.ru/bdomp/Brp_4.nsf/arh/D6BABB3CF0917B0FC3257398004EE3D4?OpenDocument; Ministry of Foreign Affairs of the Russian Federation, *MFA Spokesman Mikhail Kamynin Commentary on the Situation Surrounding the Refusal by Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE to Send a Mission to Observe the Elections for the State Duma of the Federal Assembly of the Russian Federation*, Moscow 22 November 2007, at: http://www.mid.ru/bdomp/Brp_4.nsf/arh/41DD22ED09CCE443C325739C003EF458.

12 Cf. Andrei Zagorski, 2009: A Year of Challenges and Missed Opportunities, in: Daniel Warner/Vesna Marinkovic (eds.), *The OSCE and a New Security Governance in Europe*, CIG Occasional Paper 3/2009, Geneva 2009, pp. 58-87, here: p. 67.

in particular – is one of its targets. As further detailed below, in the medium term, shortages of funds may force ODIHR to reduce the geographical coverage of its election observation activity, thus fuelling new specious allegations of double standards from the Russian authorities. For this reason, budgetary constraints represent the main danger to the *modus vivendi* between Moscow and ODIHR.

As well as strongly opposing OSCE election observation, in recent years Russia has also taken some steps that are potentially incompatible with its strategy of reducing ODIHR's autonomy and the authority of its election observation findings.

In particular, the Russian Central Election Commission seconds observers on a regular basis to ODIHR missions, and Moscow recently started making full use of the 15 per cent quota of observers each participating State can deploy. By sending observers, Russia may influence the outcome of the observation; however, this decision also implies formal acceptance of ODIHR methodology.

In addition to this, the CIS has created its own election observation system, mainly in order to counter and neutralize ODIHR's assessments. On the one hand, CIS reports are tailored to draw opposite conclusions to ODIHR ones, and to praise the peaceful organization of elections in compliance with national laws and international standards. In general, the differences between CIS and OSCE election observation reflect the Russian proposals for reforming the latter: CIS election monitoring is based on the legally binding obligations set out in the CIS Convention on Standards of Democratic Elections of 2002;¹³ missions are deployed under the control of CIS intergovernmental structures, including for the appointment of Core Teams, and their methodology is regulated by a binding document.¹⁴ On the other hand, however, CIS election observation methodology is very similar to ODIHR's in formal terms, and the principles of the 2002 CIS Convention are largely inspired by the CSCE's Copenhagen Document.¹⁵

Similarly, other Russian initiatives affirm that they are inspired by the same set of obligations on elections and human rights as ODIHR's activity.

13 Cf. European Commission on Democracy through Law (Venice Commission), *Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States*, Chisinau, 7 October 2002, at: [http://portales.te.gob.mx/internacional/sites/portales.te.gob.mx.internacional/files/Convention Standards of Democratic Elections Electoral Rights Freedom in the States of Commonwealthto.PDF](http://portales.te.gob.mx/internacional/sites/portales.te.gob.mx.internacional/files/Convention%20Standards%20of%20Democratic%20Elections%20Electoral%20Rights%20Freedom%20in%20the%20States%20of%20Commonwealth.pdf), hereinafter: *CIS Convention*. The convention has been signed by the presidents of Armenia, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, and Ukraine.

14 Cf. Commonwealth of Independent States, *Polozhenie o Missii nablyudatelei ot SNG na prezidentskikh i parlamentskikh vyborakh, a takzhe referendumakh v gosudarstvakh-uchastnikakh Sodruzhestva Nezavisimyykh Gosudarstv* [Regulations on CIS Observers' Mission to presidential and parliamentary elections, and referendums in the member states of the Commonwealth of Independent States], Minsk, 26 March 2004 (author's translation).

15 Cf. *CIS Convention*, cited above (Note 13).

Internet-based distance monitoring of elections,¹⁶ for example, is promoted as equivalent to ODIHR's observation in terms of thoroughness, with the additional advantage of avoiding the cost of deployment to the country where elections are held. Reports from the Russian Ministry of Foreign Affairs about human and electoral rights violations in the European Union and the United States¹⁷ aim at demonstrating that "the situation [...] is still far from perfect", concluding that "this is in an obvious contradiction with the EU claims of being the model and often the supreme arbiter" on human rights and "with the ambitions of the USA to become a global leader in the protection of democratic values", respectively. By demanding uniform standards in monitoring elections and strictly comparing participating States' legislation and implementation, the Russian government sometimes contradicts its own argument against ODIHR recommendations, namely that "democratic elections can be conducted under a variety of different electoral systems and laws"¹⁸ and that "national and historic traditions"¹⁹ should always be taken into account.

Overall, these actions may have the unintended effect of legitimizing ODIHR's action.²⁰ Russian public opinion, increasingly sensitized about the importance of genuine elections, would easily recognize that the key difference between the two approaches to election monitoring is the independence of the *observer* from the *observed*. Besides, the incoherencies outlined above have made it easier for ODIHR and its supporters in the OSCE Permanent Council to respond to Russian reform proposals.

ODIHR's Mandate and its Implementation

ODIHR's main goal is to "promote [...] democratic election processes through the in-depth observation of elections and conduct [...] election assistance projects that enhance meaningful participatory democracy".²¹ Due to the intergovernmental nature of the OSCE, the follow-up to election-related recommendations largely depends on the interest of participating States in making use of the assistance provided by ODIHR. Therefore, in the absence of

16 Cf. Russian Public Institute of Electoral Law (ROOIP), *Dstantsionnyi monitoring kak forma mezhdunarodnogo nablyudeniya za vyborami* [Distance Monitoring as a form of international election observation], at: http://www.roiip.ru/images/data/gallery/8_5129_Distance_monitoring_011013.pdf.

17 Cf. Ministry of Foreign Affairs of the Russian Federation, *Report on the human rights situation in the European Union*, Moscow, 2012, at: http://www.mid.ru/brp_4.nsf/0/F6501F42C40A25EE44257ACC004971FC; *Report on the Human Rights Situation in the United States of America*, Moscow 22 October 2012, at: <http://www.mid.ru/bdomp/nsdgpch.nsf/8f29680344080938432569ea00361529/2ab49ff642baf0c244257aa000254663>.

18 Cf. *MC Decision No. 19/06*, cited above (Note 5), Basic Principles, cited above (Note 4).

19 *CIS Convention*, cited above (Note 13).

20 Information on CIS election observation is available in Russian at: <http://e-cis.info/index.php?id=11>.

21 OSCE, *Overview Election Observation*, at: <http://www.osce.org/odihr/elections/43734>.

political will in Moscow to make full use of ODIHR's assistance, the Office is not in a position to further contribute to the consolidation of Russian democracy, notwithstanding the added value election observation brings to the electoral process, including in Russia.

A second goal of the Office, instrumental to the first one, is to defend its autonomy from other OSCE structures, and from the Permanent Council in particular. Election observation would be useless and ineffective if observers were controlled by governments. The majority of participating States share this principle.

In tackling attempts to undermine its autonomy, ODIHR has demonstrated both steadfastness and diplomatic wisdom. Although it is aware that the political differences underlying dissatisfaction towards the Office will not disappear in the short term, ODIHR has tried to eliminate possible causes of the perceived double standards. In line with an ODIHR report commissioned by OSCE ministers of foreign affairs in 2005²² and with the OSCE's Ministerial Council Decision No. 19/06,²³ ODIHR addressed some of the issues put forward by Russia.

First, ODIHR improved its methodology with new mission formats to observe elections "East of Vienna". Election Observation Missions, Limited Election Observation Missions, Election Assessment Missions and Election Expert Teams are now regularly deployed, according to the needs of participating States, to monitor specific aspects of the process.²⁴ The size of the mission and the number of observers are determined objectively according to the findings of a Needs Assessment Mission sent by ODIHR to the host country well ahead of the elections. To date, election observation activities have been implemented in all OSCE participating States. Even if this does not meet the Russian request to send the same number of observers everywhere, monitoring elections in the whole OSCE area can also add value where confidence in the process is high, stakeholders do not expect widespread violations during the polling, and the need for election day observation (and short-term observers, STOs) is low. In all these cases, a small pool of experts can effectively focus on key areas such as campaign finance, the legal framework for elections, and new voting technologies. Unfortunately, Western participating States tend to underestimate the added value of funding missions in established democracies as well as the political importance of ensuring uniform standards. In 2013, for example, ODIHR had to abandon efforts to send a mission to observe Italian parliamentary elections, because only one long-term observer (LTO) was seconded by participating States.

22 Cf. OSCE/ODIHR, *Common Responsibility. Commitments and Implementation. Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw 10 November 2006, at: <http://www.osce.org/odihr/22681>, hereinafter: *Common Responsibility*.

23 OSCE, *MC Decision No. 19/06*, cited above (Note 5).

24 Cf. OSCE/ODIHR, *Election Observation Handbook*, Sixth Edition, Warsaw 2010, p. 29-32.

Second, in order to broaden a sense of ownership of its activities, ODIHR has promoted the participation of observers from post-Soviet and Balkan countries. ODIHR committed itself to deploying some ten per cent of STOs and LTOs from 17 countries using the resources of the “Fund for Enhancing the Diversification of OSCE/ODIHR Election Observation Missions,” a project established in 2001 based on donations.²⁵ This fund has been used to train observers from eligible countries on a regular basis since 2006. ODIHR also provides regular training to officials at the Russian Diplomatic Academy in Moscow.²⁶ Not only is the increased participation of observers from under-represented countries an answer to one of Russia’s main concerns, it also allows ODIHR to enhance the involvement of trained and independent observers, including those coming from civil society, through capacity building initiatives based on its established methodology.

Third, the quality of ODIHR reports has improved in terms of detail and thoroughness. In order to avoid stirring up tensions with the host country, the number of “political” recommendations, such as the need for a clear political will on the part of national authorities to address problem issues, has dramatically decreased. At the same time, ODIHR reports have not been indifferent towards Moscow’s main source of concern in the human dimension of the OSCE, namely the issue of Russian non-citizens in Latvia and Estonia, where ethnic Russians account for 27.6 and 25.5 per cent of the total population, respectively.²⁷ In Latvia, 14.1 per cent of residents are non-citizens. The figure for Estonia is 6.8 per cent.²⁸ These people do not enjoy voting rights. ODIHR has repeatedly recommended that this democratic deficit be addressed.²⁹

Fourth, ODIHR has reacted positively to other – mainly symbolic – Russian demands. For instance, it has increased the use of the Russian language in missions. In 2013, it agreed to undertake a review of electoral systems in the OSCE area, which Moscow has been requesting since 2001. However, ODIHR did not produce a comparative study of the legal frameworks for elections, something that Russia – eager to prove that no perfect democratic system exists in any of the OSCE countries – has had on its wish-

25 Cf. OSCE/ODIHR, *Democracy and Human Rights Assistance, Fund for Enhancing the Diversification of OSCE/ODIHR Election Observation Missions*, Warsaw, 3 October 2012. As of 2012, the eligible countries were: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Uzbekistan, Serbia, Tajikistan, Turkmenistan, and Ukraine.

26 Cf. OSCE/ODIHR, *ODIHR helps dispel the myths about election observation*, 31 January 2007, at: <http://www.osce.org/odihr/elections/57571>.

27 For statistics on the populations of Estonia and Latvia, see: <http://estonia.eu/about-estonia/society/citizenship.html>; <http://estonia.eu/about-estonia/country/population-by-nationality.html>; <http://www.csb.gov.lv/en/notikumi/key-provisional-results-population-and-housing-census-2011-33306.html>.

28 Cf. *ibid.*

29 OSCE/ODIHR election observation reports on Estonia and Latvia are available at: <http://www.osce.org/odihr/elections/estonia>; <http://www.osce.org/odihr/elections/latvia>.

list for years, but merely undertook a review of the implementation of its own election-related recommendations, in order to identify good practices and common shortcomings, and stimulate discussion among participating States on how to enhance follow-up.³⁰

As far as the attempts to limit ODIHR's autonomy are concerned, when Russia sent late and conditional invitations to the Office for the observation of the 2007 parliamentary and 2008 presidential elections, ODIHR's choice made it clear that, while Moscow is determined to negate the potential of EOMs to destabilize domestic regimes, ODIHR does not accept that host countries can put conditions on its activity. Nevertheless, ODIHR has built on the improvements to its methodology explained above, and was able to resume co-operative relations with Russia immediately after this setback. To some extent, the diplomatic rift of 2007 and 2008 prepared the ground for meaningful election observation four years later. Some months after the 2008 presidential elections, Janez Lenarčič, who had recently been appointed ODIHR Director, took advantage of a seminar on election-related issues³¹ and visits to Moscow to undertake rapprochement between the Office and Russian representatives.³² From 17-22 August 2011, ahead of the 4 December Duma elections, ODIHR carried out a Pre-Election Assessment Visit, equivalent to a regular Needs Assessment Mission but with a less prescriptive name, to determine the appropriate size of the Election Observation Mission.³³ In the end, the Russian Central Election Commission invited the Office to deploy 200 observers – slightly fewer than requested. A high-level diplomat, respected in Moscow, Heidi Tagliavini, was appointed Head of Mission for the observation of both the 2011 and 2012 elections. Despite large-scale demonstrations in the aftermath of the Duma elections, no one in the Russian government considered the preliminary statement released by

30 Cf. Christina Binder/Armen Mazmanyan/Nikolai Vulchanov, *Review of Electoral Legislation and Practice in OSCE participating States*, OSCE/ODIHR, Warsaw, 15 October 2013, at: <http://www.osce.org/odihr/elections/107073>.

31 Cf. OSCE, *OSCE Chairmanship holds seminar on elections*, Vienna 21 July 2008, at: <http://www.osce.org/cio/49939>; OSCE/ODIHR, *Closing remarks of Ambassador Janez Lenarčič. Chairmanship Election Seminar*, Vienna, 21-22 July 2008, at: <http://www.osce.org/odihr/32950>.

32 Cf. Ministry of Foreign Affairs of the Russian Federation, *Russian Deputy Minister of Foreign Affairs Alexander Yakovenko Converses with Director of the OSCE/ODIHR Janez Lenarcic*, Moscow, 8 September 2008, at: http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/ed86a9a9c9d96cb1c32574bf002af033; OSCE/ODIHR, *OSCE/ODIHR Director welcomes improved co-operation with Russian authorities*, Press Release, Moscow 10 September 2009, at: <http://www.osce.org/odihr/elections/51297>; Ministry of Foreign Affairs of the Russian Federation, *O besede Ministra inostrannykh del Rossii S.V. Lavrova s Direktorom Byuro po demokraticheskim institutam i pravam cheloveka OBSE J. Lenarchichem* [On the conversation of Minister of Foreign Affairs of Russia with OSCE/ODIHR Janez Lenarcic], Moscow 11 September 2009, at: http://www.mid.ru/brp_4.nsf/newsline/47853DBF30A8A332C325762E002C843C.

33 Cf. OSCE/ODIHR, *Pre-Election Assessment Report, Russian Federation State Duma Elections, 4 December 2011*, Warsaw, 14 September 2011, at: <http://www.osce.org/odihr/elections/Russia/82440>.

ODIHR to be a provocative move that could have inflamed public anger.³⁴ Even though Russian authorities consider this to have been a temporary, one-off “compromise”, it stands as a model for possible solutions in the future.

Foreseeable Developments

In the light of the analysis conducted so far, it is possible to draw some conclusions on the future of OSCE election observation.

As explained before, the root causes of Moscow’s dissatisfaction over ODIHR election observation have not been targeted by the adjustments made by the Warsaw Office to its activity and methodology. Therefore, criticism from Russia and other CIS countries persists and is unlikely to stop. In this context, the only way to effectively curb the autonomy of ODIHR would be a fully coherent hard-line approach, and the refusal of any compromise contradicting Russian proposals to establish strict political control over election observation. For many reasons, however, such a scenario seems rather unlikely.

Extreme choices would damage the OSCE as a whole, well beyond Russian intentions. Against this background, the apparent inconsistencies of the Russian approach towards ODIHR should be read as part of a broader strategy. A certain degree of tolerance towards the OSCE’s human dimension is in fact necessary to preserve the credibility of the Organization as a whole. Should ODIHR become unable to deliver on its mandate, the willingness to invest in the OSCE on the part of those participating States that consider the human dimension to be a fundamental area of engagement would probably decrease. Furthermore, Russia itself is not interested in damaging the OSCE. Traditionally, one of Moscow’s major fears on the international stage is to be isolated and encircled by unfriendly neighbours. At the same time, Russia wants to be recognized as an important international actor and appreciates being able to participate on an equal footing with its partners. This is why it needs the OSCE, a platform for dialogue and a clearing house to defuse tensions. Besides, at the OSCE level, Russia can still try to present itself as supported by an entourage of those CIS countries that are eager to share (some of) Moscow’s views. At the same time, if Russia were to take a harder line against ODIHR, post-Soviet countries that are not willing to increase tensions with Western OSCE participating States would be unlikely to go along with it.

Most importantly, election observation, whilst remaining a contentious issue, is no longer a major cause of disagreement. On the one hand, new election-related colour revolutions are unlikely to occur, and ODIHR is no longer perceived as a threat in this regard. On the contrary, positive co-

34 Cf. OSCE/ODIHR, *Election Observation Mission Final Report, Russian Federation Elections to the State Duma, 4 December 2011*, Warsaw, 12 January, 2012, at: <http://www.osce.org/odihr/85757>.

operation proved to be possible, even for the observation of elections in Russia, as in 2011 and 2012. On the other hand, the Ukrainian crisis has raised unexpected challenges for the OSCE. These issues stand now at the centre of the political agenda, and the way they will be managed by participating States, both within and outside the framework of the OSCE, will have a strong impact on the Helsinki +40 Process and the future identity and role of the Organization itself. In this context, election observation may indeed become a matter of political bargaining and conditions. For instance, Russia could exploit the disagreement over election observation to influence the level of confrontation with other participating States on unrelated matters, such as the OSCE's political and technical involvement in the solution of the Ukrainian crisis. As a consequence, the dialogue process on election observation that has been implemented in recent years may be disrupted by external events, and it becomes less easy to predict its future developments.

Budgetary restrictions imposed by Russia and other participating States represent an additional and concrete risk for ODIHR, as previously mentioned. In order to maintain its independence from donors, ODIHR sticks with the principle of using only resources from the OSCE unified budget (agreed by all participating States by consensus) for the deployment of the Core Team of experts that provide guidance to observation missions.³⁵ In the medium term, however, a decrease of available resources due to the zero nominal growth policy and delays in approval of the budget may force ODIHR to reshuffle its activity. For instance, it could reduce election observation in established democracies, as it recently did in the case of the 2014 federal elections in Belgium, which were not assessed by the Office “given the current budgetary constraints due to the lack of adoption of the 2014 OSCE Unified Budget”, even if “the OSCE/ODIHR would have recommended the deployment of an Election Expert Team with a focus on new voting technologies”.³⁶ Furthermore, in a context of economic crisis, many participating States have reduced the resources they allocate to the secondment of long- and short-term observers who join the EOM Core Team for the observation of the electoral process throughout the country. So far, voluntary contributions have been used only for the development of methodology and other limited projects that have succeeded in finding a broad consensus. Shortages in secondments may push ODIHR into accepting voluntary contributions from individual participating States and other donors for the deployment of a sufficient number of observers. Consequently, choices imposed by budgetary constraints may offer Russia new pretexts to accuse ODIHR of double standards.

35 Cf. *Common Responsibility*, cited above (Note 22).

36 Cf. OSCE/ODIHR, *Kingdom of Belgium. Federal Elections. 25 May 2014. OSCE/ODIHR Needs Assessment Mission Report. 3-6 March 2014*, Warsaw, 8 April 2014, at: <http://www.osce.org/odihr/elections/117281>.

In conclusion, it is unlikely that the period of low-intensity but continuous political pressure on ODIHR election-related activities is over. In the meantime, differences may arise on the occasion of the next elections in Russia (parliamentary in 2016 and presidential in 2018) and other like-minded countries, without this reaching a tipping point. In any case, the dialogue between Moscow and ODIHR will survive only if nourished with gradual and harmless concessions by the Office, as it has been so far. Overall, election observation does not seem to be directly threatened, and ODIHR should be able to carry out its activity effectively, especially in countries that are willing to make use of its assistance. However, budgetary pressures on ODIHR and troubling developments on issues not related to elections may challenge the status quo.

Military Confidence-Building and Conventional Arms Control in Europe against the Background of the Ukraine Crisis

Introduction

For more than 14 years, the OSCE has existed largely in the shadows. This has changed as a result of the Ukraine crisis. The Organization once again finds itself at the centre of public attention.

In the crisis, the OSCE has proven that it is able to act. The use of the Organization's arms-control instruments for the co-operative creation of an objective overview of the situation and for de-escalation has played a central role in this. Nevertheless, the implementation of the measures defined in the Vienna Document for crisis situations has shown that the OSCE comes up against its limits where the necessary level of co-operation for effective action among the parties involved is absent.

It is by no means certain that the OSCE will be able to meet the high expectations placed upon it. Once again, the current debates are confrontational in character; there is a tendency towards disassociation, military reassurance, and containment. Consequently, no one is now talking about realizing the OSCE's goal of creating a security community on the basis of shared values. On the one hand, this is understandable: The forcible annexation of Crimea and the ongoing hybrid warfare in the east of Ukraine call into question the OSCE's core role as a collective security organization whose purpose is to prevent the threat or use of force and to resolve security problems solely by means of co-operation on the basis of agreed principles. At the same time, however, there is no alternative to the OSCE's approach to security policy based on co-operation and the balancing of interests if we do not wish to return to the patterns and strategies of conflict typical of the 19th century and the first half of the 20th.

A division of Europe and a return to confrontation between East and West must not be options. To prevent this, more attention once again must be paid to military confidence-building and arms control as indispensable elements of an effective conflict-prevention and conflict-settlement mechanism.

Note: The views contained in this contribution are those of the author. They do not necessarily represent the views of the government of the Federal Republic of Germany.

The Western states are united in the view that, following the break with fundamental principles and commitments, particularly with the annexation of Crimea, business as usual cannot be an option. At the same time, however, the growing tendency for a number of states “East of Vienna” to distance themselves from and/or fail to comply with the values jointly defined in the OSCE context in the 1990s has been diagnosed for some time. This makes it very hard to return to work on co-operative relations based on shared values. As a result, the process of preparing for the 40th anniversary of the signing of the Helsinki Final Act (“Helsinki +40”) was ill-omened from the start, and this year it has almost stalled completely.

Nevertheless, in view of the growing tensions in East-West relations and the elevated risk, as demonstrated in the Ukraine crisis, that conflicts will again be resolved by military means, it is all the more urgent that arms-control policy efforts are strengthened at precisely this time.

Arms control must not fall hostage to the dispute over upholding the central values of the OSCE. It would be wiser to revert to the original goals and functions of conventional arms control in Europe. The “dual-track approach” of NATO’s 1967 Report on the Future Tasks of the Alliance, better known as the Harmel Report, should again come into focus. This established the pursuit of détente (as a means to increase stability) as the Alliance’s second function alongside the maintenance of effective defence capabilities. The policy was formulated in full awareness of the gulf between East and West, which appeared almost unbridgeable, at least in the short and medium term. The dual-track policy proposed in the Harmel Report prepared the way for initiatives that led to negotiations on balanced force reductions between NATO and the Warsaw Pact with the rational goal of creating military stability and preventing war.

Today, we are no longer concerned with creating a balance between two alliances, but rather with pan-European stability in a more complex, less predictable, and increasingly deregulated security environment. This entails a stronger emphasis on both entirely new types of challenges, as well as regional and sub-regional security issues, conflict prevention, and crisis management. As shown not just by the Ukraine crisis, but also previously in the context of the unresolved protracted conflicts in the OSCE area, this requires the adaptation of the existing instruments and agreements of European arms control.

Nevertheless, the fundamental principles of arms control as they have developed over the last few decades remain key: security, stability, verification. For instance, despite the transformed security environment, it remains true that no state can be allowed to establish a destabilizing position of military supremacy. This was already taken into account in the original CFE

Treaty in 1990 by means of the sufficiency rule. Intrusive verification also has a key role to play – especially given recent blows to trust; commitments to military restraint must be verifiable.

The much-needed revitalization of conventional arms control should now not focus primarily on the abstract goal of building a security community. It should rather be driven by the rational and hard-nosed interest in preventing armed conflict and in effective crisis management. Furthermore, it should be guided by the realization that sustainable security in Europe can ultimately only be achieved with the involvement of Russia. A “New Deal” in arms-control policy should be built on the foundations that were put in place during the Cold War, overcoming the fruitless debates of recent years, avoiding the instrumentalization of arms control to achieve unrelated goals, and adapting the arms-control *acquis* to the changed conditions and requirements.

New Challenges for Arms Control?

The Ukraine crisis has focused political awareness on the importance of arms control, particularly for co-operative fact-finding and de-escalation. The OSCE has proved in the crisis that it is capable of taking action, not least through the application of the tools provided in the Vienna Document. At the same time, however, the limits of this ability to act have become clear:

On 26 February 2014, Russia gave notification of a major exercise involving 38,000 soldiers. As the troops involved had not been given advance notice of these manoeuvres, they were not subject to the standard notification period of 42 days as set out in the Vienna Document (para. 41). Nor did Russia invite observers to monitor the exercise, as the number of troops involved in each individual exercise scenario did not exceed the threshold requiring the invitation of observers according to Chapter VI of the Vienna Document. In the tense climate, the exercise inevitably triggered serious concern and questions regarding Russia’s aims. As expected, therefore, it led to a request for inspections under Chapter IX of the Vienna Document. The inspections carried out by Switzerland, Lithuania, and Ukraine during March 2014 revealed no evidence of infringements of arms-control commitments. At the same time, these three inspections exhausted Russia’s passive quota for 2014. Moscow refused to allow additional inspections on a voluntary basis.

If this illustrates the limits of the Vienna Document’s regular instruments, the Ukraine crisis has also focused attention on the deficits of Chapter III (Risk Reduction), which was specifically created to be applied in crisis and conflict situations. As tensions around Ukraine grew and separatist forces intensified their activities in Crimea, the Chapter III mechanisms for the clarification of unusual military activities (para. 16) was activated on several occasions from late February 2014. Russia denied Ukraine’s requests on the

grounds that the military activities it was carrying out did not fall under the stipulations of Chapter III. Ukraine invoked the stipulations in Chapter III on voluntary hosting of visits to dispel concerns about military activities (para. 18) to invite a mission, consisting of more than 50 inspectors from over 30 OSCE participating States. While this mission, which was deployed from 5 to 20 March, was able to make clear the extent of the crisis and note the presence of Russian/pro-Russian separatists in Crimea, it was prevented from entering Crimea on several occasions. Nor did the application of Chapter III help when the situation in eastern Ukraine escalated; Ukrainian requests for information were turned down by Russia on the basis that Ukraine had not provided information on the so-called anti-terror operations being carried out by Ukrainian regular units and voluntary militias.

The crisis has consistently illustrated the problem of applying arms-control instruments to intra-state conflicts and hybrid warfare. The Vienna Document was designed for conflict between states; moreover, it does not concern itself with paramilitary forces and internal security forces. Ukraine's attempt to use the request for additional voluntary inspections to create an ongoing arms-control presence in eastern Ukraine that would gather information on the activities of non-state actors and, hence, could contribute to de-escalation or provide a kind of international guarantee was a makeshift measure at best. It was futile in any case, as became abundantly clear when an inspection team was kidnapped in Sloviansk on 25 April.

Alongside the Vienna Document, another applicable instrument was the Treaty on Open Skies. It was used, above all, to clarify the alleged strengthening of Russian forces near the Ukrainian border. The ongoing – and contentious – debates over whether Russian forces have been reinforced and, if so, by how much raise the question of whether overflights undertaken under the treaty could be used to establish the facts on the ground in a mutually agreed manner.

With its sophisticated verification regime, which, in contrast to the Vienna Document, focuses on major weapon systems, the Treaty on Conventional Armed Forces in Europe (CFE Treaty), could have been a useful instrument in the crisis. It could have been used, for instance, to generate a clearer picture of how Russian troop deployments have changed in recent months (via routine and challenge inspections). This would have been even more effective had efforts to ratify the 1999 CFE adaptation agreement not failed, as its more stringent notification regime would have introduced greater transparency, including at least some requirement to report on the location of units deployed outside their peacetime locations and on movements of major weapons systems. However, the CFE regime played no role, not least as a result of its unilateral suspension by Russia in 2007. Nonetheless, the CFE regime is once again moving into the centre of attention, as it, like the NATO-Russia Founding Act, has provided the framework for politically binding

agreements on restraint; for instance, Russia agreed not to station additional substantial combat forces in areas adjacent to the Baltic states.

Experiences such as the above should provide an impetus for tackling the long overdue revitalization and modernization of conventional arms control. The Ukraine crisis has demonstrated many of the needs that must be addressed. Nevertheless, the challenges that have to be tackled are not new. The consultations on updating the Vienna Document in recent years have shown that there is an awareness of the need for change; this has been influenced not only by visible changes in force postures and activities but also by the experience with the protracted conflicts. In part, at least, existing proposals can be built upon. However, in the past, there was a lack of willingness to address the need for modernization with the necessary courage (which may also partly explain why the proposals often called for gradual progress, renouncing thoroughgoing change in the name of negotiability). This must change.

Elements of a Modernization Agenda

At heart, revitalizing conventional arms control is about catching up with the long overdue task of adapting existing arms-control instruments and practices to the dramatic changes that have occurred in force postures and activities, and in European security as a whole. In this context, strengthening arms control with regard to its role in conflict resolution and crisis management is of particular significance. In view of the growing importance of mobility and flexibility in force postures, greater stress needs to be placed on non-static aspects and on transparency and verification.

For reasons of negotiability and practicability, these new initiatives need to build on existing arms-control instruments, which, taking account of their complementarity, must be substantially modernized; the creation of a comprehensive regime, such as was once proposed under the heading of “harmonization” in the Programme for Immediate Action for the OSCE’s Forum for Security Co-operation (FSC) adopted at the Helsinki Summit in 1992, would be desirable, but appears too ambitious, at least at the present time. Consequently, there is a need for parallel modernization efforts to be pursued by the OSCE (FSC), the CFE states (e.g. in the established Group of 36, comprising the 30 States parties to the CFE Treaty and the six NATO member states who are not parties to the Treaty), and the member states of the Treaty on Open Skies.

A detailed modernization agenda for updating the Vienna Document could encompass the following key items:

- adjusting the thresholds for notification and observation of military activities;

- raising quotas of inspections and evaluation visits;
- reviewing verification modalities (sizes of inspection/evaluation teams, duration of inspections/evaluation visits, notification requirements and deadlines, and content and format of inspection reports);
- reviewing the forces and weapon and equipment systems included in the exchange of information (possibly expanding to include non-combat units, paramilitary forces, and internal security forces);
- reviewing the prior notification regime, particularly with regard to military activities covered in para. 41 of the Vienna Document;
- overhauling the risk-reduction mechanisms (e.g. defining the concept of “unusual military activities”, strengthening the role and possibilities of the requesting state, making acceptance of requests for consultation and verification obligatory);
- examining the possibility of enhanced transparency and new and tighter measures on deployments and exercises of military forces outside their peacetime locations and close to international borders;
- considering specific measures of restraint in crisis situations;
- establishing a clarification and verification mechanism to be used by a neutral party (e.g. the OSCE Secretariat) in crisis situations;
- creating explicit means of applying Vienna Document measures to intra-state conflicts.

If updating the Vienna Document, which should be undertaken in the OSCE context as a matter of priority, is to be more than a piecemeal measure, it needs to be complemented by targeted modernization of other aspects of European arms-control. Key goals should include the following:

- adapting conventional arms control to take into account changes in force postures (including enhancing provisions for transparency and verification, taking account of changing military structures, possible inclusion of new weapons/equipment categories, verifiable thresholds for exceeding ceilings on a temporary basis, a stricter notification regime for the movement of notifiable weapons and equipment, regional constraints on deployment and stationing);
- reaching an agreement on the use of the observation capabilities established by the Treaty on Open Skies for conflict prevention, crisis management, and conflict resolution (using simplified procedures, possibly also review/enhancement of sensors);
- reaching (political) agreements to guarantee sub-regional stability (restraint agreements);
- forging regional and sub-regional arms-control agreements, particularly in areas of elevated tension and where there are major disparities in force strength (additional confidence-building measures and disengage-

- ment/withdrawal agreements in defined geographical areas; specific border-related regimes);
- promoting status-neutral arms-control agreements in cases where de facto regimes or non-state actors need to be included in order to stabilize a crisis situation or to prevent outbreaks of violence (cf. the situation in the Caucasus; the Stabilizing Measures for Localized Crisis Situations from 1993 provide a catalogue of relevant measures);
- developing a politico-military code of conduct for crisis situations;
- negotiating dedicated agreements on new capabilities and capacities for use in military conflicts (cf. the OSCE's initial set of confidence-building measures on cyber-security from 2013);
- improving the implementation of existing agreements through increased co-operation between affected parties and possibly integration/"collectivization" of national implementation capacities;
- creating a common body of facts via (regime-specific) agreements on procedures for the co-operative evaluation of verification results (cf. e.g. the disputes over the findings under the Open Skies Treaty on the presence or absence of Russian troop reinforcements in the area near the Ukrainian border);
- agreeing possible consultation procedures in case of declarations of "force majeure" and alleged misuses of arms-control measures.

Arms Control in the Helsinki +40 Process

This "menu" of necessary and reasonable steps for the revitalization and modernization of arms control is many-sided and demanding. Whether it can be realized – in whole or at least in part – depends on the political will of those involved. At present, despite assurances to the contrary, there appears to be no interest in entering into negotiations aimed at a thoroughgoing improvement and/or adaptation of the existing arms-control regimes.

Politically, the Ukraine crisis should be seen as an opportunity to create new momentum and restore arms control to its deserved place at the heart of the OSCE's work. This should coincide with the best interests of all participating States and should be a common concern of them all not despite but precisely because of the deterioration in East-West relations.

The Helsinki +40 Process is a framework that can give the revitalization and modernization of arms control a powerful boost, while outlining how it can be achieved. This work should draw on key OSCE documents, whose central statements remain valid. These include, in particular, the 1992 Helsinki Document, which established the mandate of the OSCE Forum for Security Co-operation, and the Framework for Arms Control adopted at the OSCE's Lisbon Summit in 1996.

These two documents were the starting point for the work of the Helsinki +40 subgroup on military confidence-building and arms control at the start of 2014. As the Co-ordinator of this group, the current author proposed re-examining the role of arms control in light of the rapidly changing security situation. Based on a strategic approach, this was to focus on challenges, principles, and priorities, and the development of a programme for action. The goal was to produce a consensus-based document to be adopted on the occasion of the 40th anniversary of the signing of the Helsinki Final Act in 2015. This aimed to create much-needed momentum for an active arms-control policy and a framework for concrete negotiations in the FSC (specifically with a view to updating the Vienna Document).

Informal consultations held by the Co-ordinator in January 2014 showed broad support for the approach outlined here. As the Ukraine crisis intensified, however, the work of the Helsinki +40 Process as a whole came to a standstill, and the willingness to engage in dialogue on arms control evaporated. To what extent and under what conditions it can be restored is being examined. The Helsinki +40 Co-ordinator for arms control has announced that, alongside the continuation of the strategic approach outlined here, consultations will also be held to draw lessons from the Ukraine crisis for the further development of existing arms-control instruments. He has also proposed reviving the dialogue on military matters, including the changes in force postures and doctrines, at the political level. A dialogue of this nature has the potential to be a motor of arms control, especially if it aids in generating the necessary awareness that arms control must not be the victim of renewed confrontation but – viewed rationally and realistically – serves the interests of all states in security and stability.

III.

Organizational Aspects

OSCE Institutions and Structures

The OSCE Academy: Working for Long-Term Comprehensive Security in Central Asia

Introduction

In January 1992, all five newly independent post-Soviet Central Asian states became participating States of the Conference on Security and Co-operation in Europe (CSCE). This was an interesting moment in the history of the region, as the euphoria of independence was counterbalanced, and eventually replaced, by the drastic economic crisis, uncertainty over national security, and the race to establish new rules for domestic politics. In their mutual relation, the states acted swiftly to declare the peaceful nature of their coexistence in the region, via both bilateral and multilateral agreements. For some interested observers, the states' accession to the CSCE served as additional evidence of their willingness to accept some basic but important principles and norms for the construction of relationships with each other as well as with other sovereign states.

A decade later, however, the Central Asian states and societies continued to face an intimidating set of challenges for long-term and comprehensive development and security. These included an acute deficit of well-educated young professionals. The education system remained poorly reformed and seriously under-funded at all levels, while geographical distance from global centres of education meant that young Central Asians faced enormous challenges in their pursuit of education and training in line with the highest modern standards. Those who did manage to receive a good education abroad also had a tendency not to return to the region, thus aggravating the workforce deficit. The erection of "tough" borders, both in physical and political terms, resulted in a deterioration in the levels of human exchange between the countries of the region, including in the area of education and training.

It was in this context that the CSCE's successor, the Organization for Security and Co-operation in Europe (OSCE) and the government of the Kyrgyz Republic set up the OSCE Academy in 2002. Launched as a project in 2002, the Academy was transformed into a fully-fledged institution precisely ten years ago, in 2004, by the Memorandum of Understanding (MoU) between the OSCE and the government of the Kyrgyz Republic. The MoU clearly stated the importance of the Academy as a regional centre of profes-

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sional training, education, and research, with a particular focus on conflict prevention and resolution, post-conflict rehabilitation, and regional security issues.¹ As discussed in detail by Frank Evers in this publication in 2003, the establishment of the Academy was in the interest – though for different reasons and to different degrees – of the region’s governments, the OSCE participating States, and the OSCE institutions, while the overall aim could be stated as to “facilitate the promotion of peace and stability in the region, guided by OSCE principles.”²

Ten years on, time is ripe to review the operation of the OSCE Academy, examine its achievements and the challenges it has faced, and look into its priorities for its future development. The Academy today is an institute that runs two accredited Master’s programmes, hosts several annual professional training programmes, publishes research materials, and actively nurtures an alumni network consisting of over 300 young professionals from the region. This report will present some highlights of the Academy’s work in each of the listed areas, set out the current development priorities, and also examine the major concerns and challenges faced today.

Post-Graduate Education

Offering post-graduate education at Master’s level constitutes the core of the OSCE Academy’s activities. Today the Academy runs two MA programmes, one in Politics and Security (formerly the MA in Political Science), and another in Economic Governance and Development. The programmes are licensed and accredited by the host country’s Ministry of Education and Science. The MA in Politics and Security is a 13-month programme that was set up in 2004, from which nine cohorts of students have since graduated. The MA in Economic Governance is a 15-month programme that was launched in 2012.

Demand for the Academy’s degree programmes has generally been impressive. The MA in Politics and Security has gained a high profile, and annually attracts about 15 applicants from throughout Central Asia for each of the 25-28 available spots. The programme initially focused largely on the five Central Asian states, while remaining open for individual applications from other OSCE participating States as well as non-participating neighbouring countries, such as China and Afghanistan. Whether the figures are evenly distributed among the region’s states is a separate question, and is discussed in detail in the section on challenges below.

1 Cf. *Memorandum of Understanding between the OSCE and the Government of the Kyrgyz Republic*, 22 July 2004.

2 Frank Evers, A New Think-Tank for the OSCE and Central Asia. Establishing the OSCE Academy in Bishkek, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 337-345, here: p. 341.

From 2009, in the context of increased international focus on assisting transition in Afghanistan, the OSCE Academy started enrolling students from that country on a regular basis. The decision to do so had some important implications for the Academy. For instance, the Afghan students brought their unique educational experience, sometimes quite different from that of Central Asian students, making the classroom more diverse. The Academy also moved the whole academic process into English to allow all students to benefit from classes equally. While students freely use their mother tongues and the Russian language, further improving their command of English enriches their experience and contributes to their success in the labour market.

In 2012, the Academy successfully enrolled the first class to its newly launched Master's programme in Economic Governance and Development. This was a response to rising demand for a competent workforce to develop and manage projects in energy and water policy, regional trade and customs relations, and issues of sustainable economic development. As of July 2014, two classes of students have graduated from the programme, and the third is in the middle of the 15-month course.

Both Master's programmes are essentially interdisciplinary, and designed to equip students with knowledge and understanding of concepts and theories and to introduce real-life policy issues and case studies. For instance, the MA in Politics and Security combines foundational academic courses such as Political Theory and International Relations Theories with subject-oriented modules on topics such as conflict prevention, political Islam, and migration and human trafficking. Similarly, the MA in Economic Governance and Development programme offers general Macroeconomics and Microeconomics modules followed by focused modules on project management, economic effects of migration, integrated water management, and others. Wherever possible, all courses draw on cases from, or relevant to, Central Asia.

Careful selection of faculty is essential towards achieving the goals of the programmes. Ever since its establishment in 2004, the Academy's graduate programme has aimed to maintain a fine balance between international and local or regional staff. In order to allow leading international academics and practitioners to come to Bishkek and work with the Academy's students, many courses are designed as intensive short-term units. Thus, the instructors have represented a variety of institutions, including but certainly not limited to the University of Oxford, the Norwegian Institute of International Affairs (NUPI), the Geneva Centre for Security Policy (GCSP), the Stockholm International Peace Research Institute (SIPRI), and the PIR Center in Moscow. Foreign professors routinely share teaching duties with local experts. While a number of courses used to be taught in Russian, since 2009, all are taught in English, and the Academy has tried hard to ensure that Central Asian instructors come with doctorates from some of the best international universities.

The Academy places a great emphasis on supporting students in their further professional development through the teaching of important transferrable skills, including writing, research, and the presentation of ideas. Both programmes offer an intensive course in Academic Writing and demand independent research work in the form of an MA thesis. Nearly all modules and courses require the active participation of the students, including by making presentations and leading discussions. Outside the academic programme, the Academy offers a series of career workshops, focusing on career-building skills and meetings with successful representatives from various walks of professional life in the region. Before graduation, each student has to complete an eight-week internship. The OSCE Academy and its partners have provided funding for leading students to undertake internships at the OSCE Conflict Prevention Centre, the OSCE High Commissioner for National Minorities (HCNM) in The Hague, NUPI, the GCSP, and various local NGOs and governmental organizations in the region.

The alumni body represents the key output of the Academy, and would serve well as the key indicator of the value of the project as a whole. In order to maintain communication with its growing alumni body, the OSCE Academy appointed an Alumni Co-ordinator. Today the network has 268 alumni, with over 25 more due to join in September 2014. The Academy's engagement with its alumni has focused on three major directions: supporting alumni professional development (travel grants, alumni chapter meetings with prominent institutions and individuals, workshops), maintaining an alumni network (alumni reunions, chapter meetings, conferences, publications), and supporting alumni who wish to give something back to the Academy (alumni mentoring of current students, launch of the Alumni Fund in 2014, etc.). In addition to these, the Academy has established agreements with the ministries of foreign affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Afghanistan for the placement of selected Academy graduates for three months as junior public officers in these countries.

Over the past ten years, the OSCE Academy's graduate programmes have developed into highly sought-after education and training opportunities for young activists and leaders of Central Asia. In a region where most educational institutions are known to be corrupt and incompetent, the OSCE Academy's curriculum, teaching approaches, and treatment of students represent a rare case of full commitment to academic honesty. In addition to funding the tuition process, the Academy provides each student with a grant to cover their living costs, and non-residents of Bishkek with an accommodation allowance, which enables it to draw the best students from various economic backgrounds. As students have noted, the Academy provides an opportunity for many young people to obtain MA degrees of international

quality without leaving the region. This contributes to more graduates actually staying and working in Central Asia.

Indeed, annual alumni surveys suggest that around 70 per cent of alumni remain in Central Asia and Afghanistan, while the majority of those who leave the region do so for the purpose of pursuing additional qualifications (a PhD or another MA degree). Of surveyed alumni, over 80 per cent were employed as of February 2014. One challenge remains in the fact that nearly half of employed graduates end up working for international organizations, while less than 20 per cent join the public/civil service. There are very clear reasons for this trend; nevertheless, increasing the number of alumni in the decision-making parts of the region's governments remains one of the goals and expectations of the OSCE Academy.

Professional Training

Initiating and organizing professional development training was one of the key pillars of the Academy's establishment. This comes from the understanding that a skilled and educated workforce is of essential importance for the successful and sustainable transformation of the Central Asian states and societies in the longer term. While the Academy's funding and capacity are limited, it was assumed that targeted training on such key subjects as conflict prevention, journalism, and public policy-making could bring tangible benefits to the region's governments as well as societies at large.

In the OSCE Academy's short history, its professional training courses and workshops have covered a wide range of topics, from election observation, via environmental migration, to human rights for lawyers, to name but a few. However, three areas have been established from the very beginning as the Academy's core training competencies. These are conflict prevention, journalism/media, and public administration. All training courses are conducted as short (from one to ten weeks), intensive, and interactive programmes with the goal of helping young leaders from Central Asia to better understand and master the knowledge and skills needed to excel in each of the named fields.

Conflict prevention has been a core part of the professional training offered by the Academy since 2004. Courses in this area were designed and implemented in co-operation with the Institute of Integrative Conflict Transformation and Peace-building (later renamed the Herbert C. Kelman Institute for Interactive Conflict Transformation). These courses have been attended by representatives of human rights NGOs, state administrations, and development organizations from each of the Central Asian states and Afghanistan, though not every country has been represented each year. The training aims at delivering a sophisticated understanding of conflicts, post-conflict developments, and development work in conflict areas (conflict-sensitive devel-

opment). After the tragic violent events in southern Kyrgyzstan in 2005, the training has paid due attention to managing ethnic conflicts, something that has emerged as a key demand in Central Asian society.

The Academy's activities in delivering media training started with co-operation with the Swiss-based consultancy network Media4Democracy in 2005. The courses, initially called Media and Democracy, aimed at providing the participants with a substantial knowledge of both the role of media in democracy and the concept of quality of information. Starting in 2010, and to this day, the OSCE Academy has hosted the training jointly with the *Deutsche Welle Akademie* under the working title of Central Asian School of Contemporary Journalism. Starting in 2011, the training moved to focus on early-career journalists as the key target group, as this group proved to be far more receptive to new approaches and practices, and also represent an investment in the new generation of journalists.

The Academy's provision of training in the area of public administration initially started with a strong focus on administering justice, in co-operation with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law (Sweden). Starting in 2010, the Academy, with the support of NUPI, developed a new format for training in public policy analysis, initially focusing on the case of electricity sector reform. This training has been very well received by various branches of national governments as well as governmental think tanks in the region. Due to high demand, the training is often delivered in two separate rounds in Bishkek, and on several occasions has also been delivered in Tajikistan thanks to co-operation with the Dushanbe office of the German Agency for International Cooperation (GIZ).

These short, intensive capacity-building training courses have helped the Academy grow its network of alumni, expanding it into various government agencies, media organizations, research institutions, and non-profits. As events unfold and domestic and international contexts evolve, the Academy will remain open to new subject areas for professional development training as well as new institutions – domestic and international – to partner in the training projects.

Research and Analysis

Together with postgraduate education and professional training, research is the third “pillar” of the Academy's activities. Mastering research means developing the ability to ask the right questions, employ correct data collection and analysis techniques, and draw conclusions supported by evidence. In the context of the general deterioration of science and education in the region, promoting and supporting research among the young generation of leaders was almost abandoned and “delegated” to graduate schools abroad.

The OSCE Academy aimed at addressing the problem by offering training in research methods and supporting current research on matters relevant to Central Asia's security and development. Consequently, the Academy's postgraduate programmes have made courses in research methods and independent research (an MA thesis) requirements for successful graduation. The Academy has also provided special research training on "Researching Political Islam", which brought several internationally renowned experts on Islam together with young regional scholars to discuss the best ways to research this sensitive topic.

Besides research training, the Academy has also taken proactive measures to encourage young scholars in the region to conduct actual research and publish the results. For instance, in 2004-2005, the Academy supported two pilot research projects: "Rule of Law and Local Traditions", and "Ethnicity and Education in Kyrgyzstan". Both focused on important themes of domestic politics and policy (rule of law, education), and attempted to present a thorough analysis of the status quo and arguments explaining the trends. In 2005-2006, a regional project was launched on "Legal Aspects of Border Management", focusing on yet another fundamental issue dividing the Central Asian states. Five researchers, representing each Central Asian state, contributed to the book, which was edited by Professor Muratbek Imanaliev, former Kyrgyz foreign minister and later Secretary General of the Shanghai Cooperation Organisation. The 291-page report was published in Russian in both hard and electronic copies. Since 2006, the Academy has also supported two oral history projects, one in Tajikistan and one in Kyrgyzstan. Both focused on collecting first-hand personal accounts of major events since independence in these two countries.

In 2009, the OSCE Academy and NUPI, the Academy's long-time partner and donor, launched a new regional project, the Central Asia Data-Gathering and Analysis Team (CADGAT). The project recruited one researcher from each of five Central Asian states, who would be involved in data collection on topics that invite cross-country comparison. The purpose is to shed light on topics that are important but where data is either widely dispersed or simply absent. The project's results, which have been placed on the Academy's website,³ are intended to be a valuable resource for scholars and analysts working on Central Asia-related topics.

In addition to standard research projects, the Academy has been strongly supporting policy-relevant analysis that could be of equal interest to scholars, students, and policy-makers. The flagship activity here is the Academy's Central Asia Security Policy Briefs series, which publishes succinct analyses of specific and salient policy problems from the region. The topics covered have included border issues, energy tariffs, transition in Afghanistan, co-operation between media and government, conflicts in the mining sector,

3 See: OSCE Academy, *Research and Publications*, at: <http://www.osce-academy.net/en/research/cadgat>.

and more. All policy briefs are stored electronically on the Academy's website, while published hard copies are distributed among the Academy's partners.

At the time of writing, the Academy and NUI are completing preparation of the newly launched regional research project titled "History Writing and Nation-Building in Central Asia", which will aim at researching the post-1991 evolution of official history narratives in each of the Central Asian states. The output will take the form of a series of academic articles, and an edited anthology is expected by the end of 2016.

Platform for Dialogue

In the past ten years, the OSCE Academy has emerged as a focal communication point for domestic and international researchers, analysts, and policy-makers, hosting conferences, round tables, and other forms of dialogue. Even though most events took place as part of research and training activities, it was easy to see how the Academy's role in bringing various groups of people together for discussion could become a "pillar" of its own. This was helped by the fact that the Academy has remained one of few truly regional education and research institutes to cover a wide range of topics relevant to comprehensive security.

The Annual Central Asian Security Seminar is a flagship event in this respect. Convening annually since 2008, this seminar brings together scholars and policy-makers to discuss the most salient events and trends pertaining to the region's security. The seminar came about as a product of the Academy's co-operation with the GCSP and NUI. The OSCE Centre in Bishkek has also provided direct support for the organization of this seminar. The topics discussed have varied from year to year, ranging from money laundering, via radical extremism, to geopolitics and developments in Afghanistan. In 2014, the seminar is scheduled to discuss the OSCE's progress and prospects in Central Asia in the context of the forthcoming 40th anniversary of the Helsinki Final Act and the related Helsinki +40 Process.

Apart from the regional security conference, the OSCE Academy has regularly hosted ad hoc conferences, public talks, and seminars, often in co-operation with partner institutions. Thus, in 2012, the Academy co-hosted, together with the University of St Andrews (UK), a video conference on "Making Aid Work: Security and Development in the Kyrgyz Republic". The same year, an international conference was held on "The Impact of the Russian WTO Accession on Central Asia". In 2013, the Academy hosted a small seminar on "Kyrgyzstan 2010-2013: Civil Society, Political Change and the Role of International Community" with the goal of gauging experts' views on these topics. The outputs of all events are publicized, either in the

form of summaries (Geneva Papers, in the case of the regional security seminars), or presentations and speeches, depending on the type of event.

Funders and Partners

Since its establishment, the OSCE Academy has been generously supported by a number of OSCE Participating States. Initial support was provided mainly by Austria, Germany, the Netherlands, and Switzerland. As activities grew in scale, the pool of funding countries grew as well and now includes some 20 participating States. The current operating budget of the Academy is over 900,000 euros per year, which would be impossible to sustain without committed support from funding partners.

Current donors include the USA, Finland, Norway, Denmark, Germany, Belgium, and Austria. The OSCE Centre in Bishkek has continued to provide support from the Unified Budget in the amount of 180,000 euros to cover general support costs. While many states provide support through extra-budgetary funding, the governments of Norway, Denmark, and Switzerland have been generously supporting the Academy through direct grants (in the case of Norway and Switzerland, via NUPI and the GCSP, respectively).

Besides providing financial support, NUPI and the GCSP have also developed into comprehensive partners in variety of activity areas, including teaching, thesis supervision, hosting the Academy's students as interns, organizing conferences, and editing publications. The Academy has worked with representatives of the GIZ, the PIR Center, and the University of St Andrews in teaching and holding conferences, Media4Democracy (Switzerland) and the *Deutsche Welle Akademie* in delivering journalism training, the Herbert C. Kelman Institute for Interactive Conflict Transformation (Austria), and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden) in conflict prevention and human rights training. The Academy has also developed productive partnerships with a set of Central Asian institutions, including the National Institute for Strategic Studies and the Diplomatic Academy of Kyrgyzstan, the Academy of Dialogue (Tajikistan), and Gawharshad University in Afghanistan.

Priorities

Since 2002, the OSCE Academy has done much to meet initial expectations, expand its activities, and consolidate itself as an institution. The primary goal today is to continue and further develop each of the activity areas, building upon previous successes and addressing problem areas. There are certainly areas which are seen as priorities for the development of the Academy for the near future. These priorities may be responses to the changing international

and domestic contexts in the region or efforts to fix the areas of activities that have faced challenges in the past.

First, the OSCE Academy has to rediscover itself as a regional idea and institution. Work has to be done to ensure more balanced participation of all Central Asian states in all areas of the Academy's activity. More students and trainees from Turkmenistan and Uzbekistan will positively contribute both to the classroom as well as to the alumni network while underlining the fact that regional co-operation between the future generation of professionals and leaders is a must. The OSCE Academy would like to retain its Central Asian emphasis and focus. However, it also aims to contribute to the understanding of the broader intellectual and policy environment by providing academic and professional training to civil servants and other interested young university graduates to overcome eroding links and contribute to professional expertise in Central Asian matters.

Moreover, the Academy intends to continue the active engagement of students and partner institutions from Afghanistan in all areas of activity. This is seen as a highly valuable contribution to the political and social transformation of this country and a means of overcoming historical divisions that kept Central Asia and Afghanistan apart. At the moment of writing, the Academy is planning to step up efforts to research Afghanistan-Central Asia relations, which may evolve into a separate research centre or unit. In addition to Afghanistan, the Academy also plans to work further to engage Mongolia, the states of the Caucasus, and other adjacent countries into the Academy's activities to further test how truly regional the Academy can become.

Second, the Academy needs to reinvent itself as a highly visible platform for discussions, dialogue, and debate. It aims to become a "natural address" for local and travelling speakers – scholars, politicians, and researchers – and to provide them with the best opportunity to reach out to a regional audience. Kyrgyzstan provides considerable freedom of expression, making this task easier than one might imagine would be the case in the region.

Finally, the Academy has to work further to develop as a research centre. This is a relatively small part of the Academy's activities compared to graduate programmes and training, yet it is no less important. The Academy plans to attract PhD students and graduates to conduct part of their research at the OSCE Academy's premises, and to create links between them and the students and wider local intellectual community. More work also needs to be done to support primary research projects involving young scholars from the region, possibly but not necessarily in co-operation with experienced local and international partners.

Challenges

The OSCE Academy's status as a regional non-profit institute delivering training, education, and research imposes a set of challenges that need to be constantly reviewed and addressed. The first challenge is funding. So far, the Academy has benefited from contributions from over 20 OSCE participating States. In an improvement over the early years, some major donors now allow multi-year funding commitments, while the relatively large size of the donor pool reduces the pressure placed on each individual donor state. Continuing diversification of funding is an essential objective of the Academy.

Nevertheless, there is a high degree of dependence on certain specific sources of funding, as well as uncertainty about the impact of international developments on the funding priorities of the participating States. For instance, current developments in Ukraine have resulted in considerable diversion of extra-budgetary funds to that country. The Ukraine crisis, coupled with general drawdown of foreign presence in Central Asia, may end up posing a real challenge to ensuring funding sustainability for the OSCE Academy. The Academy's administration will consider various ways of addressing these risks, while retaining the Academy's core identity and structure.

Another challenge concerns the possibility that political and security developments in the region could, under certain circumstances, adversely affect the Academy's geographical reach. One has to hope that Afghanistan will continue to provide opportunities for the Academy to reach out to students and researchers in the years to come, as the country faces the withdrawal of international troops in the context of unconsolidated political processes and a precarious economic situation. Proactive political engagement from Central Asian governments is also needed for the Academy to reach out to each country in the region, and serve as a truly regional institution.

Conclusion

Overall, the Academy's activities have expanded in both scope and quality since its establishment. Starting as an item in the MoU, it has grown into an established and high-profile educational, training, and research centre, known for its wide web of international partners, committed support from the OSCE institutions and participating States, and quality delivery of education and training services. As of 2014, there are several areas that the Academy will seek to develop further while maintaining the high quality of its existing programmes. These include upgrading its profile as a regional institute for Central Asia, or even for the larger region of Eurasia, developing as a platform for policy-relevant and academic discussions and dialogues, and attracting

and supporting the cream of researchers working on matters important to Central Asia and the OSCE.

External Relations and Influence

The Afghanistan Conflict As a Power Resource for Central Asia?

Analyses of the significance of the conflict in Afghanistan for Central Asia regularly contain two contradictory theses: On the one hand, the conflict is presented as a security problem for Central Asia. On the other hand, it can also be concluded that the Central Asian states profit from their neighbour's chaos, with the instability of Afghanistan acting as a key source of legitimacy and power for their own regimes, and strengthening their position vis-à-vis the major powers.

Turning to the first thesis: Several attempts have been made to provide it with an empirical underpinning, although these analyses have come to differing conclusions. A number of authors have argued that the situation is best seen in terms of an "internal security dilemma". In contrast to classical theories of security, this views the main danger for weakly institutionalized regimes such as those of Central Asia as lying not abroad, but in the domestic sphere. Consequently, those countries' threat perceptions foreground not attacks from foreign powers but coup and revolution. It is argued that even the return of the Taliban need not imply that Central Asia will be attacked, as their ideological and practical focus is entirely on Afghanistan. If violence does continue in Afghanistan, or even escalates, there is a danger of regional contagion, yet this risk is reduced by the existence of relatively effective security apparatuses in Central Asia. Nonetheless, other authors – as well as the Central Asian regimes – stress that the conflict in Afghanistan represents a real risk to Central Asia. This is partly based on history: During the 1990s, the presidents of the Central Asian countries were extremely concerned at the advances made by the Taliban and actively intervened in the conflict by supporting warlords in northern Afghanistan who were fighting the Taliban. Furthermore, the return of the Taliban or an increase in fighting in northern Afghanistan could trigger a refugee problem or lead to the spillover of violent Islamism into Central Asia, leading to regional destabilization.

While both these positions ultimately have their merits, no theory-guided exploration of the second "benefit thesis" has yet been undertaken. This contribution seeks to examine the extent to which the conflict in Afghanistan is a "power resource" for the states of Central Asia vis-à-vis the major powers, the international community, and the Western hegemonic order. This question is based on the assumption that while small states depend on co-operation with major powers, they also always try to actively shape these relationships and strive to maintain as much room for manoeuvre as possible. Whether they can avoid becoming completely dependent on a single power depends on both internal and external factors. This contribution

argues that the Afghanistan war that started in 2001, and the international attention paid to Afghanistan and adjacent regions have been crucial factors for the Central Asian states' ability to shape their relationships with major powers. If international attention to Afghanistan declines, this will have an impact on patterns of co-operation with external powers in the region and will also affect domestic politics.

Extraversion and Power Resources

To what extent can a situation such as the conflict in Afghanistan be considered as a "power resource"? In International Relations, small and weak states are generally examined as objects for the policies of regional or international major powers rather than being considered as independent actors. From this perspective, small states are not much more than auxiliaries in the fulfilment of great power strategies. However, this point of view overlooks the fact that small and weak states also possess a certain room for manoeuvre that allows them to shape their relations with the major powers in their own interests. The Africa expert Jean-François Bayart contrasted the "yoke paradigm" with the concept of extraversion. The "yoke paradigm" stands for the dominant assumption in International Relations that small and weak states find themselves permanently "under the yoke of external actors".¹ While the concept of extraversion takes due account of small states' dependency on their external environments, it also draws attention to the proactive strategies they can use to manage this dependency and inequality. It focuses on the ability of weak states to deal with the kinds of problems typical for post-colonial and post-Soviet states, "to engage the international arena, lower international pressures, secure the survival of their regime, and weaken their domestic opponents".²

There are various techniques of extraversion; two are particularly relevant to this study. The first is "patron alliance manipulation", in which small states play major powers off against each other. Now that Russia has lost its hegemonic position in Central Asia, one can speak of a multipolar order in the region. The states of Central Asia have profited from this multipolarization, as they are now able to choose who to co-operate with in certain areas. The second technique is that of influencing the image that the international community has of a state ("production of frames and representations"). While all states try to create positive images for the international audience, for small and authoritarian states this is an especially difficult task. First, their political structures and practices often do not comply with the norms and ideas of the

1 Jean-François Bayart, *The State in Africa: The Politics of the Belly*, 2nd edition, Cambridge 2009, p. 5.

2 Cédric Jourde, The International Relations of Small Neauthoritarian States: Islamism, Warlordism, and the Framing of Stability, in: *International Studies Quarterly* 2/2007, pp. 481-503, here: p. 484.

Western hegemonic order; moreover, they are often stigmatized by the external actors. Second, while strong states have the capacity to underpin their framing with credible actions, small states face problems in delivering “narrative material” to support their representations. Yet, whether an authoritarian country is perceived as stable, unstable, democratic, or despotic is not merely down to chance or “reality”, but can potentially be influenced: “The ruling elites in these regimes frame their domestic and foreign policies in ways that can resonate with hegemonic international discourses, seeking either to obtain more support or lower democratization pressure or both”.³ Shifts in international discourses, which are mostly shaped by the Western hegemonic order, also have an impact on small and non-Western states, providing them with a resource to frame their own claims.

The possibility of carrying out both patron alliance manipulation and frame production depends on external factors, which we can consider as power resources for small states. The technique of patron alliance manipulation only functions when several major powers pursue interests in the region and rely on co-operation with local states. Changes in the regional order, such as civil wars, affect these configurations of interests and thus also influence the opportunities for local states to undertake extraversion. For its part, framing requires discursive “material” that can be used for the construction of frames and representations. The meanings that they communicate are usually not entirely false, but rather represent a one-sided and exaggerated view of the facts. For instance, the danger of terrorism in a country may be real, while the characterization of the entire political opposition as terrorists is unlikely to be. A civil war in a neighbouring country is particularly useful as discursive material for a regime that wishes to present itself as stable. This can also be considered as a power resource that regimes can use to pursue their interests.

In the remainder of this paper, I shall undertake an empirical examination of the role played by the war in Afghanistan in the extraversion strategies of Tajikistan and Uzbekistan. In examining patron alliance manipulation, I will mostly refer to secondary literature. At the forefront of my considerations will be the question of the extent to which the conflict in Afghanistan has increased opportunities for extraversion. In terms of the second strategy, the production of frames and representations, I will examine the role played by the Afghanistan conflict in frame production.

Domestic and Foreign Policy Context

The domestic and foreign policy contexts in Uzbekistan and Tajikistan display both similarities and differences. On gaining independence from the So-

3 Ibid., p. 482.

viet Union in 1991, the new states faced the same problems as had post-colonial states. They had no experience in foreign affairs, which had been the preserve of Moscow, and had to learn how to formulate and implement their own foreign policy: "Their relations with the rest of the world were dominated not so much by what they wanted, but by what the rest of the world desired to do with Central Asia".⁴ In the civil war against the "United Tajik Opposition", the government of Tajikistan relied on support from the military forces of Russia and Uzbekistan.⁵ Uzbekistan's policy towards Afghanistan was also deeply influenced by Russia during the 1990s. But the 1990s were also marked by the start of collaboration with the West, which also had domestic consequences at first: The ideological vacuum that came with the collapse of communism was compensated for by integration into the Western-dominated global community and orientation towards the prevailing models of democracy and capitalist free market economics. Ultimately, however, these models did not take root. Instead, the self-designation of both states as democratic republics stands in stark contrast to the very high degree to which political and economic power are concentrated in the hands of the political elite.⁶

The key differences relate to emancipation from external influences and financial autonomy. While Uzbekistan looked mostly to Russia for security-policy leadership at first, it was quick to adopt an economic policy that differed sharply from International Monetary Fund (IMF) policies.⁷ This relatively high degree of ideological independence was facilitated by the country's wealth of resources. By contrast, Tajikistan remains more dependent on money from abroad. Despite their differences, both countries remain small and weak states in the international system and rely on co-operation with major powers.

Following the collapse of the Soviet Union, Russia was unable to retain its position as an imperial power. The consequence for Central Asia was the emergence of a multipolar order.⁸ However, this did not see the revival of the "Great Game", in which several major powers compete to establish themselves as a hegemonic power; the interests of Russia, China, the USA, and the EU are too varied for that. Furthermore, although the region plays a cer-

4 Ahmed Rashid, *The Resurgence of Central Asia. Islam or Nationalism?* Karachi 1995, p. 209.

5 Cf. Lena Jonson, *Tajikistan in the New Central Asia. Geopolitics, Great Power Rivalry and Radical Islam*, London 2006, pp. 3-4.

6 Cf. Alisher Ilkhamov, Neopatrimonialism, patronage and factionalism in post-Soviet Uzbekistan, in: Daniel Bach/Mamoudou Gazibo (eds), *Neopatrimonialism in Africa and Beyond*, Abingdon 2012, pp. 186-196.

7 Cf. Herman W. Hoen/Farukh Iznazarov, Market reform and institutional change in Kazakhstan and Uzbekistan: paradoxes and prospects, in: Joachim Ahrens/Herman W. Hoen (eds), *Institutional Reform in Central Asia. Politico-Economic Challenges*, London 2012, pp. 3-18.

8 On Multipolarity, cf. Detlef Nolte, How to Compare Regional Powers: Analytical Concepts and Research Topics, in: *Review of International Studies*, 4/2010, pp. 881-901.

tain role in the geopolitical thinking of the major powers, it is also “no one’s top priority”.⁹

In the West, Central Asia is perceived as an unstable region. The instability is linked, above all, to three factors: weak statehood, authoritarianism, and the nearness to Afghanistan. The Western framing of Central Asia as an unstable region was recently made particularly clear in a report by the International Crisis Group, which urgently warned of the danger of state failure and state collapse.¹⁰ Although the problems indicated in this report are real, it can be criticized for making a causal link between them and phenomena such as state failure and state collapse that is based on questionable assumptions about the stability and instability of authoritarian regimes.¹¹

The pressure to democratize brought to bear by Western actors rests on the assumption, among others, that stability can only be achieved in liberal democracies. Democratization is thus seen as a means of tackling the causes of instability. The pressure to democratize is exerted by means of various instruments, including election observation, judicial and administrative reforms, and civil society projects. Generally speaking, Western democratization pressure is far from consistent but is rather contradictory and highly selective.¹² In the case of Uzbekistan, sanctions also play a role. Key actors here include the EU, the OSCE, and, in terms of bilateral relations, states such as the USA. From the perspective of the authoritarian regimes, a particular danger is presented by “colour revolutions”, which appear to them as informal instruments for regime change and “democracy promotion” by Western actors.¹³

However, Tajikistan and Uzbekistan have so far resisted this pressure to democratize. In terms of the sociology of rulership, liberal democracy and the logic of neopatrimonial rule are mutually exclusive. While liberal democracy is accompanied by the vertical and horizontal distribution of power resources, the logic of neopatrimonial rule requires a significant monopolization of power.

In resisting the pressure to democratize, Uzbekistan and Tajikistan have not only made use of the extraversion strategies examined below. Their co-operation with other authoritarian states in the region in bodies such as the Shanghai Cooperation Organisation (SCO) and the Collective Security Treaty

9 Uwe Halbach, Zentralasien als Bühne Internationaler Politik [Central Asia as a Scene of International Politics], in: *Religion und Gesellschaft* 10/2012, pp. 14-16, here: p. 14.

10 Cf. International Crisis Group, *Central Asia: Decay and Decline*, Asia Report No. 201, 3 February 2011, at: <http://www.crisisgroup.org/en/regions/asia/central-asia/201-central-asia-decay-and-decline.aspx>.

11 Cf. John Heathershaw/Nick Megoran, Contesting danger: a new agenda for policy and scholarship on Central Asia, in: *International Affairs* 3/2011, pp. 589-612, here: p. 590-604.

12 Cf. Steven Levitsky/Lucan A. Way: International Linkage and Democratization, in: *Journal of Democracy* 3/2005, pp. 20-34, here: p. 22.

13 Cf. Roy Allison, Virtual regionalism, regional structures and regime security in Central Asia, in: *Central Asian Survey* 2/2008, pp. 185-202, here: p. 186.

Organization (CSTO) also represents a form of “protective integration” against this pressure and the resulting internal and external threats.¹⁴

Patron Alliance Manipulation

Uzbekistan

The Afghanistan conflict greatly increased Uzbekistan’s opportunities for patron alliance manipulation. In the 1990s, the country’s close integration with Russia was considered a barrier to sovereignty and the consolidation of domestic power. Consequently, reducing these interdependencies with the former imperial power became a key priority. As this was largely successful, Uzbekistan was quite willing to accept the USA as a new partner. As early as late September 2001, Uzbekistan granted the USA the right to establish an airbase. However, Luca Anceschi argues that this did not reflect a common interest in long-term co-operation. Although the USA claimed it was following a “qualitatively new, long-term strategy”, Uzbekistan’s goals were focused on the short-term priorities of power politics.¹⁵ Co-operation with the USA allowed Uzbekistan to achieve three goals: first, to increase its distance from Russia; second, to receive military and financial assistance from the USA, which was used to suppress the religious opposition. Finally this also had the effect of increasing the legitimacy of the Karimov regime.¹⁶

Co-operation with the USA was helpful in the short term, but later came to be seen as a problem: While the USA did provide assistance, it still followed its strategy of democracy promotion (and pressure) in the post-Soviet space, also placing pressure on Uzbekistan to undertake liberal reforms. In 2005, Uzbekistan brutally put down a popular uprising in Andijan and afterwards resisted US calls for an international investigation,¹⁷ accepting that this would lead to the end of US co-operation.

The Uzbek government compensated for the loss of the US as a partner by turning once again to Russia. While the US airbase was closed in 2005, by November of the same year, Uzbekistan and Russia had signed the Treaty on Allied Relations,¹⁸ which was interpreted as a “‘defensive’ measure taken by Uzbekistan amidst growing pressure from the West”.¹⁹ At the same time, the

14 Cf. Roy Allison, cited above (Note 13).

15 Cf. Luca Anceschi, Integrating domestic politics and foreign policy making: the cases of Turkmenistan and Uzbekistan. In: *Central Asia Survey* 2/2010, pp. 143-158, here: p. 150.

16 Cf. *Ibid.*, p. 151.

17 Cf. Anna Kreikemeyer, Instability in the Ferghana Valley: International Reactions, in: Andrea Berg/Anna Kreikemeyer (eds), *Realities of Transformation*, Baden-Baden 2006, pp. 227-246, here: p. 232-234.

18 The text of the treaty is available (in Russian) at: http://www.mid.ru/bdomp/spd_md.nsf/0/72EF98B3AEF0CDC9C3257DB90047370E.

19 Cf. Farkhod Tolipov, The Strategic Dilemma of Central Asia, in: *Russia in Global Affairs* 4/2006, at: http://eng.globalaffairs.ru/number/n_7344.

role of the CSTO was enhanced, and Uzbekistan rejoined in 2006. As well as common security interests, such as combating terrorism and the illegal drug trade, the CSTO also serves to promote the “protective integration” of the authoritarian states against the pressure to democratize emanating from the West.²⁰ The turn to Russia, however, did not mean a complete break with the West. Germany has continued to use the “strategic airbase” that it has operated since 2002.

The 2005 foreign-policy realignment was, however, not Uzbekistan’s last. In 2012, a less profound but nonetheless visible turn from “East” to “West” took place. Although the bilateral Treaty of 2005 remained in place, Uzbekistan left the Russian-dominated CSTO once again. There are many possible explanations for this step. Uzbekistan’s membership of the CSTO reduced its capacity to perform patron alliance manipulation, and leaving increased it. Relations with the USA are currently seen as solid once again. At least at the symbolic level, the opening of a NATO liaison office in Tashkent showed a continued interest in maintaining relations with Western states.

In summary, it can be said that Uzbekistan has been extremely skilful in making use of the opportunities offered by the multipolarization of the regional power structure since 1991. The regime pursued its short-term interests by making sudden shifts of international allegiance. Above all, however, this room to manoeuvre was made possible by the war in Afghanistan. Operation Enduring Freedom and the subsequent ISAF mission raised US interest in the region by an extraordinary degree, while also leading to a situation in which the USA was dependent on co-operation with the Central Asian states. It was this that really created the rivalry between the USA and Russia, which, following its provisional withdrawal from Central Asia, wanted to reattach the region. Uzbekistan’s 2005 change of course also took place against the background of Afghanistan-related ongoing US interest in the region: This allowed Uzbekistan to distance itself from the US without running the danger of becoming a client of Russia. By making this policy shift, Uzbekistan was able to sidestep Western pressure for democratization, simultaneously enabling a return to intensified co-operation within the scope of the Northern Distribution Network (NDN) at a later date, but without the pressure for democratization.

Tajikistan

Tajikistan’s abilities to engage in patron alliance manipulation are more limited than those of Uzbekistan as a result of its greater dependence on Russia. Moreover, the country’s dependence on remittances from migrant workers in Russia is an overwhelming power resource for Russia and weakens Tajikistan’s room for manoeuvre. Nonetheless, the Afghanistan conflict had a

20 Allison, cited above (Note 13), pp. 188-189.

significant impact on Tajikistan's opportunities to undertake extraversion: First, it has enabled Tajikistan to expand its co-operation with other actors besides Russia. Second, Tajikistan has played the Afghanistan card to generate substantial material support, which has mostly been used to further the genuine interests of the state or of actors within the state.

The key determinants of Tajikistan's foreign policy were its economic weakness and the civil war in the 1990s. Both had the consequence of ensuring that the survival of the regime was strongly dependent on external actors. Tajikistan's top foreign policy priority was therefore necessarily to secure support from external actors in the areas of security policy and the economy.²¹ In the 1990s, for historical reasons, that meant above all Russia: "If any country in Central Asia was considered Russia's backyard, it was Tajikistan."²² As a result of the civil war, Russian troops were stationed in Tajikistan under a CIS mandate. They were responsible for securing the country's borders until 2005, but ultimately also acted to protect the regime. The war in Afghanistan suddenly thrust Tajikistan into the field of vision of other major powers. The government attempted to grasp this opportunity by offering the USA the chance to establish a military base in the country, which Washington declined. There was thus no turn away from Russia. Nonetheless, Tajikistan used the presence of the USA in the region to negotiate with Russia over the modalities for the continued presence of the Russian base in Tajikistan. To create pressure here, the government used the tactic of delaying the conclusion of negotiations with Russia on the grounds that it was looking into the possibility of pursuing enhanced security co-operation with the USA.²³ The result was a far better deal for Tajikistan for the lease of the base to Russia. Yet it also meant that Tajikistan will remain closely bound to Russia for the foreseeable future. On 1 October 2013, Tajikistan extended the agreement that allows Russia to maintain a base in Tajikistan until 2042.²⁴ The OSCE also continues to play a key role in the country, particularly in the improvement of border security.

The regime was successful in generating support for combating drug trafficking and extremism. Both phenomena, which are closely connected with Afghanistan, create real problems for the security of the regime. There is also a constant fear that co-operation between extremists in Afghanistan and actors within Tajikistan could increase.²⁵ However, Tajikistan has also been able to make optimal use of these threats to generate large volumes of inter-

21 Cf. Jonson, cited above (Note 5), p. 3.

22 Ibid., p. 4.

23 Cf. Zafar Abdullayev, Tajikistan, Russia Probe Military Partnership, *EurasiaNet*, 3 March 2004, at: <http://www.eurasianet.org/print/57704>.

24 Cf. Ratification of Russian military base deal provides Tajikistan with important security guarantees, in: *Jane's Intelligence Weekly*, 1 October 2013.

25 Cf. Jafar Usmanov, The effects on Tajikistan of security developments in Afghanistan since 2001, in: Netherlands Helsinki Committee (ed.), *Security and Human Rights* 2/2013, pp. 149-158, here: p. 155.

national support.²⁶ In terms of combating the trade in drugs, Tajikistan knew how to make use of third-party funds to shore up its own security apparatus in ways that did not necessarily target the illegal trade in drugs.²⁷ Overall, the regime has been successful in outsourcing subsidiary aspects of security to external actors, allowing it to focus on the primary issues.²⁸

Frame Production and Practices

Uzbekistan

The Karimov regime has used the conflict in Afghanistan in various ways to frame itself in a positive light not just with regard to the global community but also towards its own population. This process should be seen as a component of efforts to produce legitimacy for the regime – both domestically and abroad – and thereby consolidate its hold on power.

Some authors state that Uzbekistan's foreign policy is framed in highly idealized terms, and that no proof is ever provided of the successes claimed.²⁹ However, this phenomenon must be explained with the structural problem Uzbekistan shares with many other small and authoritarian states: the relative lack of discursive material for the production of positive frames in the field of foreign policy. Taking this into account, the conflict in Afghanistan provided the regime with valuable narrative material for the production of positive frames and representations.

To better understand the context, I will first of all focus on the production of frames for domestic consumption. The rhetorical use made of the instability in Afghanistan is revealed in the following example, an extract from a speech by Karimov, which he held on 9 May 2014, the Day of Memory and Reverence, a national holiday to commemorate the end of the Second World War:

We wish for peace and stability in the neighboring Afghanistan. Uzbekistan advances its cooperation with that country on a bilateral basis.

I deem it necessary here to put it one again [...] that our people need peace and tranquility. Our nation that has experienced much throughout its history, understands pretty well that only in a country that enjoys peace and harmony, benevolence and mutual respect, can pros-

26 Cf. *ibid.*, pp. 155-158.

27 Cf. Filippo De Danieli, Counter-narcotics policies in Tajikistan and their impact on state building, in: *Central Asia Survey* 1/2011, pp. 129-145.

28 Cf. Anna Matveeva, Tajikistan: Evolution of the Security Sector and the War on Terror, in: Anja H. Ebnöther/Ernst M. Felberbauer/Martin Malek (eds), *Facing the Terrorist Challenge: Central Asia's Role in Regional and International Co-operation*, Vienna 2005, pp. 133-155.

29 Cf. Anceschi, cited above (Note 15), pp. 147-148.

perity be achieved, can an affluent and happy life be built, can the kindest and noblest ends and aspirations be furthered.³⁰

Karimov starts with an implicit reminder of the instability in Afghanistan. This serves as a contrast to highlight Uzbekistan's own stability, which he links to the welfare of the Uzbek people. Without stating it explicitly, the speech contains an appeal to the population to accept the given situation in Uzbekistan against the background of the Afghan chaos to ensure "peace and harmony".

However, Afghanistan does not only provide a narrative for the production of legitimizing frames domestically. This practice is far more evident at the international level.

In the second half of the 2000s, the Afghanistan conflict provided material for the construction of representations of Uzbekistan on the international stage (UN General Assembly and NATO meetings). While issues related to Afghanistan already played a role in official speeches in the 1990s, the change of international discourse enabled Uzbekistan to make itself heard by the international community. Every one of the ten speeches considered in this context, whether made by Karimov himself, the Uzbek foreign minister, or by other members of the cabinet, mentions the instability in Afghanistan and the associated dangers for neighbouring countries and international security. The dangers named include the spread of war in the region, drug trafficking, and extremism. The descriptions of these dangers are then linked to positively slanted representations of Uzbekistan. As in the domestic sphere, Afghanistan's instability is contrasted with Uzbekistan's stability with particular frequency, thus showcasing the latter.

- In a speech to the UN General Assembly in 2011, the deputy prime minister of Uzbekistan laid out Uzbekistan's economic successes of the last 20 years in detail, noting among other things the high rate of growth and the political stability of the "Uzbek model of democratization". This was immediately followed by four paragraphs describing the instability in Afghanistan and the necessity of resolving the conflict: "And [...] the situation remains [...] tense despite all measures now being taken by the international community."³¹
- President Karimov dedicated the first part of his speech at the UN General Assembly to the Afghanistan conflict and proposals for its settlement. At the end of his speech, he referred to the success of the Uzbek model, measured according to the Human Development Index (HDI):

30 Uzbekistan National News Agency, *Building on Peace and Cohesion in the National Advancement and Prosperity*, 9 May 2014, at: <http://www.uza.uz/en/society/building-on-peace-and-cohesion-in-the-national-advancement-and-prosperity-10.05.2014-4091>.

31 *Address by H.E. Mr. Elyor Ganiev, Deputy Prime Minister, Minister of Foreign Affairs of the Republic of Uzbekistan at the 66th Session of the UN General Assembly*, New York, 26 September 2011.

“Our own model of democratization of the country, transition to socially oriented free market economy [...] has served as a foundation for these achievements”.³²

At least until the Andijan events, the regime was able to credibly underpin the narrative of the stable state on a practical level by means of its persecution of so-called “religious extremism”. This included genuine terrorist groups, such as the Islamic Movement of Uzbekistan (IMU), which has meant that Uzbekistan has been able to rely on the support of the USA. This domestic “struggle against terrorism” has repeatedly been used to combat every form of domestic opposition. Although, after Andijan, the suppression of internal extremism could no longer be used to portray Uzbekistan as a haven of stability, other practices have taken its place, such as the granting of Germany the right to establish a “strategic airbase”.

However, the war in Afghanistan also provided an opportunity for Uzbekistan to present itself as a “real player” in efforts to bring peace to the country and as a partner for co-operation with the West. The majority of official speeches considered here contain analyses of the situation in Afghanistan as well as proposals for how to deal with it in the future. Besides appealing for a non-military settlement, Karimov and his deputies have regularly stressed one particular model, the “six-plus-three initiative”, as an expansion of the “Six plus Two group on Afghanistan”. Conceptually, this draws on the informally convening latter group, which consisted of Afghanistan’s neighbours, together with the USA and Russia, and dealt with the situation there until 2001. Precisely because the proposed model has not yet been implemented, it offers Uzbekistan an opportunity to present itself as a proactive member of the international community, capable of proposing its own solutions to the conflict in Afghanistan. Uzbekistan has also stressed its willingness for co-operation in this context: Only three and a half years after Andijan, at the NATO/EAPC summit in Bucharest, Karimov underscored Uzbekistan’s willingness to co-operate with the West.³³ Uzbekistan has also attempted to present itself as an agent of peace by supporting the reconstruction of Afghanistan: “Today Uzbekistan renders a comprehensive assistance to the recovery of peaceful life in Afghanistan. This particular assistance, which has already been rendered to the neighboring country, includes construction of bridges and motorways, the strategically important railroad line Khairaton-Mazari-Shareef [...] as well as uninterrupted supply of Kabul with electricity

32 Press Service of the President of the Republic of Uzbekistan, *President’s Speech at UN Session on Millennium Development Goals*, 20 September 2010, at: <http://www.press-service.uz/en/news/1146>.

33 Cf. *Address by President of the Republic of Uzbekistan H.E. Mr. Islam Karimov at the NATO/EAPC Summit (Bucharest, April 3, 2008)*, 4 April 2008, at: <http://www.un.int/wcm/content/site/uzbekistan/cache/offonce/pid/8471.jsessionid=D4DB156AEDC8095277FF427EE4A2D61>.

power.”³⁴ Uzbekistan has been involved in the building of eleven bridges as well as the railway line mentioned here.³⁵ Uzbekistan particularly values these opportunities that enable it to present itself as a peacemaker and agent for stability, as its foreign policy practices with regard to its four Central Asian neighbours provide little material for the generation of positive images.

A final element that continually arises together with the reference to instability in Afghanistan is the call for sovereignty to be respected. Rejecting interference in the internal affairs of small authoritarian states is more effective when such claims do not stand alone but are combined with positive images of the state or reminders of relevant contributions for the international community. In his speech at the 2008 NATO/EAPC summit, Karimov initially offered his co-operation within the scope of the NDN; he also immediately rejected interference in Uzbekistan’s domestic affairs: “At the same time, the sovereign interests on maintaining the security and legislation of our country must be observed.”³⁶ While NDN is not connected with questions of sovereignty, it is a reminder of an important “good” Uzbekistan has to offer the ISAF troops. Thus, it is also a reminder of the power resources that Uzbekistan owns vis-à-vis ISAF. At the UN General Assembly in 2006, i.e. immediately after the Andijan events, respect for sovereignty was even given pride of place, with the Uzbek foreign minister calling for reform of the United Nations to guarantee “sovereign equality and non-interference into internal affairs”.³⁷ Yet this speech only indirectly mentions the instability in Afghanistan and omits Uzbekistan’s potential contribution to stabilization. In his 2012 speech, the foreign minister emphasized the issue of Afghanistan and Uzbekistan’s contribution to stabilization, later rejecting interference in Central Asian affairs by external powers.³⁸

Tajikistan

Afghanistan’s instability also plays a role in the production of frames in Tajikistan. At the international level, it is however clear, that Afghanistan is only one of many narratives.

Speeches by representatives of Tajikistan at the UN General Assembly are dominated, both qualitatively and quantitatively, by Central Asia’s water problem – though here too there are many links to Afghanistan. For instance, Tajikistan is planning to build a new dam, primarily for the generation of

34 Abdulaziz Kamilov, *Address at the General Assembly of the United Nations*, 28 September 2012, New York, at: <http://www.uzdaily.com/articles-id-20305.htm>.

35 Cf. Nargis Kassenova, *Relations between Afghanistan and Central Asian States after 2014. Incentives, Constraints and Prospects*, Stockholm 2014, p. 8.

36 Karimov, cited above (Note 33).

37 *Statement by H.E. Mr. Vladimir Norov, Minister of Foreign Affairs of the Republic of Uzbekistan at the General Debates of the 61st Session of the United Nations General Assembly*, New York, 25 September 2006, available at: <http://www.un.org/webcast/ga/61/pdfs/uzbekistan-e.pdf>.

38 Cf. Kamilov, cited above (Note 34).

hydro-electricity, to be exported to Afghanistan. The Tajik government is also keen to use the water issue to present itself as a proactive actor with an interest in regional stability, including the stability of Afghanistan.

Nonetheless, no direct link is made here between the instability in Afghanistan, on the one hand, and Tajikistan's own stability – and the associated insistence on non-interference by the West – on the other. One reason for this may be Tajikistan's relatively greater dependence on Western partners such as the OSCE. This might lead to a situation in which it is harder for Tajik politicians to speak out against international interference and democratization pressure on the international stage.

However, Tajikistan has used the problems associated with Afghanistan to explicitly call for international assistance, as shown in this extract from an interview with President Emomali Rahmon, carried on the television station euronews: "The big problem is drug smuggling. The authorities in charge both in the Republic of Tajikistan and in the Islamic Republic of Afghanistan are cooperating to fight this both at the borders and inside Afghanistan, but we need help from the international community."³⁹

Conclusion

The Afghanistan conflict, the international attention, and the interests of Western powers in Central Asia after 2001 have improved both regimes' options for patron alliance manipulation and the production of positive representations. Thanks to its own position of strength, Uzbekistan, in particular, has been able to profit greatly from this. Yet Tajikistan has also been able to turn its weakness and dependencies to its advantage. The regimes in both countries have successfully made use of these two techniques to consolidate their positions and resist the pressure to democratize. To that extent, the Afghanistan conflict can be considered to be a power resource for the regimes.

It is then natural to ask how much changes in the situation in Afghanistan could affect the regimes' extraversion strategies, and hence possibly their stability. While it is unlikely that peace will come to Afghanistan, the possibility of feudalization is higher, with weak central authorities coming to share power with local "feudal rulers". A declining interest in the region on the part of the major powers as a consequence of such a "precarious" type of stabilization would also have an effect on the opportunities for extraversion in Central Asia, particularly if the interest of the USA were to decline and international attention to focus on other conflicts.

39 *President Emomali Rahmon: There is no short-cut to democracy, Euronews Interview with Emomali Rakhmon*, 30 March 2012, at: <http://www.euronews.com/2012/03/30/president-emomali-rahmon-there-is-no-short-cut-to-democracy>.

The OSCE Mediterranean Partnership Four Years after the Start of the “Arab Spring”

There is almost no need to define the long-standing relationship between the OSCE and its Mediterranean Partners for Co-operation (MPCs), which goes back to the origins of the Organization and has evolved and matured throughout its history. It was at the 1993 Rome Ministerial Council that Algeria, Egypt, Morocco, and Tunisia, together with Israel, requested a closer and more structured relationship with the CSCE, before officially becoming “Mediterranean Partners for Co-operation” in 1995. They were joined by Jordan in 1998. All the key historical documents along the OSCE’s evolutionary pathway (the 1996 Lisbon Summit Declaration, the Charter for European Security adopted at the Istanbul Summit in 1999, the 2003 Maastricht Strategy to Address Threats to Security and Stability in the Twenty-First Century, the Astana Commemorative Declaration in 2010) also provided a framework for enhanced dialogue and co-operation with the Mediterranean region, together with more focused and operational documents such as the Permanent Council Decision on “further dialogue and co-operation with the Partners for Co-operation and exploring the scope for wider sharing of OSCE norms, principles and commitments with others” in 2003,¹ and the Madrid Ministerial Declaration on the OSCE Partners for Co-operation in 2007.²

Note: The views expressed in this article are those of the author alone and do not necessarily reflect the official position of the OSCE and its participating States.

- 1 OSCE, Permanent Council, Decision No. 571/Corrected re-issue, *Further Dialogue and Co-operation with the Partners for Co-operation and Exploring the Scope for Wider Sharing of OSCE Norms, Principles and Commitments with Others*, PC.DEC/571/Corr.1, 2 December 2003.
- 2 Ministerial Declaration on the OSCE Partners for Co-operation, MC.DOC/1/07 of 30 November 2007, in: Organization for Security and Co-operation in Europe, *Fifteenth Meeting of the Ministerial Council, 29 and 30 November 2007*, Madrid, 30 November 2007, pp. 3-4. A useful timeline of co-operation with the Mediterranean Partners up to 2004 is given in: Chronological Development of Co-operation with the Mediterranean Partners for Co-operation and Asian Partners for Co-operation, Based on Adopted Documents, Annex 1 to the Report of the Chairperson of the Informal Group of Friends on the Implementation of Permanent Council Decision No. 571, The OSCE and its Partners for Co-operation, in: Organization for Security and Co-operation in Europe, *Twelfth Meeting of the Ministerial Council, 6 and 7 December 2004*, MC.DOC/1/04, Sofia, 7 December 2004, pp. 106-134, here: pp. 121-130. A detailed account of developments concerning the OSCE Mediterranean Partnership can also be found in the background paper *Co-operation with the Mediterranean Partners for Co-operation and with the Asian Partners for Co-operation* prepared by the Section for External Co-operation for the 2010 Review Conference on Co-operation with the Partners, RC.GAL/23/10/Rev.1, 22 October 2010. All the documents on which the OSCE Mediterranean Partnership is based are reproduced in the brochure issued in December 2014 by the Office of the Secretary General, External Co-operation Section, *The OSCE Mediterranean Partnership for Co-operation. A Compilation of Relevant Documents and Information*, pp. 22-41, available at: <http://www.osce.org/networks/132176>.

The historic changes that have swept across the Southern Mediterranean in the last four years have reinforced the relevance of the OSCE Mediterranean Partnership in support of the Partners' path towards stability and democratization. Given their own experience of democratic transition, the OSCE participating States could not be passive spectators of the so-called "Arab Spring". After the 2011 Lithuanian Chairmanship of the OSCE fostered an internal debate on how the OSCE could assist its Mediterranean Partners, the Ministerial Council in Vilnius decided to "enhance further the Partnership for Co-operation by broadening dialogue, intensifying political consultations, strengthening practical co-operation and further sharing best practices and experience gained in the development of comprehensive, co-operative and indivisible security, in the three OSCE dimensions, according to the needs and priorities identified by the Partners".³

Where does the OSCE Mediterranean Partnership stand four years after the start of the Arab Spring and three years after Vilnius? Although the Partnership has entered a more operational and "results-oriented" phase, the Partners continue to express frustration. A number of technical improvements, a greater openness to other international organizations active in the region, and the development of a "track-II process" would admittedly reinforce the partnership. But beyond that, the Organization faces questions concerning the long-term nature of the Mediterranean Partnership in the coming years – also through the Helsinki +40 Process and possibly through the recently appointed Panel of Eminent Persons – including issues regarding the boundaries of the Mediterranean Partnership raised by the candidature of Libya, and the ability of the OSCE to spread its values more broadly within the Mediterranean world.

Despite Considerable Progress, Some Scepticism Remains on Both Sides

Two decades of "process-oriented" dialogue have closely associated the Mediterranean Partners with the OSCE's activities and the key events in the Organization's annual calendar. Today, the OSCE's dialogue with its Mediterranean Partners is based on a solid political framework. Interaction with the MPCs takes place at numerous OSCE forums, and covers a range of areas, including security issues.

3 Decision No. 5/11, Partners for Co-operation, MC.DEC/5/11, 7 December 2011, in: Organization for Security and Co-operation in Europe, *Eighteenth Meeting of the Ministerial Council, 6 and 7 December 2011*, Vilnius, 7 December 2011, pp. 20-22, here: p. 21.

In 2014, the Contact Group with the Mediterranean Partners celebrated its 20th anniversary.⁴ Serving as the main venue for regular dialogue with the Partners, it is held on average seven times per year at ambassadorial level and is chaired by the incoming chair of the OSCE (Serbia in 2014, Germany in 2015). Alongside regular briefings by the Chairmanship, Contact Group meetings usually include presentations by Mediterranean Partner countries on issues of specific interest,⁵ presentations by representatives of OSCE executive structures or partner organizations on activities with a Mediterranean dimension,⁶ and preparations for or follow-up to major OSCE events and activities. In between meetings of the Contact Group, day-to-day dialogue is maintained through technical meetings at the level of contact points.

The annual OSCE Mediterranean Conference provides an opportunity for the high-level exchange of views, and the generation of ideas and exploration of ways to enhance relations between the OSCE and its Mediterranean Partners. Major topics recently have included “The Dialogue on the Future of European Security – A Mediterranean Perspective” (Valletta, Malta, 14 and 15 October 2010), “Democratic Transformation: Challenges and Opportunities in the Mediterranean Region” (Budva, Montenegro, 10 and 11 October 2011), “Economic Co-operation with Mediterranean Partners in the Democratic Transition Processes and Political Reforms” (Rome, 30 and 31 October 2012) and “Enhancing the Role of Women in Public, Political and Economic Life” (Monaco, 28-29 October 2013).

The weekly Permanent Council and Forum for Security Co-operation meetings, to which the Mediterranean Partners are invited as observers; the annual Ministerial Council meetings, in the margins of which the Partners have the opportunity to engage in high-level meetings with the OSCE Ministerial Troika and the OSCE Secretary General; the meetings of the OSCE Parliamentary Assembly; yearly OSCE events, such as the Annual Security Review Conference, the Economic Forum, and the Human Dimension Im-

4 The fourth CSCE Summit of Heads of State or Government, held in Budapest on 5-6 December 1994, decided to create “an informal, open-ended contact group, at the level of experts [...] within the framework of the Permanent Council in Vienna”, to conduct “a dialogue with these non-participating Mediterranean States in order to facilitate the interchange of information of mutual interest and the generation of ideas.” Conference on Security and Co-operation in Europe, Budapest Review Conference and Summit Meeting 1994, Budapest Decisions, Part X (Mediterranean), in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Basic Documents 1993-1995*, pp. 129-189, here: p. 188, also available at: <http://www.osce.org/mc/39554>.

5 Such as the intervention delivered by Dr Mohamed Chafik Sarsar, President of the High Independent Authority for Elections of Tunisia, to the Group on 28 March 2014; his statement circulated under PC.DEL/368/14, 2 April 2014.

6 In 2014, Mr Amin Awad, Director of the Bureau for the Middle East and North Africa, Regional Refugee Coordinator for the Syria Situation at the United Nations High Commissioner for Refugees (UNHCR), addressed the Group on 16 May 2014; his statement circulated under PC.DEL/514/14, 13 May 2014.

plementation Meeting – all of these also provide forums for dialogue between the OSCE and its Mediterranean Partner States.

Moreover, repeated calls for more technical and operational co-operation between the OSCE and its Partners have led in recent years to a growing list of specific projects.

*An Impressive Set of Actions to Support Democratic Transition,
Unfortunately Limited to Tunisia*

“Young democracies” undergoing a period of transformation usually benefit from gradually making their new legislative processes more inclusive and consultative and better aligned with international standards. This results in legislation that is better understood and endorsed by the public, and thus has a better chance of proper implementation. Domestic election observation and regulation of political activities can help to deter electoral fraud and violations and promotes confidence in the honesty and integrity of the electoral process.⁷ That is why, at the Mediterranean Partner Countries’ Civil Society Conference held in Vilnius, Lithuania, on 4-5 December 2011, the representatives of civil society from OSCE participating States and the OSCE MPCs called on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) “to support the process of constitutional and legal reform and create a platform to promote an independent judiciary through the translation and dissemination of existing documents, recommendations and related training events and to encourage the integration of professional legal communities including existing associations of lawyers”.⁸

From July 2012 to July 2013, upon request of the Tunisian authorities, ODIHR implemented two projects focused on “Promoting democratic structures among OSCE Mediterranean Partners for Co-operation”. These enabled the Office to further expand and formalize mechanisms of engagement by OSCE participating States with the MPCs. Within the framework of these projects, ODIHR focused on supporting Mediterranean Partners in undertaking key electoral and legislative reforms, consolidating democratic institutions, and increasing the participation of women in political and public life.⁹ As a basis for the exchange of good practices and the transfer of knowledge from the OSCE region, ODIHR has also translated and disseminated a number of its key publications into Arabic, making them available on the ODIHR

7 The successful observation of the 23 October 2011 Tunisian parliamentary elections by the OSCE Parliamentary Assembly provided a clear example of the parliamentarians’ contribution to democratic progress in the region.

8 Mediterranean Partner Countries’ Civil Society Conference, Vilnius, Lithuania, 4-5 December 2011, *Conference Conclusions and Recommendations*, CIO.GAL/244/11, 5 December 2011, point 12.

9 Cf. OSCE ODIHR, *Co-operation between the OSCE Mediterranean Partners and the OSCE Office for Democratic Institutions and Human Rights (ODIHR)*, ODIHR.GAL/16/13, 12 March 2013.

website.¹⁰ The second phase of this project, in 2014-2015, will aim to further expand ODIHR's engagement with the Partners for Co-operation in the fields of elections, parliamentary strengthening, women's political participation, the rule of law, human rights, and tolerance and non-discrimination.¹¹

Since 2012, ODIHR has implemented a total of 52 activities in the areas of elections, democratic governance, legislative assistance, and women's political participation, directly benefitting more than 806 civil society and government representatives in Mediterranean Partner countries.¹²

Unfortunately, Tunisia has remained an isolated case. The observation of the presidential elections held in Algeria in April 2004 by a special delegation of the OSCE Parliamentary Assembly has not been followed by any further involvement of the OSCE, and co-operation between the Organization and both Morocco and Egypt on election observation seems to have been limited to a four-day training event on good practices in this field organized by ODIHR in the margins of the 2011 Mediterranean Conference in Budva.

Growing Technical Co-operation

"There has been a lot of form and little substance. Much of the focus has been on improving dialogue and on the voluntary implementation of OSCE commitments by partners, but there has been little practical cooperation".¹³ This was the assessment of the participants in the workshop on the "OSCE-Mediterranean Partnership and the Arab Uprisings", held on 25 October 2011 at the premises of the International Peace Institute (IPI) in Vienna. Is that still the truth three years on?

The overview of project proposals and activities for co-operation with Mediterranean Partners, circulated on 6 March 2014,¹⁴ enumerates 23 ongoing projects, whose topics correspond to the "List of Potential Projects and Topics of Potential Co-operation with the OSCE Mediterranean Partners for Co-operation" circulated in 2012¹⁵ and to the increasingly complex array of threats and risks faced by the Mediterranean countries from both outside and

10 Including the sixth edition of the *Election Observation Handbook*, which provides a detailed description of the OSCE/ODIHR observation methodology, available at: <http://www.osce.org/odihr/elections/68439>.

11 See the statement by Beatriz Balbin, First Deputy Director OSCE/ODIHR at the 2013 OSCE Mediterranean Conference on "Enhancing the Role of Women in Public, Political and Economic Life", Monaco, 28-29 October 2013, ODIHR.GAL/77/13, 1 November 2013.

12 See Richard Lappin, OSCE/ODIHR Senior Election Adviser, *Remarks on OSCE/ODIHR Support to Electoral Processes in Tunisia*, Meeting of the Mediterranean Group of Contact, 28 March 2014, ODIHR.GAL/14/14, 2 April 2014.

13 *The OSCE-Mediterranean Partnership and the Arab Uprisings*, report of the workshop held by the International Peace Institute (IPI) in Vienna on 25 October 2011, CIO.GAL/252/11, p. 4.

14 See *Overview of project proposals and activities for co-operation with Mediterranean Partners*, SEC.GAL/31/14, 6 March 2014.

15 See *List of Potential Projects and Topics of Potential Co-operation with the OSCE Mediterranean Partners for Co-operation*, SEC.GAL/51/12, 15 March 2012.

inside their borders. Some of these projects are highlighted in the newly issued brochure on the OSCE Mediterranean Partnership for Co-operation.¹⁶

In the field of counter-terrorism, representatives of the Mediterranean Partners were among the 80 experts that attended the Regional Expert Workshop on the “Implementation of the Universal Legal Instruments against Terrorism as a Way to Enhance Counter-Terrorism Cooperation in the Mediterranean Basin”, jointly organized by the OSCE and the United Nations Office on Drugs and Crime (UNODC) on 17-18 September 2013 in Malaga, Spain, where legal and operational aspects of the investigation and prosecution of terrorism cases were discussed. A “Malaga follow-up” meeting took place in Valletta, Malta, on 16-17 September 2014, with a special focus on kidnapping for ransom, which is an issue of growing concern for the OSCE region. The OSCE Transnational Threats Department (TNTD) is also working extensively on violent extremism and radicalization that leads to terrorism: Its guidebook on a community-policing approach to that matter, published jointly with ODIHR in March 2014, is now available in Arabic.¹⁷ Counter-terrorism has been also defined as one of the three areas of co-operation between the OSCE and Egypt, following the visit of the Secretary General of the Organization in Cairo in February 2014.

Issues such as water scarcity, land degradation, environmentally induced migration, climate change, and energy security were discussed at expert level at the first Participatory Workshop on Environment and Security Issues in the Southern Mediterranean Region, which was held in Amman, Jordan, from 18 to 22 June 2012. An expert Workshop on Sustainable Energy in the Southern Mediterranean was held in Vienna by the Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA) on 29 April 2013.¹⁸

Issues related to migration have been high on the agenda of the Partnership these past two years. Early CSCE meetings already addressed the political, social, economic, and humanitarian factors behind migration, and stressed the relevance of this issue to stability and security in the CSCE area, and the need for a global and shared approach.¹⁹ In 2009, plans were also made to involve the Partners in a regional platform for dialogue on migration

16 Cf. *The OSCE Mediterranean Partnership for Co-operation*, cited above (Note 2), pp. 43-49.

17 OSCE/ODIHR, *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach*, Vienna, February 2014, available at: <http://www.osce.org/atu/111438>.

18 On 8 July 2014, the OSCE also hosted a one-day conference to discuss the benefits of water security. The keynote was delivered by His Royal Highness Prince El Hassan bin Talal of Jordan, a keen promoter of water co-operation, and until recently chairman of the UN Secretary General's Advisory Board on Water and Sanitation. This OSCE Security Days conference assessed the security-related challenges and benefits of water co-operation, and took stock of the role the OSCE has played so far and will play in the future in water diplomacy.

19 See *CSCE Mediterranean Seminar, Valletta, 17-21 May 1993*, CSCE Communication No. 161, Prague, 26 May 1993, Chairman's Summary, p. 4.

and security issues.²⁰ The special situation of some OSCE participating States in that regard,²¹ the alarming statistics,²² and several major incidents, including the October 2013 tragedy off the coast of Lampedusa, have yet again demonstrated the urgent need to act.

The OSCE has tackled the issue from two different angles: The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings carried out in-depth consultations on human trafficking with the MPCs through the organization of a series of events in 2013.²³ In addition, the OCEEA's comprehensive Handbook on Establishing Effective Labour Migration Policies, elaborated jointly with the International Organization for Migration (IOM) and the International Labour Organization (ILO), which contains policy models, practical guidelines, and good practice examples, has been translated into Arabic.²⁴

In the politico-military dimension of security, after a year devoted to outreach activities promoting the OSCE Code of Conduct in 2013,²⁵ the issue of illicit trafficking in small arms was the main topic of the 2014 Mediterranean Conference held in Neum, Bosnia and Herzegovina, in October 2014. Following a needs assessment mission conducted by the OSCE Conflict Prevention Centre (CPC) in October 2014, Tunisia and the OSCE have also agreed on a "tailor-made" mode of technical co-operation on this matter that

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- 20 The Ministerial Council "tasks the Permanent Council [...] to *inter alia*: Provide a broad regional platform for dialogue on migration and security issues, both among OSCE participating States and between participating States and Partners for Co-operation [...]", Decision No. 5/09, Migration Management, MC.DEC/5/09 of 2 December 2009, in: Organization for Security and Co-operation in Europe, *Seventeenth Meeting of the Ministerial Council, 1 and 2 December 2009*, Athens, 2 December 2009, pp. 24-26, here: p. 25, point 5. A proposal to create a working group on migration aimed at establishing an expert overview of the shared challenges and the responsibilities in this area was also made in March of the same year, see Permanent Mission of the Kingdom of Morocco to Vienna, *The Future of the OSCE Mediterranean Partnership. The Moroccan Vision*, PC.DEL/213/09/Rev.1, 31 March 2009, p. 4.
 - 21 In ten years (2003-2013), Malta, the smallest, most southerly, and most densely populated EU member state, has received 17,743 immigrants. In 2012 alone, 1,890 people arrived at Malta by sea from North Africa.
 - 22 See European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), *Annual Risk Analysis 2014*, Warsaw, May 2014, pp. 8 and 30ff., available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf.
 - 23 Cf. International seminar on "Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region", held in Rome on 8 February 2013; expert meeting on "Human Trafficking in the Mediterranean: Promoting Access to Justice", held in Vienna on 10 May 2013; expert meeting on "Co-operation to Enhance the Prevention of Human Trafficking and Labour Exploitation in the Mediterranean Region", held in Vienna on 7 October 2013.
 - 24 Organization for Security and Co-operation in Europe (OSCE)/International Organization for Migration (IOM)/International Labour Organization (ILO), *Handbook on Establishing Effective Labour Migration Policies*, Mediterranean Edition, Vienna 2007, at: <http://www.osce.org/ar/eea/29631>.
 - 25 After the regional conference on the Code of Conduct hosted by Malta (11-13 September 2013), the Arabic version of the Code was presented to the League of Arab States at a workshop organized by the German Ministry of Foreign Affairs in Cairo in May 2013. A new outreach conference should take place in Tunis in 2015.

includes border management aspects, and Egypt has indicated its interest in working with the Organization on this challenge.

In 2012, my predecessor at the OSCE's External Co-operation Section was still able to comment that "despite the clear and repeated message stating the OSCE readiness to help and the need to be formally asked in order to engage, no official request emerged from any of the Mediterranean Partners".²⁶ Three years on, this is no longer the case: All four North African Partners have since expressed their priorities and wishes for co-operation in *notes verbales* received by the OSCE Secretariat in 2013 and 2014.

All in all, even if much more could be done, it appears difficult – and may even reveal a bias – to deny that the OSCE really does provide the Mediterranean Partners with an opportunity to expand dialogue and co-operation and to benefit from its normative work, accumulated expertise, and best practices, in a "win-win" approach at regional level. Why, therefore, are there still so many persistent misperceptions of this work?

A Persistent Gap between Reality and Perception

In the 2011 edition of the OSCE Yearbook, Rita Marascalchi and Oleksandr Pavlyuk from the OSCE's Section for External Co-operation wrote the following: "Despite the fact that much progress has been achieved [...] neither the Partners nor the participating States have seemed to be fully satisfied with the state of the Mediterranean Partnership in recent years".²⁷ The situation remains essentially the same in 2014, as confirmed by periodical "strong" statements made by some ambassadors of the Partner States at the Mediterranean Contact Group. As for the OSCE participating States, the generally low attendance at Group meetings (there have been a few exceptions) also confirms that the Mediterranean Partnership is still not the highest issue on the delegations' agenda.

The fact that OSCE support and assistance are supposed to be demand-driven²⁸ and the Mediterranean Partners to have ownership of this process might have prompted some OSCE participating States to make specific requests by Mediterranean Partners a condition for the provision of concrete assistance. The low take-up by the Partners of existing opportunities, such as short-term visits of representatives to OSCE Missions, the inclusion of ob-

26 Rita Marascalchi, The OSCE response to the Arab Spring and the implications for the OSCE Mediterranean Partnership, in: *Security and Human Rights* 3/2012, pp. 175-183, p. 177.

27 Rita Marascalchi/Oleksandr Pavlyuk, The OSCE and Change in the South Mediterranean: A New Opportunity for the OSCE Mediterranean Partnership? In: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2011*, Baden-Baden 2012, pp. 427-439, here: p. 435.

28 As stated at the 2004 Sofia Ministerial Council and constantly reconfirmed since, "co-operation and interaction with Partner States should remain voluntary and be driven by demand." *Report of the Chairperson of the Informal Group of Friends on the implementation of Permanent Council Decision No. 571*, cited above (Note 2), p. 109.

servers in ODIHR electoral missions,²⁹ and internships for young graduate students and placements for young experts in the Secretariat, may also have discouraged further initiatives.

As a consequence, the need to “reorient” the Mediterranean Partnership has become a mantra in recent years.³⁰ Additional efforts seem to be needed to strengthen the Mediterranean Partnership, the potential of which has not yet been fully exploited. Will 2014-2015 be “the time [...] to accelerate the exploration of new avenues in our quest to give true meaning to the concept of partnership?”³¹

How Can the OSCE Mediterranean Partnership Be Reinforced and Strengthened?

Improving existing mechanisms and better monitoring the recommendations that have already been adopted would, in the short term, give more coherence to the Partnership. Better co-ordination with other international organizations acting in the Mediterranean region, under the guidance of the OSCE Secretary General, would offer an “energy multiplier”. Last but not least, the development of a track-II process would inject new fresh ideas into the Partnership.

Better Follow-up of Recommendations and Proposals

The importance of enhancing the role and effectiveness of the Contact Group has been often stressed. In 2007, Ambassador Taous Feroukhi of Algeria proposed establishing a mechanism to ensure better interaction between the Contact Group and the Permanent Council.³² Again in 2010, the Lithuanian Chairmanship of the Mediterranean Contact Group suggested considering the presentation by the Chair of the Mediterranean Contact Group to the Permanent Council of the work of the Group.³³

Better follow-up of the recommendations made in meetings of the Mediterranean Contact Group and at the Mediterranean Conferences has been requested by the Partner States. As underlined in Switzerland and Serbia’s Joint Workplan, the goal for 2014-2015 should be to “deepen the dialogue and co-operation with the Mediterranean Partners particularly by imple-

29 Both possibilities based on PC.DEC/233, 11 June 1998.

30 Cf. Ambassador Omar Zniber, Morocco: Reorienting relations to emphasize concrete action, in: *OSCE Magazine*, December 2007, p. 16-17.

31 Ambassador Antti Turunen, Mediterranean Partners for Co-operation: Time to give genuine meaning to the concept of partnership, in: *ibid.*, pp. 13-14, here: p. 14.

32 Cf. Ambassador Taous Feroukhi, Algeria: Promising prospects on the partnership path, in: *ibid.*, p. 14.

33 Cf. *OSCE Chairmanship Perception Paper on the Follow-up to the 2010 Mediterranean Conference*, CIO.GAL/6/11, 18 January 2011.

menting measures identified at the Partners meetings and conferences”.³⁴ “Establishing an implementation committee that would be responsible for following up on all decisions at the political level”³⁵ is one possible option. Further to the brochure published by the Secretariat in December 2014, an extensive “mapping” of the existing Partnership could be requested, which should also include stocktaking of past and ongoing co-operation projects in search of lessons learned to be applied to future initiatives.

In a joint food-for-thought paper issued within the framework of the 2010 Review Conference, Algeria, Egypt, Jordan, Morocco, and Tunisia stated the need to assess and evaluate the current working methods of the Mediterranean Partnership, including the annual Mediterranean Conference. In order to ensure a more robust determination to follow up the discussions, they proposed to devote the closing session to drawing conclusions and identifying key suggestions and recommendations to be discussed at a special Contact Group meeting following the Conference. A timeline should be developed for the implementation of these proposals and co-ordinators assigned with the task of convening informal working groups to submit concrete suggestions regarding their implementation. Within a period of six months after the convening of the Conference, a report should be submitted to the Contact Group on the state of implementation of these proposals, and a sub-item should also be devoted to this topic in each Contact Group meeting. In addition to this, a report on the work of the Contact Group should be presented to the Permanent Council on a twice-yearly basis, thus raising the visibility of the activities of the Contact Group.³⁶

Following these suggestions, and also taking into account the proposal presented by the OSCE Secretary General at the Forum of the Parliamentary Assembly of the OSCE on the Mediterranean, held in 2009 in Athens, related to “the establishment of a system of coordinators for specific topics, to assist the Chair of the Contact Group”,³⁷ the 2010 Lithuanian Chairmanship of the Mediterranean Contact Group also proposed assigning co-ordinators to promote work on specific issues by leading informal consultations and negotiations, in co-ordination with the Chairmanship and the Chair of the Contact

34 Permanent Mission of Switzerland to the OSCE, the United Nations and the International Organizations/Permanent Mission of the Republic of Serbia to the OSCE and other International Organizations in Vienna, *Joint Workplan of Switzerland and Serbia*, PC.DEL/600/13, 28 June 2013, p. 5.

35 Ambassador Mohamed Daouas, Tunisia: Increased interdependence calls for new vision, in: *OSCE Magazine*, cited above (Note 30), p. 17.

36 Cf. *Joint Food-for-Thought Paper by Algeria, Egypt, Jordan, Morocco and Tunisia on Follow up of the Mediterranean Conferences*, RC.DEL/256/10/rev.1, 21 October 2010.

37 “Each Mediterranean partner would be responsible for a matter of choice, with a mandate to seek the views of participating States to elaborate concrete proposals (including projects run under the Partnership Fund), and serve as a reference during the monitoring phase”, quoted by see Permanent Mission of the Kingdom of Morocco to Vienna, *Food-for-thought Paper on the effectiveness of the OSCE Mediterranean Partnership*, PC.DEL/438/10, 21 May 2010.

Group.³⁸ Mediterranean Partners have also repeatedly highlighted the need to avoid making the Conference's agenda too broad, and to ensure continuity with previous seminars, while capitalizing on their recommendations, taking care to explore ways to implement them.³⁹

Representatives of civil society should be allowed to participate in the Mediterranean Conference. Though external incentives and pressures are crucial aspects of institutional action designed to aid democratization, domestic mobilization is an essential component of this process and can hardly be imported. For the first time, the OSCE Mediterranean Seminar held in Tel Aviv in 2007 was able to hold a side event with NGOs, which brought a breath of fresh air to the debate and a wealth of recommendations and ideas on how to promote tolerance and non-discrimination in the participating States and, most importantly, in the Mediterranean Partners themselves. In 2008, another civil society side event was organized on the margins of the Conference hosted in Amman. The representatives of civil society from OSCE participating States and the Partners then met in Vilnius in 2011 to share experiences and lessons learned from civil society engagement in democratic transition, and to develop future partnership and co-operation.⁴⁰ Such events should be encouraged and developed.

Finally, it could also be considered a matter of regret that no conference has been hosted by a Mediterranean Partner since Cairo in 2009.⁴¹ A new rotation system could be agreed for the future, and 2015 should see resumption of the hosting of the Mediterranean Conference by a Partner country.

At a technical level, OSCE co-operation could be better tailored to individual needs. Given that the situations of the OSCE Mediterranean Partners are very different judged by most standards, the OSCE approach cannot be a one-size-fits-all policy. Before Vilnius 2011, the OSCE had mostly interacted with the Mediterranean Partners as a group. This approach at times faced the obstacle of finding common ground among countries that are so diverse and divided. It also prevents Partners that would be ready to intensify their relationships with the OSCE from progressing at a faster pace. Only after the Arab Spring was the possibility of pursuing a more individualized approach taken into consideration. The two approaches are not mutually exclusive, and

38 Cf. *OSCE Chairmanship Perception Paper on the Follow-up to the 2010 Mediterranean Conference*, cited above (Note 33).

39 See *Egyptian Food for Thought Paper on 2008 Mediterranean Conference*, PC.DEL/1004/08, 17 November 2008, and *The Future of the OSCE Mediterranean Partnership. The Moroccan Vision*, cited above (Note 20).

40 See *Mediterranean Partner Countries' Civil Society Conference, Vilnius, Lithuania, 4-5 December 2011, Conference Conclusions and Recommendations*, CIO.GAL/244/11, 5 December 2011.

41 The Arab Republic of Egypt hosted the annual Mediterranean Seminar five times (in 1995, 1997, 2004, 2006, and 2009). Jordan hosted it twice (in 2003 in Aqaba, and in 1999 in Amman). One meeting was held in Tel Aviv on 18-19 December 2007. But other Partner States have never hosted a meeting.

the success of the Partnership is likely to depend on striking the right balance between them.

Last but not least, some procedural constraints could be removed. At the IPI workshop in 2011, the point was made that the OSCE's room for manoeuvre in providing assistance to its MPCs is hampered by limitations on out-of-area activities. Participants suggested that this caveat to OSCE activities should be lifted – which would probably be impossible to agree on – or at least given some flexibility.⁴²

The “List of Potential Projects and Topics of Potential Co-operation with the OSCE Mediterranean Partners for Co-operation”⁴³ produced to complement the ministerial decision adopted in Vilnius in an effort to raise awareness among Partners and donors did indeed create movement. But it is now acting as a brake on further progress and needs to be updated.

The Partnership Fund, created in 2007 to promote engagement and foster deeper relations with the Partners for Co-operation, should also be reviewed.⁴⁴ Seven years after its creation, the Fund has not had the desired impact: The donor states have little interest in funding it, rather than directly funding projects, the latter option providing more visibility for their sponsorship.

In that regard, finding new sources of financing will be one of the challenges the OSCE needs to face in the years to come. Exploring venues for furthering potential synergies and complementarities with international financial institutions (IFIs) such as the European Bank for Reconstruction and Development (EBRD) could offer innovative options. Should Mediterranean Partners take seriously the OSCE's offer of support, more financial backing would be needed to provide a credible and effective response.

Further Strengthening and Developing Co-operation with other Organizations

As the largest regional organization under the UN Charter, the OSCE can act as the platform for co-operation between other “out-of-area” regional, sub-regional, and multilateral organizations in the Mediterranean region. Most of the Mediterranean Partners are members of such organizations. Interaction among international institutions with a Mediterranean dimension is crucial: A synergetic approach provides an additional forum for sharing the OSCE experience beyond the area of the participating States, and additionally contrib-

42 *The OSCE-Mediterranean Partnership and the Arab Uprisings*, cited above (Note 13), p. 4.

43 See *List of Potential Projects and Topics of Potential Co-operation with the OSCE Mediterranean Partners for Co-operation*, cited above (Note 15).

44 The Fund can be used to finance two main types of initiative: participation by representatives from the Partners for Co-operation in existing OSCE activities and events and targeted activities designed to encourage the Partners for Co-operation to voluntarily implement OSCE norms, principles, commitments, and best practices. It is financed through extra-budgetary contributions.

utes to achieve the goal of building a common Euro-Mediterranean space; it helps avoid duplication and enables each side to better complement the other's roles and capacities; it allows the exchange of views on lessons learned, goals, mandates, and procedures; other international organizations can act as a multiplier factor and ensure local ownership in disseminating the OSCE's values and experiences.

The Arab Spring provided prospects for greater regional convergence towards a set of common principles and values. On 3 March 2011, the OSCE Chairperson-in-Office, Lithuanian Foreign Minister Audronius Azubalis, and United Nations Secretary-General Ban Ki-moon discussed the need to co-ordinate international efforts to assist North Africa, and the possibility of creating a co-ordination mechanism among relevant international organizations under UN leadership.

The EU, NATO, and the OSCE each have their own formats for co-operation in the Mediterranean. In 2002, upon an invitation by the Chairman of NATO's Mediterranean Co-operation Group, a representative of the OSCE Secretariat briefed delegates of the then 19 NATO nations on the OSCE Mediterranean Dialogue, two weeks after a representative of the NATO International Secretariat briefed the OSCE Mediterranean Contact Group on NATO's Mediterranean Dialogue. A NATO representative also attended the Contact Group with the MPCs.⁴⁵ During that same meeting, another proposal submitted for consideration suggested convening expert-level meetings between NATO and the OSCE on matters of common concern with reference to Mediterranean-related issues. Furthermore, it was proposed to organize a periodical (annual or twice-yearly) exchange of views and expertise among the OSCE, NATO, and the EU with respect to their complementary Mediterranean dialogues and partnerships. Representatives from the EU Presidency and the Council of Europe secretariats were also invited to brief participants on their Mediterranean frameworks for co-operation.

At the Workshop for Experts from the Mediterranean Partners for Co-operation held in Vienna in July 2000, the proposal was made to organize "a Conference by the OSCE Secretariat to bring together representatives of all the organizations conducting a Mediterranean Dialogue, including OSCE, EU, WEU, NATO, NATO PA and Council of Europe, as well as the Mediterranean Partners".⁴⁶ On 11 February 2004, at the Munich Security Conference, the OSCE Chairman-in-Office, Bulgarian Foreign Minister Solomon Passy, urged the OSCE, the European Union, and NATO to co-operate more closely on issues related to their Mediterranean Partner States, and noted again that an EU-NATO-OSCE-Mediterranean conference could perhaps provide a good start for intensifying co-operation in the region. This idea could be

45 See *Report on participation by an OSCE Secretariat representative in NATO's Mediterranean Co-operation Group (MCG)*, Brussels, 12 July 2002, SEC.GAL/139/02, 19 July 2002.

46 *Report on Workshop for Experts from the Mediterranean Partners for Co-operation, Vienna, 17-19 July 2000*, SEC.GAL/95/00, 31 August 2000, p. 2.

revisited. Unfortunately, little practical co-operation has been implemented, despite the noticeable exception of the workshop on “Water Scarcity, Land Degradation and Desertification in the Mediterranean Region – Environment and Security Aspects” organized by the OSCE, in co-operation with NATO Public Diplomacy Division, in Valencia, Spain on 10-11 December 2007. Migration issues, where the impact of EU policies is important, could become a field of more interconnection between the organizations acting in the Mediterranean, as could Security Sector Reform Capacity, mediation, and interfaith dialogue.

The dynamic role assumed by the OSCE Secretary General in recent years allows better structured relations with regional organizations, such as the Arab League,⁴⁷ and wider inclusiveness and deepening of partnerships. But more could be done, for instance with the 5+5 Dialogue⁴⁸ and the Union for the Mediterranean.

The OSCE’s structures and institutions can also interact effectively with partner organizations. ODIHR’s excellent collaboration with the Venice Commission of the Council of Europe in providing legal reviews could be replicated in Tunisia and elsewhere. And we have already mentioned the fruitful co-operation between the OCEEA, the IOM, and the ILO on a comprehensive Labour Migration Handbook, which was presented in Rabat in 2007.

The New-Med Track-II Initiative

Public opinion, civil society organizations, and social networks are rapidly growing in relevance in the policy-making process. This underlines the importance of think tanks and public diplomacy institutions in analysing re-

47 After his initial visit to the headquarters of the League of Arab States (LAS) in September 2011, Secretary General Lambert Zannier visited Cairo in February 2014, where he met his LAS counterpart, Dr Nabil El Araby, and opened the OSCE-LAS Workshop for the presentation of OSCE handbooks and publications available in Arabic and the third Meeting of Regional, Sub-regional and other International Organizations on Preventive Diplomacy and Mediation; a second OSCE-LAS workshop should take place in 2015. H. E. Amr Moussa, former Secretary-General of the LAS, addressed the Permanent Council on 17 April 2008.

48 The Western Mediterranean Forum, also known as the 5+5 Dialogue, includes Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia, and acts as a confidence-building forum. As Elizabeth Abela and Monika Wohlfeld rightly point out, the 5+5 Dialogue is actually the most ambitious proposal for a Conference on Security and Co-operation in the Mediterranean based on the CSCE model. It was indeed during the 1990 CSCE meeting in Palma de Mallorca that this proposal was developed by the so-called “4+5 Group”, consisting of four Southern European members of the then European Economic Community (EEC) and the five participants of the Arab Maghreb Union, with Malta as an observer, see: Elizabeth Abela/Monika Wohlfeld, *The Mediterranean Security Dimension. OSCE’s Relations with the Mediterranean Partners for Co-operation*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 435-446, here: p. 439. The European Commission, the Arab Maghreb Union, the Union for the Mediterranean, the Parliamentary Assembly of the Mediterranean, and the League of Arab States are observers of the 5+5 Dialogue; it is conceivable that the OSCE could also join the group.

gional trends and drivers for change. Use of track-II diplomacy can help solidify contacts, dialogue, and mutual understanding, leading to a cross-fertilization of ideas and recommendations. These are particularly fundamental tools for early warning and conflict prevention.

Already in 2004, on the basis of the 2003 OSCE Strategy to Address Threats to Security and Stability in the 21st Century and in order to complement relations at the intergovernmental level, the OSCE CPC suggested establishing closer relations with research institutes and strategic centres in the Partner States. The CPC also proposed creating a research network, with a particular accent on early-warning functions.⁴⁹ The possibility of facilitating track-II diplomacy on issues of relevance to the Mediterranean Partnership was then identified by the Lithuanian Chairmanship of the Mediterranean Contact Group in 2010 as one of the topics worth further consideration.⁵⁰ In a vision paper on the future of the OSCE Mediterranean Partnership, Morocco had previously also recalled its proposal concerning the establishment of a network of Mediterranean research institutes and universities involved in soft and hard security issues.⁵¹

That is why, at the conference on “The OSCE and a New Context for Regional Cooperation in the Mediterranean”, held on 28 May 2012 in Rome, the Italian minister of foreign affairs launched the idea of a centre for standing interaction between the OSCE and think tanks and civil society across the Mediterranean. The aims of this proposed centre would be to help generate and sustain the production of new ideas and approaches, provide a place for sharing experiences, and raise the profile of the OSCE and awareness of the values and the work of the Organization with respect to the Mediterranean Partners.⁵² Following the establishment of a Mediterranean focal point in the Office of the Secretary General, which aims to create a new network of researchers and academics with expertise on comprehensive security issues in the Mediterranean region, and an international workshop on the “Global Mediterranean: A New Agenda for Multilateral Security Cooperation”, held in Turin, Italy, on 5 June 2014, the “New-Med” research network has been created, a new OSCE-related Mediterranean track-II initiative that benefits from the engagement and involvement of the OSCE and the six MPCs.

The New-Med network was consolidated at the international seminar “Towards Helsinki +40. The OSCE, the Global Mediterranean, and the future of Cooperative Security”, which was held in Rome on 18 September 2014 under the joint auspices of the Swiss Chairmanship of the OSCE and the

49 See *CPC comments building on the Food For Thought paper on potential additional fields of co-operation and interaction with the OSCE Mediterranean and Asian Partners for Co-operation*, SEC.GAL/131/04, 27 May 2004, pp. 2-3.

50 See *OSCE Chairmanship Perception Paper on the Follow-up to the 2010 Mediterranean Conference*, cited above (Note 33).

51 See *The Future of the OSCE Mediterranean Partnership. The Moroccan Vision*, cited above (Note 20), p. 2.

52 See *Concept Paper: Italian OSCE-MED Proposal*, PC.DEL/940/12, 23 October 2012.

Italian Presidency of the EU. Proposals floated during the seminar have been collected and offered as a contribution to the discussions that are taking place in Vienna in the context of the Helsinki +40 Process.

New-Med represents an innovation with respect to other networks focusing on the Mediterranean, which have been traditionally EU-centred or EU-initiated. It is indeed the first track-II network devoted to Mediterranean affairs to be linked to the OSCE. New-Med could act in tandem with other track-II processes, such as the sub-regional network of the think-tanks of the 5+5 countries set up by the European Institute of the Mediterranean (IEMed), to develop research on how to promote regional integration and co-operation between the countries concerned.

However, there are clear limits to how far such involvement might go: Most of the Mediterranean Partner States do not have well developed academic networks, and at least some of them are likely to keep the process under strict control.

Looking Ahead: Challenges and Prospects for the OSCE Mediterranean Partnership in 2015 and Beyond

In the longer term, significant challenges are likely to arise: first, the question of the boundaries of the Mediterranean Partnership, raised by the controversial application of Libya in 2013; then the future of the relationship between the OSCE and its Mediterranean Partners and its recognition in the Helsinki +40 strategic vision; and finally, the ability of the OSCE to provide a replicable model for the southern shore of the Mediterranean, which is directly confronted by the lack of a lasting and sustainable peace in the Middle East.

Defining the Boundaries of the Mediterranean Partnership: The Issue of Libya

In our fast-moving and ever-changing world, it may appear natural for the OSCE to develop deeper relations with neighbouring areas, as well as to consider new requests for admission as Partners for Co-operation. However, as the IPI pointed out in 2011: “There is also a lack of clarity about the geographical extent of the dialogue – who’s in and who’s out, and why?”⁵³ Even though the OSCE participating States agreed in 2000 on criteria for considering future applications for partnership,⁵⁴ the only real limits to this strategy are those of consensus-gathering and political timing.

53 *The OSCE-Mediterranean Partnership and the Arab Uprisings*, cited above (Note 13), p. 4.

54 In view of the growing interest in partnership status with the OSCE, in 2000, the participating States tasked an informal open-ended working group with developing recommendations for considering future applications for partnership. The resulting document, known as the Ladsous report (PC.DEL.344/01/Rev.3, 28 June 2001) highlighted the idea

In recent years, the Mediterranean Partners have repeatedly called on the participating States to consider offering Partner status to other countries in the Mediterranean, such as Syria, Libya, Lebanon, and the Palestinian National Authority (PNA), which formally requested the status of Partner twice, in 2004 and again in 2008.⁵⁵

In 2011, Austria, supported by other participating States, suggested that Libya be invited to join the Partnership, arguing that the OSCE expertise in border management and institution-building would be valuable in the country's current situation.⁵⁶ On 13 June 2013, Libya indeed applied to become an OSCE Partner for Co-operation.

The arguments in favor of granting Partner status to Libya are obvious. The whole idea of Partnership is based on an ongoing process of acceptance of the OSCE's common *acquis*; indubitably, a Libya progressively coming to terms with that *acquis* is much better off than one which is not. The OSCE and its participating States would thus send a powerful political message in support of stability in Libya, which is currently in the grip of anarchy. As already underlined, the OSCE is a regional arrangement under Chapter VIII of the UN Charter, with a mandate to develop relations with its adjacent regions as a means to promote security within the OSCE region itself. In order to interact most effectively with an adjacent region such as the Mediterranean, it is necessary to deal with that region as a whole. Hence it is vital to have Libya on board.

Yet here too there was a failure to reach a consensus at the Ministerial Council in Kyiv in December 2013. Expansion of the OSCE's area of co-operation has to take into consideration the arguments of those opposing "out-of-area" engagement, especially in the light of the discussion on the OSCE's engagement with Afghanistan (an OSCE Asian Partner for Co-operation since 2003). Though the expansion of the geographic scope of the Partnership may well enliven and empower the Partner States and their agenda, Libya's domestic situation – which is currently out of control – may

of "affinity" that should govern any decision on the subject, opting for an open and flexible approach rather than defining strict criteria for partnership. New applications should be dealt with on a case-by-case basis.

55 See Permanent Mission of Spain to the OSCE, *Food for Thought Paper on the Mediterranean OSCE Partnership. The Palestinian National Authority as OSCE's Mediterranean Partner for Co-operation*, PC.DEL/400/08, 26 May 2008, and CIO.GAL/193/08, 19 December 2008. In November 2004, the Palestine Central Elections Commission (the independent and neutral administrator of the Palestinian electoral process) also addressed a letter to the Bulgarian OSCE Chairman-in-Office, formally inviting the OSCE to observe the Palestinian elections. Later that year, the PNA, through its Ministry of Foreign Affairs, addressed another letter to the Chairman-in-Office that included an urgent invitation to attend the Presidential elections and also asking the OSCE to grant it status as Mediterranean Partner for Co-operation (cf. *ibid.*, p. 3). Without consensus on this matter within the OSCE so far and despite successive Chairmanships' best efforts, the PNA sometimes participates in OSCE events as guest of the host country, on an ad hoc basis; for instance, it participated in the OSCE 2008 Mediterranean Conference in Amman at the invitation of the Hashemite Kingdom of Jordan.

56 See the letter circulated by Austria on 13 September 2011 (PC.DEL/858/11).

also endanger the whole process. Libya's absence might nonetheless remain a problem for the OSCE, as dealing with small-arms dissemination or migration in the Mediterranean basin would make little sense were Libya not included.

Inviting interested potential Mediterranean Partner countries and other regional actors to periodical "outreach meetings", could offer a middle way. This could be held back to back with Mediterranean Contact Group meetings and could also serve as preparation for eventual Partner status.

Making the Partnership More Strategic. The Mediterranean and the Helsinki +40 Process

The 40th anniversary of the signing of the Helsinki Final Act will also be the 40th anniversary of the recognition of the Mediterranean dimension and its relevance for security and stability in Europe: From the very beginning of the Helsinki process, a number of states from all sides of the Mediterranean⁵⁷ pioneered a special relationship between the non-European Mediterranean States and the OSCE, based on a linking of European security and that of the Mediterranean region.

The MPCs have contributed to all the key steps in the evolution of the OSCE. They were invited to make contributions to the Preparatory Committee of the 1990 CSCE Summit Meeting in Paris.⁵⁸ Switzerland, as Chair of the Contact Group with the Mediterranean Partners, reported on contributions to the so called "Security Model" at the 1996 Lisbon Summit and, in 1999, the Mediterranean Partners were invited to participate in one of the meetings of its main framework for negotiations, the Security Model Committee.⁵⁹ In 2005, the six MPCs closely followed the work of the Panel of Eminent Persons on the future of the OSCE,⁶⁰ in September of the same year, they provided a joint set of proposals at the closing session of the High Level Consultations on OSCE reform, which was delivered by Algeria on behalf of the Group.⁶¹

At the launch of the Corfu Process in 2009, it was decided that the Partners would be invited to contribute to the discussion "on an ad hoc basis" and

57 Malta, a European country at the crossroads of the Mediterranean, has long been a forceful champion of the OSCE Mediterranean Partnership, hosting the first ever CSCE meeting on Mediterranean issues back in 1979 (and then again in 1993).

58 Mervat Tallawy, Ambassador of the Arab Republic of Egypt to the Republic of Austria, delivered a statement at the preparatory committee on 24 September 1990.

59 Cf. Abela/Wohlfeld, cited above (Note 48), p. 444.

60 See *Considerations of the delegations of the Mediterranean Partners for Co-operation for the attention of the members of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, established by MC.DEC/16/04 of 7 December 2004*, PC.DEL/379/05, 13 May 2005.

61 *Strengthening the Mediterranean dimension of the OSCE*, delivered by Ambassador Taous Feroukhi of Algeria, PC.DEL/873/05, 14 September 2005.

“after close consultation with participating States”.⁶² Throughout 2009, Greece, which held the OSCE Chairmanship, did its best to keep the Partners for Co-operation informed on developments in the Process through a series of informal briefings. At least one Mediterranean Partner (Morocco) effectively contributed to the Corfu Process by means of two food-for-thought papers on the future and effectiveness of the OSCE Mediterranean Partnership.⁶³

As the OSCE moves towards the 40th anniversary of the CSCE Helsinki Final Act in 2015, the issue of how to shape the Organization’s relations with the Partners should also be an item for discussion, as it has been throughout the history of the Organization. At the 2013 OSCE Mediterranean Conference in Monaco, the representative of the OSCE Parliamentary Assembly recommended the inclusion of a strong Mediterranean dimension in the Helsinki +40 Process.⁶⁴ The Partners expect to contribute actively to the Process, thus participating in a wide-ranging discussion that aims at strengthening the OSCE and placing it on a new foundation.

Although the Mediterranean Partners are not a homogeneous regional group, the Helsinki +40 Process could allow them to present joint approaches. In particular, it could provide with the opportunity to “Incorporate the Mediterranean’s strategic concept in its entirety into the fundamental objectives of the OSCE”,⁶⁵ as the lack of a clear vision of the nature, aims, and goals of the OSCE Mediterranean dialogue has sometimes been pointed out.⁶⁶

The Mongolian Ambassador to the OSCE has been entrusted with coordinating one of the eight clusters of the Helsinki +40 Roadmap, namely “to increase interaction with the partners for cooperation and with international and regional organisations working in similar fields”. In March 2014, he organized an informal workshop for Heads of Missions from all Partners for Co-operation in collaboration with IPI. At this meeting, the possibility of establishing strategic partnerships was discussed.

As for the high-level Panel of Eminent Persons on European Security as a Common Project, established by Switzerland at the Ministerial Council in Basel, in close co-operation with the incoming Serbian and German Chairmanships, and chaired by Ambassador Wolfgang Ischinger of Germany, it is

62 *Decision No. 1/09, Furthering the Corfu Process*, MC.DEC/1/09 of 2 December 2009, in: Organization for Security and Co-operation in Europe, *Seventeenth Meeting of the Ministerial Council, 1 and 2 December 2009*, Athens, 2 December 2009, pp. 15-16, here: p. 16, point 4.

63 Cf. *The Future of the OSCE Mediterranean Partnership. The Moroccan Vision*, cited above (Note 20), and PC.DEL/438/10, cited above (Note 37).

64 Cf. *Perception Paper by the Swiss Chair of the Mediterranean Contact Group 2013*, PC.DEL/976/13, 21 November 2013, pp. 2-3.

65 Ambassador Mohamed Daouas, cited above (Note 35), p. 17.

66 *The OSCE-Mediterranean Partnership and the Arab Uprisings*, cited above (Note 13), p. 4.

too early to assess how it may include the Mediterranean Partnership on its agenda.⁶⁷

The OSCE as a Source of Inspiration for the Mediterranean World: Wishful Thinking or Realistic Opportunity?

Recent changes and events in the Arab world could give new momentum to the OSCE Mediterranean Partnership. They also raise the question of whether the CSCE/Helsinki process could be used as a model or a source of inspiration for promoting security, democracy, and development in North Africa and the Middle East.

The CSCE/Helsinki process has often been held up as a useful model. As early as 1990, Italy and Spain proposed setting up a meeting inspired by their experiences of the CSCE process.⁶⁸ More than twenty years later, this proposal was reiterated at the International Conference on “The OSCE and a New Context for Regional Cooperation in the Mediterranean” in 2012.⁶⁹

Theoretically, the OSCE’s approach to security is an ideal model for efforts to build security and aid democratization. The Organization’s comparative advantages and expertise could serve as a basis for the establishment of similar structures and mechanisms in the Mediterranean region. In consideration of the regional implications of the changes occurring in some Mediterranean Partners, sharing the OSCE’s expertise in confidence- and security-

67 As already noted, the Mediterranean Partners contributed to the reflections of the previous Panel (see above p. 18 and footnote 60), but the 2005 Eminent Persons devoted very limited attention to this aspect, see *Common Purpose – Towards a More Effective OSCE, Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE*, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379, paras 9-11.

68 “In the course of the Meeting, a suggestion was made that, when circumstances allowed, a meeting outside the CSCE could take place that, inspired by experiences of 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.” *Report of the CSCE Meeting on the Mediterranean held in Palma de Mallorca from 24 September to 19 October 1990*, p. 3, at: <http://www.osce.org/ec/16200>.

69 Cf. IPALMO International Conference, *The OSCE and a New Context for Regional Cooperation in the Mediterranean*, Rome, 28 May 2012, Italian Ministry of Foreign Affairs, Final Document, p. 6. See also *The OSCE-Mediterranean Partnership and the Arab Up-risings*, cited above (Note 13), p. 7. In 2008, Michael McFaul, professor of political science and Hoover fellow at Stanford University, suggested starting a Helsinki-like process or creating an OSCE-like organization in the Middle East, see Michael McFaul, A Helsinki Process for the Middle East, in: *Democracy* 8/2008, at: <http://www.democracyjournal.org/8/6590.php>. Although McFaul acknowledges that “the Israeli-Palestinian conflict, as was the case with the ‘German question’ in Europe, will not be resolved in a multilateral setting”, he stresses that “to promote security, development, and democracy, the Middle East desperately needs its own Helsinki process, including a permanent, multilateral security organization”. See also the report of the international workshop on *OSCE Experience in Promoting Cooperative Security: An Inspiration for the Mediterranean Partners and Beyond?* held in Istanbul on 3-5 March 2005, circulated as PC.DEL/ 276/05, 8 April 2005.

building measures (CSBMs), which are one of the OSCE's success stories, could contribute to supporting regional co-operation and stability.⁷⁰ Also theoretically, the OSCE, which was initially a process to reduce tensions between East and West, could contribute to creating a more favourable atmosphere in the Mediterranean as a whole, and in the Middle East in particular, by sharing its experience in overcoming the divisions of the past. Through support and encouragement of trans-boundary projects, it could, over the long term, help to build a climate of confidence and security so that the parties involved could focus on technical issues.

Are these ideas realistic and sustainable in 2015, after a year overshadowed by the tragedy in Gaza?

The situation in the Mediterranean area is substantially different from that in post-Soviet Eastern Europe. Although more than 20 years have passed since the collapse of the Soviet empire, and many Eastern European countries are still struggling to emerge from the difficult situations created by the Communist regimes, the Warsaw Pact countries nonetheless shared values with the West derived from a thousand years of common European history. Moreover, the failure of the peace process in the Middle East continues to be a major obstacle to the establishment of permanent co-operation with the countries of the region. "A CSCM [Conference on Security and Co-operation in the Mediterranean] must succeed and not precede the regional dynamics it seeks to encourage. Its underlying 'co-operative approach' to security does not reflect the more conflictual patterns of relations which exist across the Mediterranean."⁷¹ In particular, the application of arms control and CSBMs in the Euro-Mediterranean region appears highly unrealistic. The absence of a comprehensive, just, and lasting peace precludes parties in the region from applying the progressive CSBMs that have proved effective in the framework of the OSCE. Tangible and substantive progress in the Arab-Israeli negotiations are a pre-condition for the implementation of CSBMs.

Therefore, as Monika Wohlfeld rightly assesses: "From today's perspective, this seems wishful thinking rather than a realistic opportunity."⁷² A mini OSCE-like organization composed of the Mediterranean Partners alone is only ever likely to grow out of co-operation among the states of the region.

70 During the Mediterranean Seminar on "The Security Model for the Twenty-First Century: Implications for the Mediterranean Basin", Cairo, 3-5 September 1997, it was proposed to set up a non-binding CSBM mechanism between the OSCE and the Mediterranean Partners with a view to enhancing military transparency and contacts in areas such as information exchange, prior notification of certain military activities, annual calendars, and the organization of joint military exercises, see *Proposals on Enhancing the OSCE Mediterranean Dimension gathered by the CPC*, SEC.GAL/57/99/Rev. 1, 15 July 1999, p. 9.

71 Stephen C. Calleya, *Navigating Regional Dynamics in the Post-Cold War World: Patterns of Relations in the Mediterranean Area*, Aldershot 1997, pp. 152-155, quoted by Monika Wohlfeld, *The OSCE and the Mediterranean: Assessment of a Decade of Efforts to Re-invigorate a Dialogue*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010, Baden-Baden 2011*, pp. 351-368, here: p. 360.

72 Wohlfeld, *ibid.*, p. 360.

Which does not mean that OSCE instruments, such as the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security, are not highly relevant to the region.

Conclusion

Have recent developments in the Arab world really given new momentum to the OSCE Mediterranean Partnership? The answer to this question is twofold.

On the one hand, the successful institutional transition in Tunisia may reinforce the relevance of the OSCE Partnership with this country. As the first country in the region where a popular uprising brought the regime down, Tunisia was also the first Mediterranean Partner to approach the OSCE with a request for information on the OSCE's experience in assisting democratic transition. This was followed by a visit of the OSCE Chairperson-in-Office in April 2011, at the invitation of the Tunisian Ministry of Foreign Affairs.⁷³ Tunisia's recent adoption of a democratic constitution guaranteeing fundamental freedoms, the rule of law, the separation of powers, and the independence of the judiciary, brings hope and sets an example. There and elsewhere, the OSCE can operate as a stimulus for democratization efforts in the region.

On the other hand, the Arab Spring has still to demonstrate that it is "a unique chance to build a brighter future for the entire region".⁷⁴ The anarchy in Libya, which may have major knock-on effects as a result of the uncontrolled dissemination of small arms; the flow of Syrian refugees, which has serious implications for neighbouring Lebanon, Turkey, and Jordan;⁷⁵ not to mention the creation of a jihadist Caliphate in Northern Iraq, which is challenging the country's unity and even its very survival: The outcome of three years of turmoil in the Arab world could ultimately raise more problems than it creates benefits for the OSCE region.

In this context, flexibility and operational effectiveness, rather than political ambition, might be the key words for the OSCE's involvement in the Mediterranean region. The Mediterranean Partners have always required more substance in their relationship with the Organization.⁷⁶ Outreach – which means the transmission of OSCE experience in specific realms at the request of Partner States – should govern the Mediterranean dialogue, with a focus on achievable results and practical proposals for co-operation, as

73 The Lithuanian Chair also paid a visit to Cairo in June 2011.

74 Marascalchi/Pavlyuk, cited above (Note 27), here: p. 427.

75 The meeting of the Mediterranean Contact Group on 16 May 2014 was devoted to the impact of refugees on the states neighbouring Syria.

76 "The relationship should be guided by substance. It should focus its efforts on concrete and operational forms of cooperation, to the benefit of both the OSCE participating States and the Partners for Co-operation", *Considerations of the delegations of the Mediterranean Partners for Co-operation for the attention of the members of the Panel of Eminent Persons*, cited above (Note 60).

underlined in Switzerland and Serbia's Joint Workplan for 2014 and 2015.⁷⁷ An "à la carte" technical dialogue with the Partners, an option which has been criticized in the past, could at the end of the day become a satisfactory option for both the OSCE and its Mediterranean Partners, combined with more involvement in the future of the Organization through the Helsinki +40 Process. What Monika Wohlfeld calls the "devolution" of the Mediterranean Partnership,⁷⁸ i.e. the opportunity for the Partners to enter into dialogue directly with the various parts of the OSCE,⁷⁹ should be encouraged, under the co-ordination of the External Co-operation Section of the OSCE Secretariat.

The 2014 EU presidencies of Greece and Italy offered an opportunity to foster the Euro-Mediterranean dialogue and support potential for enhanced co-operation across the Mediterranean. In that regard, the OSCE could provide a fruitful open-dialogue and confidence-building platform to complement the European Union.

Above all, the OSCE participating States should cautiously avoid letting the current security situation in Eastern Europe divert their attention from the Mediterranean. The Ukrainian crisis has indeed highlighted the relevance of the Organization and its capacity to react and to mobilize resources, but, in the long term, it might divert or weaken the interest of the OSCE States from the security challenges in the Mediterranean. As early as 1993, at the CSCE Mediterranean Seminar held in Valletta, "the hope was expressed that the pressures of transition problems in the CSCE area would not divert attention from Mediterranean issues".⁸⁰ Twenty years after the end of the Cold War and the opening of the Iron Curtain, the Arab world is living through its own transition, while the "Old Continent" has not still completely resolved the tensions from the past.

77 "Interaction with the partners should become more concrete and project-oriented", *Joint Workplan of Switzerland and Serbia*, cited above (Note 34), p. 5.

78 Wohlfeld, cited above (Note 71), p. 354.

79 Such as the OCEEA, the Action against Terrorism Unit (ATU), the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, as well as OSCE institutions, particularly ODIHR.

80 Mediterranean Seminar, Valletta, 17-21 May 1993, Chairman's Summary, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Basic Documents 1972-1993*, pp. 784-790, here: p. 788.

Assessing the Success of EU-OSCE Co-operation: A Case of Mutualism?

Introduction: Basics of the Relationship and Co-operation Prior to the Turn of the Century

This contribution examines the co-operation between the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE), with an emphasis on the developments since the end of the Cold War, and particularly following the turn of the century. The contribution starts by introducing the basics of the relationship and its evolution over the years, focusing on the factors that made the revival of co-operation possible at the end of the 1990s. This is followed by a comparison of the two entities' identical security strategies and their field presence in the same regions, before turning to some of the shortcomings of the relationship, and the steps that have been taken by both sides to address them. Finally, the conclusion provides answers to the main research questions: How successful has the co-operation been, and can the relationship be classified as a case of mutualism?

Some key facts about this relationship highlight its sheer magnitude and significance, which have often been neglected by both scholars and policy makers: All 28 EU member states are also participating States of the OSCE; contributions from EU member states account for more than two thirds of the OSCE budget; and the EU constitutes one of the biggest donors of extra-budgetary contributions for a large number of OSCE projects and programmes.¹ The EU is represented in all OSCE decision-making bodies by the delegation of the country chairing the rotating Presidency of the Council of the EU. Co-operation takes place in a multitude of policy areas, including judicial and police reform, public administration, and anti-corruption measures; democratization, institution-building, and human rights; media development; small and medium-sized enterprise development; border management and combating human trafficking; and election observation.² The long history of co-operation between the EU and the OSCE is further evidence of the importance of their relationship and a further justification for this study.

Note: The views contained in this contribution are the author's own. This contribution constituted part of a personal project during an internship at the Prague Office of the OSCE Secretariat in October – December 2013. It was previously published in: Netherlands Helsinki Committee (ed.), *Security and Human Rights* 3-4/2013, pp. 373-391.

1 Cf. European Union External Action Service, *EU relations with the Organisation for Security and Cooperation in Europe*, at: http://eeas.europa.eu/organisations/osce/index_en.htm.

2 Cf. Organization for Security and Co-operation in Europe, *The European Union*, at: <http://www.osce.org/networks/111481>.

The OSCE and its predecessor, the Conference on Security and Co-operation in Europe (CSCE), “have always been testing grounds for EU foreign policy”,³ dating back to 1970, when the foreign ministers of the then European Economic Community (EEC) decided to handle CSCE preparations within the format of the European Political Cooperation (EPC, predecessor to the Common Foreign and Security Policy, CFSP). This continued with the European Commission’s active involvement in the preparatory negotiations of the Helsinki Final Act and the signature of two other basic OSCE documents, the 1990 Charter of Paris for a New Europe and the 1999 Charter for European Security, by the then Presidents of the European Commission.⁴

Throughout the 1990s, both the EEC/EU and the CSCE/OSCE underwent fundamental institutional changes while simultaneously having to deal with conflicts that were ravaging the European continent. Both invested considerable resources and energy in dealing with their internal processes, which accounted for their modest involvement in the resolution of the conflicts and their limited co-operation. The EEC was preoccupied with its transformation into the three-pillar EU, while the CSCE was slowly evolving into a fully-fledged organization. Thus, the wars that erupted in the former Yugoslavia and the former Soviet Union throughout the 1990s came as an additional burden, and owing to inexperience and unpreparedness, both the EU and the OSCE were slow to react and reluctant to intervene or co-operate in their settlement. Since then, it has become the norm that their involvement tends to be at its strongest in the aftermath of conflicts.

In the rare instances of co-operation in the 1990s, the EU and the OSCE worked together on an ad hoc basis.⁵ Their co-operation broadened and deepened only after the EU started developing its CFSP, and particular modalities for co-operation were not discussed until the EU became more actively involved in civilian crisis management.⁶ The Amsterdam Treaty, which was signed in 1997, but did not enter into force until 1999, recognized for the first time the possibility of the EU’s having a comprehensive role in the area of crisis management.⁷ In the words of the then High Representative for CFSP, Javier Solana, this was the first firm evidence of the “determination of the European Union to contribute more actively to peace and security in Europe”.⁸ Thus, the turn of the century marked a decisive shift towards greater intensification and formalization of the EU-OSCE relationship. At the same time, co-

3 Dov Lynch, ESDP and the OSCE, in: Giovanni Grevi/Damien Helly/Daniel Keohane (eds), *European Security and Defence Policy: the first 10 years (1999-2009)*, Paris 2009, pp. 139-146, here: p. 139.

4 Cf. Delegation of the European Union to the International Organisations in Vienna, *OSCE & EU*, at: http://eeas.europa.eu/delegations/vienna/eu_osce/index_en.htm.

5 Cf. Emma Stewart, Restoring EU-OSCE Cooperation for Pan-European Conflict Prevention, in: *Contemporary Security Policy* 2/2008, pp. 266-284, here: p. 273.

6 Cf. *ibid.*

7 Cf. Javier Solana, *Address by the High Representative for the Common Foreign and Security Policy of the European Union*, 18 January 2001, PC.DEL/27/01, p. 3.

8 *Ibid.*

operation received an additional impetus with the development of the EU's Stabilization and Association Process (SAP), European Neighbourhood Policy (ENP), and later the Eastern Partnership. Co-operation with the OSCE features prominently in the founding documents of these policies.⁹

Development of Identical Security Strategies

The first concrete step towards greater co-operation was made by the OSCE at the 1999 Istanbul Summit, when the Heads of State or Government issued the Charter for European Security, which contained the Platform for Co-operative Security. This call for increased co-operation with other international organizations was reaffirmed in the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, issued at the 2003 Maastricht Ministerial Council. Several days later, the EU followed suit with the European Security Strategy, which contains elements also found in the two OSCE documents. The remainder of this section is devoted to a closer comparative study of the above documents, which constitute the basis for closer EU-OSCE co-operation.

The Charter for European Security was issued at the dawn of the new century. It opens by expressing a "firm commitment to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security".¹⁰ Furthermore, it vows to create "a common and indivisible security space [...] and] an OSCE area free of dividing lines".¹¹ The Charter then goes on to identify the common challenges all OSCE participating States were faced with, which include international terrorism, violent extremism, organized crime and drug trafficking, acute economic problems, and environmental degradation.¹² After a reaffirmation of the participating States' commitment to the Charter of the United Nations (UN) and the OSCE founding documents and an acknowledgement of the primary responsibility of the UN Security

9 Cf. Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament, Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, Brussels, 11 March 2003, p. 16; Commission of the European Communities, *Communication from the Commission, European Neighbourhood Policy, Strategy Paper*, COM(2004) 373 final, Brussels, 12 May 2004, pp. 11-12; Commission of the European Communities, *Communication from the Commission to the European Parliament and the Council, Eastern Partnership*, COM(2008) 823 final, Brussels, 3 December 2008, p. 12; Council of the European Union, *Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009*, 8435/09 (Presse 78), Brussels, 7 May 2009, p. 10.

10 Organization for Security and Co-operation in Europe, *Charter for European Security*, Istanbul, November 1999, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 426.

11 Ibid.

12 Cf. *ibid.*, p. 427.

Council for the maintenance of international peace and security, the 1999 Charter introduces the innovative Platform for Co-operative Security.¹³ Based on the presumption that the “risks and challenges we face today cannot be met by a single State or organization”,¹⁴ the Platform aims to meet the call contained in the Charter for “even closer co-operation among international organizations”.¹⁵

The Platform, which was adopted as an essential element of the Charter, aims to “further strengthen and develop co-operation with competent organizations on the basis of equality and in a spirit of partnership”.¹⁶ Co-operation is to be established with due regard to the particular strengths and comparative advantages of each organization, not intending to create a “hierarchy of organizations or a permanent division of labour among them”.¹⁷ The Platform, described as the “Operational Document” of the Charter, suggests that co-operation can be enhanced through the following instruments and mechanisms: “regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contacts”.¹⁸ As regards the field operations, the modalities for co-operation could include: “regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts”.¹⁹

In December 2003, the Maastricht Ministerial Council adopted the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century. In large part it repeats the provisions of the 1999 Charter, including those on co-operation with the international community. In its opening lines, the Strategy reaffirms the OSCE’s “multidimensional concept of common, comprehensive, co-operative and indivisible security” and its commitment to a “free, democratic and more integrated OSCE area without dividing lines”.²⁰ In a similar fashion to the Charter, it expresses the participating States’ respect for international law and the UN Charter, and recognizes the Security Council’s overarching authority over the maintenance of international peace and security.²¹ The OSCE Strategy goes on to list the already familiar

13 Ibid., pp. 441-443.

14 Ibid., p. 429.

15 Ibid.

16 Ibid.

17 Ibid.

18 Ibid., p. 442.

19 Ibid., pp. 442-443.

20 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, in: Organization for Security and Co-operation in Europe, *Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003*, MC.DOC/1/03, Maastricht, 2 December 2003, pp. 1-10, here: p. 1.

21 Cf. *ibid.*

threats of the new century: inter- and intra-state conflicts, terrorism, organized crime, discrimination and intolerance, economic problems, and environmental degradation.²² According to the Strategy, the OSCE's response to these threats will be multidimensional and will not occur in a vacuum, but rather through a framework for co-operation, in a "co-ordinated and complementary way, which avoids duplication and maintains focus".²³ This underlines the ongoing validity of the 1999 Charter and Platform. Next, the OSCE Strategy examines each of the threats and the respective measures needed to address them. Last, but not least, it turns to co-operation with international organizations, reviving the spirit of the 1999 Platform for Co-operation. As no single state or organization can meet today's challenges, there is a need to intensify "interaction at both the political and the working levels [...] both at headquarters and in the field".²⁴ This would require contacts between envoys and special representatives, the development of shared strategies, and joint fact-finding.²⁵

At a meeting of the European Council in Brussels, a mere ten days after the conclusion of the Maastricht Ministerial Council, the EU adopted its European Security Strategy (ESS). It had been drafted by the then High Representative Javier Solana and provided the conceptual framework for the Union's CFSP.²⁶ In its opening lines, the ESS, completely in line with the OSCE's documents from 1999 and 2003, reaffirmed that "no single country is able to tackle today's complex problems on its own".²⁷ The key threats it identifies are largely identical to that compiled earlier by the OSCE: terrorism; proliferation of weapons of mass destruction; regional conflicts; state failure; and organized crime.²⁸ In the next section, which deals with the first of the EU's strategic objectives, the ESS concedes that "none of the new threats is purely military; nor can any be tackled by purely military means", and addressing these threats required "a mixture of instruments".²⁹ This fully embraces the OSCE's concept of "common, comprehensive and indivisible security". Further resemblances are to be found in the next strategic objective, namely building security in the neighbourhood. Here, the ESS advocates promoting a "ring of well governed countries" on the borders of the EU; ensuring that enlargement does not create "new dividing lines in Europe"; and sharing the "benefits of economic and political cooperation" with the EU's eastern neighbours.³⁰ This is reminiscent of the call for a free, democratic, and more

22 Cf. *ibid.*, pp. 2-3.

23 *Ibid.*, p. 3.

24 *Ibid.*, p. 9.

25 Cf. *ibid.*

26 Cf. European Union, External Action Service, *European Security Strategy*, at: <http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy>.

27 *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, p. 1.

28 Cf. *ibid.*, pp. 3-4.

29 *Ibid.*, p. 7.

30 *Ibid.*, p. 8.

integrated OSCE area without dividing lines found on the very first pages of both the 1999 Charter and the 2003 OSCE Strategy.

The third and final strategic objective identified by the ESS is “an international order based on effective multilateralism”,³¹ and it is here that the similarities with the two OSCE documents are most abundant. The ESS declares that in our highly globalized world, security and prosperity are becoming dependent on an effective multilateral system, which is in turn dependent on the “development of a stronger international society, well functioning international institutions and a rule-based international order”.³² Similarly to the OSCE documents, the ESS also pledges the EU’s commitment to “upholding and developing International Law”; recognizes the UN Charter as the “fundamental framework for international relations”; and reaffirms the Security Council’s “primary responsibility for the maintenance of international peace and security”.³³ Next, the ESS highlights the important role of regional organizations in strengthening global governance, and, in particular, commends the vital contributions of the OSCE and the Council of Europe.³⁴ Last but not least, it offers the following recipe for a stronger international order, interspersed with ingredients from all three security dimensions of the OSCE: “spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights”.³⁵ The table opposite provides a comparative overview of the three strategies.

Further Factors that Influenced the Revival of OSCE-EU Relations

The personal effort of high-level officials also played an important role in the resumption of positive relations between the OSCE and the EU. One such example is the intervention by Chris Patten in 2000, which was the first time that a member of the European Commission had addressed the Permanent Council of the OSCE.³⁶ The then EU Commissioner for External Relations opened his speech by declaring that the EU and the OSCE are “servants in the same cause – that of a secure, democratic, peaceful and prosperous Europe”.³⁷ He continued by stating that both organizations aimed to “promote the rule of law, to build solid and effective institutions, to promote human rights and fundamental freedoms and to entrench democracy”.³⁸

31 Ibid., pp. 9-10.

32 Ibid., p. 9.

33 Ibid.

34 Cf. *ibid.*

35 Ibid., p. 10.

36 Cf. Christopher Patten, *Speech by Commissioner Patten, EU Commissioner for External Relations, at the OSCE Permanent Council*, 23 November 2000, PC.DEL/743/00, p. 1.

37 Ibid., p. 2.

38 Ibid.

	1999 Charter for European Security	2003 OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century	2003 European Security Strategy
Key threats to security:	International terrorism; Violent extremism; Organized crime and drug trafficking; Economic problems and environmental degradation	Inter- and intra-state conflicts; Terrorism; Organized crime; Discrimination and intolerance; Economic problems and economic degradation	Terrorism; Proliferation of WMD, Regional conflicts; State failure; Organized crime, trafficking in drugs, women, and weapons
Justification for co-operation:	No one state or organization can face all the risks and challenges of today.	No single state or organization can meet challenges facing us today on its own.	No single country is able to tackle today's complex problems on its own.
Principles for co-operation:	On basis of equality, not intending to create hierarchy of organizations or division of labour	Coordination, complementarity, avoiding duplication, maintaining focus	International order based on effective multilateralism
Adherence to and respect for:	UN Charter; Security Council's primary responsibility for maintaining international peace and security	International law; UN Charter; Security Council's primary responsibility for maintaining international peace and security	International law; UN Charter; Security Council's primary responsibility for maintaining international peace and security
Approach to security:	Common, comprehensive, and indivisible security	Common, comprehensive, co-operative and indivisible security	None of the new threats to security is purely military nor can be tackled by purely military means; they require a mixture of instruments.
Ultimate goals:	Free, democratic, and more integrated OSCE area free of dividing lines and zones with different levels of security	Free, democratic, and more integrated OSCE area without dividing lines	World of well-governed countries; no new dividing lines in Europe; extend benefits of economic and political cooperation to neighbours
Fundamental values:	Democracy, rule of law, and human rights	Human rights, fundamental freedoms, democracy, and rule of law	Rule of law, democracy, good governance, human rights

This was especially the case in the Balkans, which Patten saw as fertile ground for closer EU-OSCE co-operation.³⁹ He praised the OSCE's involvement in the region, which he believed helped to "underpin the EU's Stabilisation and Association Process".⁴⁰ The Commissioner called for greater EU-OSCE co-operation in solving the frozen conflicts in Transnistria and the South Caucasus, and identified Central Asia as a region where joint efforts should be furthered.⁴¹ He clearly endorsed the OSCE's concept of security, mentioning EU-OSCE co-operation in all three dimensions of security, including conflict prevention and crisis management, economic and environmental issues, and the human dimension.⁴²

Another prominent boost to EU-OSCE co-operation was given by the two speeches of then High Representative Solana to the Permanent Council of the OSCE. In these addresses, Solana gave new life to the relationship by touching upon the common past, shared values, similar goals, and increasing involvement of both organizations in the same regions. The first speech started by stating that EU-OSCE co-operation was becoming a "permanent feature of the new security order emerging in Europe after the end of the Cold War".⁴³ The need for closer co-operation in tackling the challenges and threats of the new century was justified by the already familiar diagnosis that "no single state, institution or organisation is able to meet these challenges and risks on its own".⁴⁴ Solana went on to describe the range of policy areas and regions in which EU-OSCE co-operation flourishes, with a particular focus on civilian crisis management and Kosovo.

The second speech was far more comprehensive. It not only looked towards long-term prospects, but also delved deeper into history in order to retrace the origins of the relationship. According to Solana, both the EC and the CSCE were "born out of the cold war, with a similar desire – to establish forms of cooperation in Europe which would defuse the tensions between former enemies and prevent further conflict".⁴⁵ This cemented the notion of "natural-born partners" with a common past and, inevitably, a common future.⁴⁶ After this brief historical introduction, Solana pledged the EU's allegiance to the principles of the 1999 Istanbul Charter for European Security, and its "commitment to strengthen cooperation between international organisations and institutions".⁴⁷ Next, he acknowledged the "shared commitment

39 Cf. *ibid.*, p. 3.

40 *Ibid.*, p. 4.

41 Cf. *ibid.*, p. 10-13.

42 Cf. *ibid.*, pp. 13-15.

43 Solana, cited above (Note 7), p. 2.

44 *Ibid.*

45 Javier Solana, *Address to the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) by Mr Javier Solana, High Representative for the Common Foreign and Security Policy (CFSP) of the European Union. "The European Union and the Organisation for Security and Cooperation in Europe: The Shape of Future Co-operation"*, Vienna, 25 September 2002, p. 2.

46 Cf. *ibid.*

47 *Ibid.*, p. 6.

of the EU and the OSCE to democracy, prosperity and stability in Europe as a whole, and beyond”.⁴⁸ He insisted pragmatism was the partners’ starting point, advocating greater exchange of information and expertise, co-operation on the ground and between headquarters, and the development of compatible methods and standards.⁴⁹ He envisaged a bright future for the relationship, one characterized by “coordination, complementarity and concertation”.⁵⁰

The Council of the EU also demonstrated willingness to contribute to the rejuvenation of the partnership with the OSCE. In its November 2003 draft conclusions on EU-OSCE co-operation, it called for closer links in conflict prevention, crisis management, and post-conflict rehabilitation.⁵¹ This document recognized the shared principles and values of the two entities, above all the promotion of democracy, human rights, and institution-building.⁵² Co-operation was to be guided by the principle of complementarity, avoiding duplication, taking into account the respective comparative advantages of each organization, and ensuring the added value of the relationship.⁵³ The conclusions also established modalities for regular contacts and meetings at the political, field, and staff-to-staff levels.⁵⁴ A year later, the Council produced a draft report with a two-fold aim: to strengthen the EU-OSCE relationship, and to reinforce the performance of the EU within the OSCE.⁵⁵ The EU vowed to continue to “promote security and stability in the OSCE area based on the core principles of democracy, good governance, the rule of law and respect for fundamental human rights”.⁵⁶

Co-operation on the Ground and Joint Field Activities

The key regions where the EU and the OSCE both have field presences are South-eastern Europe/Western Balkans, Eastern Europe, the South Caucasus, and Central Asia. Each of these regions will be examined in turn, starting with the Balkans, as this is where both the EU and the OSCE have their longest-lasting and largest involvement. The focus here will be on Kosovo and Macedonia. As mentioned in the introduction, both entities were reluctant to intervene in the immediate outbreak of the wars of Yugoslav disintegration, and when they did so, it was in a limited manner. Their strength was demonstrated in their contributions to post-conflict rehabilitation, especially following the

48 Ibid.

49 Cf. *ibid.*, p. 12.

50 *Ibid.*, p. 15.

51 Cf. Council of the European Union, *Draft Council Conclusions on EU-OSCE co-operation in conflict prevention, crisis management and post-conflict rehabilitation*, 14527/1/03 REV 1, Brussels, November 2003.

52 Cf. *ibid.*, p. 2.

53 Cf. *ibid.*

54 Cf. *ibid.*, pp. 3-4.

55 Cf. Council of the European Union, *Draft Assessment Report on the EU's role vis-a-vis the OSCE*, 15387/1/04 REV 1, Brussels, 10 December 2004, p. 4.

56 *Ibid.*

end of the Kosovo War, when the Stability Pact for South-Eastern Europe (SPSEE) was initiated by the EU, and later put under the auspices of the OSCE.⁵⁷ It was the “first comprehensive conflict prevention strategy of the international community, aimed at strengthening the efforts of the countries”⁵⁸ towards peace, democracy, respect for human rights, economic prosperity, regional co-operation, and integration into European and Euro-Atlantic structures. A similar formula, initiation by the EU and supervision by the OSCE, had been applied earlier in the Stability Pact for Europe. However, this was a relatively short-lived project, so the SPSEE can be considered the first successful and lasting EU-OSCE co-operation on the ground.

The OSCE Mission in Kosovo (OMIK) and the EU Rule of Law Mission in Kosovo (EULEX) are the largest missions fielded by the two organizations. OMIK represents the third time that the OSCE has become involved in Kosovo and, along with EULEX, falls under the authority of the United Nations Interim Administration Mission in Kosovo (UNMIK). In the four-pillar structure established by the international community, responsibilities were divided as follows: the UN took care of Pillars I (Police and Justice) and II (Civil Administration); the OSCE was in charge of Pillar III (Democratization and Institution-building); while the EU was responsible for Pillar IV (Reconstruction and Economic Development). However, the boundaries between the pillars have eroded, and the EU has taken on new responsibilities, with EULEX focusing exclusively on three rule-of-law sectors – police, customs, and judiciary. This has not resulted in any major duplication of activities, as OMIK retains a much broader mandate, and the co-operation between OMIK and EULEX has functioned relatively successfully. Most recently, this was exemplified in the municipal elections of 2013, when OMIK was in charge of facilitating the elections in the four northern Kosovo municipalities, in co-operation with the Kosovo Police, KFOR, and EULEX.⁵⁹

Macedonia has been another venue for successful EU-OSCE co-operation in the Balkans. In fact, the Mission to Skopje is the OSCE’s longest-established field mission,⁶⁰ while the EU has been similarly active, having deployed two civilian (EUPOL Proxima and EUPAT) and one military (EUFOR Concordia) missions.⁶¹ Co-operation has intensified recently, particularly following the 2001 insurgency and the conclusion of the Ohrid Framework Agreement, which was brokered by the EU. In order to be in a

57 Cf. Ugo Caruso, *Interplay between the Council of Europe, OSCE, EU and NATO*, European Academy, Bozen/Bolzano, 2007, pp. 162-163.

58 Stability Pact for South Eastern Europe, *About the Stability Pact*, at: <http://www.stabilitypact.org> [website now defunct].

59 Cf. Organization for Security and Co-operation in Europe, *OSCE Secretary General: Kosovo election process “significant step forward”*, 1 December 2013, press release, at: <http://www.osce.org/sg/109101>.

60 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Skopje*, at: <http://www.osce.org/skopje>.

61 Cf. European Union External Action Service, *Completed Missions and Operations*, at: http://eeas.europa.eu/csdp/missions-and-operations/completed/index_en.htm.

better position to assist with the implementation of the provisions of the Agreement, the size and mandate of the original OSCE Spillover Monitor Mission to Skopje were extended.⁶² Co-operation has been on a sound footing, especially at the level of the Group of Principals meeting, chaired by the EU Special Representative and attended by the OSCE Head of Mission. Overall, the general trend in the Balkans is for greater EU involvement, which is natural given that all the countries are either candidates or potential candidates and are deeply involved in the SAP. Nevertheless, the OSCE presence remains of crucial importance, so co-operation is desirable if peace, democracy, market economies, and ultimately European integration are to be guaranteed for the future.

Turning to the other regions identified above, co-operation in the theatres of frozen conflicts is of particular interest. For a long time, these conflicts remained the prerogative of the OSCE, though the EU has lent more support in recent years in the search for viable resolutions. For most of its duration, the Transnistrian conflict was dealt with via a five-sided format, whose participants were Transnistria, Moldova, Ukraine, Russia, and the OSCE. This was expanded in 2005, when the 5+2 format was established, including the EU and the USA as external observers,⁶³ with the OSCE actively supporting their inclusion. Since the start of EU participation, co-operation between the OSCE Mission to Moldova and its EU partners has increased. The EU's more active involvement in the two frozen conflicts in Georgia followed only after the 2008 war. Ironically, at the end of the same year, the OSCE failed to extend the mandate of its Mission to Georgia.⁶⁴ Nevertheless, EU-OSCE co-operation has remained vital, as both partners, along with the UN, are co-chairs of the Geneva talks.⁶⁵ The Nagorno-Karabakh conflict is characterized by less EU-OSCE co-operation, and it remains largely the prerogative of the latter partner, negotiations being carried out within the Minsk Group. Central Asia is the region where EU-OSCE co-operation has been most underdeveloped, but at the same time, it contains great potential for growth. This is especially the case since 2007, when the EU expressed its firm interest in the region with the adoption of its Central Asian Strategy.⁶⁶

62 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Skopje, Mandate*, at: <http://www.osce.org/skopje/106928>.

63 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Moldova*, at: <http://www.osce.org/moldova>.

64 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Georgia (Closed)*, at: <http://www.osce.org/georgia-closed>.

65 Cf. Organization for Security and Co-operation in Europe, *OSCE Mission to Georgia (Closed), Overview*, at: <http://www.osce.org/georgia-closed/43383>.

66 Cf. European Union External Action Service, *EU Relations with Central Asia*, at: http://www.eeas.europa.eu/central_asia/index_en.htm.

Co-operation between the EU and the OSCE has not been without its shortcomings, and certain criticisms have been levelled at the relationship. For instance, the development of conflict-prevention and crisis-management policies by the EU has led to accusations that it has breached the OSCE's area of jurisdiction, resulting in geographical and functional overlap.⁶⁷ While this may be an exaggeration, it is not untrue. This is proven by the efforts on both sides to ensure complementarity and compatibility, while reducing duplication of their respective activities. The argument has also been made that accession to the EU tends to result in the termination of OSCE missions,⁶⁸ as was the case in Estonia, Latvia, and Croatia. The host states are said to often feel stigmatized by the continued presence of the OSCE, and even view it as a potential brake on their EU membership. As a consequence, however, the sudden withdrawal of the OSCE can result in unfinished business.⁶⁹ However, this issue has been partly redressed by the Copenhagen Criteria, which candidate countries have to satisfy before they can become members of the EU. According to the criteria, countries wishing to join the EU need to have stable institutions "guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities".⁷⁰

Furthermore, during the accession negotiations, the candidate countries have to adopt the *acquis* in full without any opt-outs. This process is clearly asymmetrical, with the EU unilaterally imposing the rules and closely monitoring the process via regular reports. In cases where candidate countries have made insufficient progress, the EU has postponed their accession to ensure compliance with its norms. This occurred, for instance, during the EU's enlargement into Central and Eastern Europe, when the EU opened accession negotiations with five of the candidate countries in 1997, while the five "laggards" had to wait until 1999.⁷¹ In the case of the Western Balkans, the SAP included additional conditions for membership relating to regional co-operation and good neighbourly relations.⁷² In the case of Croatia, the opening of accession negotiations was made conditional upon full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY).⁷³ Thus, through its stringent membership criteria, rigorous approximation process,

67 Cf. Stewart, cited above (Note 5), p. 267.

68 Cf. *ibid.*, p. 268.

69 Cf. *ibid.*

70 European Council in Copenhagen, 21-22 June 1993, *Conclusions of the Presidency*, DOC/93/3, 22 June 1993, at: http://europa.eu/rapid/press-release_DOC-93-3_en.htm?locale=en.

71 Cf. Tim Houghton, When Does the EU Make a Difference? Conditionality and the Accession Process in Central and Eastern Europe, in: *Political Studies Review* 2/2007, pp. 237-238.

72 Cf. European Commission, *Conditions for Membership*, at: http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm.

73 Cf. Delegation of the European Union to the Republic of Croatia, *Overview of EU-Croatia Relations*, at: <http://www.delhrv.ec.europa.eu/?lang=en&content=62>.

and regular scrutiny, the EU has ensured that its founding values and principles, which are similar to those of the OSCE, are not compromised.

Another shortcoming held responsible for hampering the relationship, is the OSCE's lack of legal personality. In its 2010 resolution on strengthening the OSCE, the European Parliament called for a joint EU-OSCE effort to "continue the dialogue on the legal framework of the OSCE and to reiterate the need for a prompt adoption of the draft Convention on international legal personality, legal capacity and privileges and immunities", which would strengthen the Organization's "identity and profile, also solving a number of practical problems for its personnel".⁷⁴ Furthermore, the OSCE should address its representation at headquarters level, as it lacks a permanent liaison structure with the EU.⁷⁵ Just as the EU has its Delegation to the International Organisations in Vienna, the OSCE could establish an office in Brussels, which could also liaise with other international organizations headquartered there with which it maintains close relations (e.g. NATO). Both entities are working towards addressing the problem of competition for human resources.⁷⁶

Conclusion: A Case of Mutualism?

The relationship between the EU and the OSCE has developed rapidly since the end of the Cold War, and particularly since the turn of the century, when several factors made this favourable, including, above all, the EU's gradual development of the CFSP; its increased involvement in conflict prevention, crisis management, and post-conflict rehabilitation; and the launch of the SAP and ENP. With these initiatives, the EU began to intervene in policy areas and regions that were long considered the traditional domain of the OSCE. This inevitably led to some duplication of activities, geographical and functional overlap, and even to an unjustified fear on the side of the OSCE that its role would diminish in the future. However, these turf wars were kept to the minimum, and the focus was quickly shifted to greater co-operation, complementarity, and concertation between the two entities. In the process, each had to accept certain demands made by the other side, but were able to do so without compromising their founding values and principles. Examples include the closing down of OSCE missions in the states

74 European Parliament, *European Parliament resolution on strengthening the OSCE – a role of the EU*, P7_TA(2010)0399, 3 November 2010, p. 8, at: <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2010-0603&format=XML&language=EN>.

75 Cf. Monika Wohlfeld/Jaroslav Pietrusiewicz, EU-OSCE Cooperation, in Andrea Ricci/Eero Kytömaa (eds), *Faster and more united? The debate about Europe's crisis response capacity*, Office for Official Publications of the European Communities, Luxembourg 2006, pp. 186-190, here: p. 188.

76 Cf. Alyson J.K. Bailes/Jean-Yves Haine/Zdzisław Lachowski, Reflections on the OSCE-EU Relationship, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 65-77, here: p. 72.

aspiring to EU membership and the EU's gradual adoption of the OSCE's comprehensive and multidimensional approach to security. These examples show the ability of both actors to learn from each other. Such was the most logical outcome because of their common past, shared values, and similar goals. After all, EU and OSCE membership are not mutually exclusive.

The intention of pursuing co-operation rather than confrontation was clearly expressed by both sides early on. The overlap between the 1999 Charter for European Security/2003 OSCE Strategy and the 2003 European Security Strategy of the EU was a reassuring signal. In a similar fashion, high-ranking officials, particularly High Representative Solana and Commissioner Patten, took it as almost their personal cause to facilitate the dialogue. Once the example was set at the highest political level, it was replicated at lower levels. The most recent illustration of this was the resolution of the European Parliament calling for the OSCE to be strengthened, and for the EU to play a leading role in that process.⁷⁷ As regards co-operation on the ground, there have been relatively successful cases, such as Kosovo and Macedonia, and less successful ones, mainly concerning the frozen conflicts. The general trend has been for the EU to expand its activities in the Balkans – but not without the OSCE's consent. In Eastern Europe and the South Caucasus, and particularly in the theatres of frozen conflicts, the OSCE remains predominant, but the EU's contributions are increasing. Central Asia remains the region where the potential for co-operation is yet to be fully explored.

In conclusion, to paraphrase Javier Solana, the EU-OSCE relationship is not only one between natural-born partners, but also one from which both participants benefit. On the one hand, "the OSCE still has a lot to teach the EU".⁷⁸ In many cases, the OSCE has been the pioneer, both in terms of the development of expertise in certain policy areas, as well as its involvement in particular regions, which in turn has given the OSCE a new role and *raison d'être*. On the other hand, the EU, with its greater resources and capacity, stands a good chance of fulfilling its commitment to strengthen the OSCE, and through this to enhance its influence as a global player. But above all, it is us, the citizens of a more secure Euro-Atlantic and Eurasian community, who are increasingly benefitting from this co-operation.

77 Cf. European Parliament, cited above (Note 74).

78 Bailes/Haine/Lachowski, cited above (Note 76), p. 76.

Annexes

Forms and Forums of Co-operation in the OSCE Area

Group of Eight/Group of Seven (G8/G7)
Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)
Euro-Atlantic Partnership Council (EAPC)
Partnership for Peace (PfP)
NATO-Russia Council
NATO-Ukraine Charter/NATO-Ukraine Commission
NATO Partners across the Globe

European Union (EU)
EU Candidate Countries
EU Association Agreements
Stabilisation and Association Agreements (SAA)

Commonwealth of Independent States (CIS)
Customs Union of Belarus, Kazakhstan and Russia¹
Collective Security Treaty Organization (CSTO)

Baltic Assembly/Baltic Council of Ministers
Barents Euro-Arctic Council
Observers to the Barents Euro-Arctic Council
Nordic Council
Council of the Baltic Sea States (CBSS)

Regional Co-operation Council (RCC)
South Eastern European Co-operation Process (SEECP)
Central European Free Trade Agreement/Area (CEFTA)
Central European Initiative (CEI)
Black Sea Economic Co-operation (BSEC)

North American Free Trade Area (NAFTA)

¹ On 29 May, in the Kazakh capital Astana, the presidents of Russia, Belarus, and Kazakhstan, Vladimir Putin, Alexander Lukashenko, and Nursultan Nazarbaev, signed the Treaty on Eurasian Economic Union, to come into effect on 1 January 2015. On 26 September 2014, the Treaty was ratified by the Russian Duma. Armenia applied to join the Eurasian Economic Union on 10 October 2014.

Shanghai Cooperation Organisation
Observer States to the SCO
SCO Dialogue Partners

Sources:

OECD: www.oecd.org
Council of Europe: www.coe.int
NATO: www.nato.int
EU: europa.eu
CIS: www.cis.minsk.by
CSTO: www.odkb-csto.org
Baltic Assembly/Baltic Council of Ministers: www.baltasam.org
Barents Euro-Arctic Council: www.beac.st
Nordic Council: www.norden.org
CBSS: www.cbss.org
RCC: www.rcc.int
CEFTA: www.cefta.int
CEI: www.ceinet.org
BSEC: www.bsec-organization.org
NAFTA: www.naftanow.org
SCO: www.sectsco.org

The 57 OSCE Participating States – Facts and Figures¹

1. Albania

Date of accession: June 1991

Scale of contributions: 0.125 per cent (OSCE ranking: 40)²

Area: 28,748 km² (OSCE ranking: 46)³

Population: 3,020,209 (OSCE ranking: 42)⁴

*GDP per capita in international dollars at PPP rates*⁵: 10,700

GDP growth: 0.7 per cent (OSCE ranking: 32)⁶

Armed forces (active): 14,250 (OSCE ranking: 36)⁷

Memberships and forms of co-operation: CoE (1995), NATO (2009), EAPC, SAA (2006), EU Candidate Country⁸, RCC, SEECP, CEFTA, CEI (1996), BSEC.

2. Andorra

Date of accession: April 1996

Scale of contributions: 0.125 per cent (40)

Area: 468 km² (52)

Population: 85,458 (53)

GDP per capita in international dollars at PPP rates: 37,200⁹

GDP growth: -1.6 per cent¹⁰

Armed forces (active): none

Memberships and forms of co-operation: CoE (1994).

3. Armenia

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 29,743 km² (45)

Population: 3,060,631 (41)

GDP per capita in international dollars at PPP rates: 6,300

1 Compiled by Jochen Rasch.

2 Of 57 states.

3 Of 57 states.

4 Of 57 states.

5 The international dollar is the hypothetical unit of currency used to compare different national currencies in terms of purchasing power parity. PPP is defined as the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as one US dollar would buy in the United States. See *The World Bank, World Development Report 2002*, Washington, D.C., 2002. Because the data in this category comes from various years it does not make sense to compare states or provide a ranking.

6 Of 56 states.

7 Of 53 states.

8 On 27 June 2014, Albania officially became an EU Candidate Country, see: http://ec.europa.eu/enlargement/countries/detailed-country-information/albania/index_en.htm

9 2011 (estimated).

10 2012 (estimated).

GDP growth: 4.6 per cent (9)
Armed forces (active): 44,800 (17)
Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), CSTO, BSEC.

4. Austria

Date of accession: June 1973
Scale of contributions: 2.51 per cent (13)
Area: 83,871 km² (29)
Population: 8,223,062 (24)
GDP per capita in international dollars at PPP rates: 42,600
GDP growth: 0.4 per cent (37)
Armed forces (active): 22,800 (27)
Memberships and forms of co-operation: OECD (1961), CoE (1956), EAPC, PfP (1995), EU (1995), RCC, CEI (1989).

5. Azerbaijan

Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 86,600 km² (28)
Population: 9,686,210 (22)
GDP per capita in international dollars at PPP rates: 10,800
GDP growth: 5.8 per cent (7)
Armed forces (active): 66,950 (13)
Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

6. Belarus

Date of accession: January 1992
Scale of contributions: 0.28 per cent (30)
Area: 207,600 km² (20)
Population: 9,608,058 (23)
GDP per capita in international dollars at PPP rates: 16,100
GDP growth: 2.1 per cent (17)
Armed forces (active): 48,000 (15)
Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), Customs Union of Belarus, Kazakhstan and Russia, CSTO, CEI (1996), SCO Dialogue Partner.

7. Belgium

Date of accession: June 1973
Scale of contributions: 3.24 per cent (10)
Area: 30,528 km² (44)
Population: 10,449,361 (19)

GDP per capita in international dollars at PPP rates: 37,800
GDP growth: 0.1 per cent (41)
Armed forces (active): 30,700 (22)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958).

8. Bosnia and Herzegovina

Date of accession: April 1992
Scale of contributions: 0.125 per cent (40)
Area: 51,197 km² (37)
Population: 3,871,643 (38)
GDP per capita in international dollars at PPP rates: 8,300
GDP growth: 0.8 per cent (30)
Armed forces (active): 10,550 (40)
Memberships and forms of co-operation: CoE (2002), EAPC, PfP (2006), SAA (2008)¹¹, RCC, SEECP, CEFTA, CEI (1992).

9. Bulgaria

Date of accession: June 1973
Scale of contributions: 0.55 per cent (26)
Area: 110,879 km² (24)
Population: 6,924,716 (28)
GDP per capita in international dollars at PPP rates: 14,400
GDP growth: 0.5 per cent (34)
Armed forces (active): 31,300 (21)
Memberships and forms of co-operation: CoE (1992), NATO (2004), EAPC, EU (2007), RCC, SEECP, CEI (1996), BSEC.

10. Canada

Date of accession: June 1973
Scale of contributions: 5.53 per cent (7)
Area: 9,984,670 km² (2)
Population: 34,834,841 (11)
GDP per capita in international dollars at PPP rates: 43,100
GDP growth: 1.6 per cent (22)
Armed forces (active): 66,000 (14)
Memberships and forms of co-operation: G8/G7 (1976), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, RCC, NAFTA.

¹¹ The Stabilisation and Association Agreement (SAA) has been ratified but has not yet entered into force.

11. Croatia

Date of accession: March 1992

Scale of contributions: 0.19 per cent (33)

Area: 56,594 km² (36)

Population: 4,470,534 (37)

GDP per capita in international dollars at PPP rates: 17,800

GDP growth: -1 per cent (46)

Armed forces (active): 16,550 (33)

Memberships and forms of co-operation: CoE (1996), NATO (2009), EAPC, EU (2013), RCC, SEECP, CEI (1992).

12. Cyprus

Date of accession: June 1973

Scale of contributions: 0.19 per cent (33)

Area: 9,251 km² (50)¹²

Population: 1,172,458 (48)¹³

GDP per capita in international dollars at PPP rates: 24,500

GDP growth: -8.7 per cent (53)

Armed forces (active): 12,000 (37)¹⁴

Memberships and forms of co-operation: CoE (1961), EU (2004).

13. Czech Republic

Date of accession: January 1993

Scale of contributions: 0.57 per cent (25)

Area: 78,867 km² (30)

Population: 10,627,448 (18)

GDP per capita in international dollars at PPP rates: 26,300

GDP growth: -0.9 per cent (45)

Armed forces (active): 23,650 (26)

Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU (2004), RCC, CEI (1990/1993).

14. Denmark

Date of accession: June 1973

Scale of contributions: 2.1 per cent (14)

Area: 43,094 km² (40)

Population: 5,569,077 (30)

GDP per capita in international dollars at PPP rates: 37,800

GDP growth: 0.1 per cent (41)

Armed forces (active): 17,200 (32)

12 Greek sector: 5,896 km², Turkish sector: 3,355 km².

13 Total of Greek and Turkish sectors.

14 Turkish sector: 3,500.

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

15. Estonia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 45,228 km² (39)

Population: 1,257,921 (47)

GDP per capita in international dollars at PPP rates: 22,400

GDP growth: 1.5 per cent (25)

Armed forces (active): 5,750 (46)

Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992).

16. Finland

Date of accession: June 1973

Scale of contributions: 1.85 per cent (16)

Area: 338,145 km² (14)

Population: 5,268,799 (32)

GDP per capita in international dollars at PPP rates: 35,900

GDP growth: -0.6 per cent (43)

Armed forces (active): 22,200 (29)

Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1955), CBSS (1992), RCC.

17. France

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 643,801 km² (7)

Population: 66,259,012 (5)

GDP per capita in international dollars at PPP rates: 35,700

GDP growth: 0.3 per cent (39)

Armed forces (active): 222,200 (4)

Memberships and forms of co-operation: G8/G7 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, RCC.

18. Georgia

Date of accession: March 1992

Scale of contributions: 0.05 per cent (49)

Area: 69,700 km² (33)

Population: 4,935,880 (35)
GDP per capita in international dollars at PPP rates: 6,100
GDP growth: 2.5 per cent (15)
Armed forces (active): 20,650 (31)
Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), EU Association Agreement (2013)¹⁵, BSEC.

19. Germany

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 357,022 km² (13)
Population: 80,996,685 (4)
GDP per capita in international dollars at PPP rates: 39,500
GDP growth: 0.5 per cent (34)
Armed forces (active): 186,450 (5)
Memberships and forms of co-operation: G8/G7 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, CBSS (1992), RCC.

20. Greece

Date of accession: June 1973
Scale of contributions: 0.98 per cent (19)
Area: 131,957 km² (23)
Population: 10,775,557 (17)
GDP per capita in international dollars at PPP rates: 23,600
GDP growth: -3.8 per cent (52)
Armed forces (active): 144,350 (8)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), RCC, SEECP, BSEC.

21. The Holy See

Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 0.44 km² (57)
Population: 842 (57)
GDP per capita in international dollars at PPP rates: n/a
GDP growth: n/a
Armed forces (active): 110 (52)¹⁶
Memberships and forms of co-operation: none.

15 At the Eastern Partnership summit in Vilnius on 29 November 2013, the EU initialed Association Agreements with Georgia and the Republic of Moldova. Cf. European Union External Action, *Fact Sheet*, Brussels, 2 December 2013, 131202/1, p. 1, at: http://eeas.europa.eu/statements/docs/2013/131202_01_en.pdf.

16 Authorized strength 110 members of the Swiss Guard, see: http://www.vatican.va/roman_curia/swiss_guard/500_swiss/documents/rc_gsp_20060121_informazioni_it.html.

22. Hungary

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 93,028 km² (26)

Population: 9,919,128 (20)

GDP per capita in international dollars at PPP rates: 19,800

GDP growth: 0.2 per cent (40)

Armed forces (active): 26,500 (24)

Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, EU (2004), RCC, CEI (1989).

23. Iceland

Date of accession: June 1973

Scale of contributions: 0.19 per cent (33)

Area: 103,000 km² (25)

Population: 317,351 (52)

GDP per capita in international dollars at PPP rates: 40,700

GDP growth: 1.9 per cent (20)

Armed forces (active): none

Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, EU Candidate Country, Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1995).

24. Ireland

Date of accession: June 1973

Scale of contributions: 0.75 per cent (21)

Area: 70,273 km² (32)

Population: 4,832,765 (36)

GDP per capita in international dollars at PPP rates: 41,300

GDP growth: 0.6 per cent (33)

Armed forces (active): 9,350 (42)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1999), EU (1973), RCC.

25. Italy

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 301,340 km² (17)

Population: 61,680,122 (7)

GDP per capita in international dollars at PPP rates: 29,600

GDP growth: -1.8 per cent (49)

Armed forces (active): 176,000 (6)

Memberships and forms of co-operation: G8/G7 (1975), OECD (1962), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, RCC, CEI (1989).

26. Kazakhstan

Date of accession: January 1992

Scale of contributions: 0.36 per cent (28)

Area: 2,724,900 km² (4)

Population: 17,948,816 (14)

GDP per capita in international dollars at PPP rates: 14,100

GDP growth: 5 per cent (8)

Armed forces (active): 39,000 (19)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), Customs Union of Belarus, Kazakhstan and Russia, CSTO, SCO.

27. Kyrgyzstan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 199,951 km² (21)

Population: 5,604,212 (29)

GDP per capita in international dollars at PPP rates: 2,500

GDP growth: 7.4 per cent (4)

Armed forces (active): 10,900 (39)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

28. Latvia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 64,589 km² (35)

Population: 2,165,165 (44)

GDP per capita in international dollars at PPP rates: 19,100

GDP growth: 4 per cent (10)

Armed forces (active): 5,310 (48)

Memberships and forms of co-operation: CoE (1995), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), RCC.

29. Liechtenstein

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 160 km² (54)

Population: 37,313 (54)

GDP per capita in international dollars at PPP rates: 89,400¹⁷
GDP growth: 1.8 per cent¹⁸
Armed forces (active): none¹⁹
Memberships and forms of co-operation: CoE (1978), EU Association Agreement (1995), since 1923 Community of Law, Economy, and Currency with Switzerland.

30. Lithuania

Date of accession: September 1991
Scale of contributions: 0.19 per cent (33)
Area: 65,300 km² (34)
Population: 3,505,738 (40)
GDP per capita in international dollars at PPP rates: 22,600
GDP growth: 3.4 per cent (13)
Armed forces (active): 11,800 (38)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992).

31. Luxembourg

Date of accession: June 1973
Scale of contributions: 0.47 per cent (27)
Area: 2,586 km² (51)
Population: 520,672 (50)
GDP per capita in international dollars at PPP rates: 77,900
GDP growth: 0.5 per cent (34)
Armed forces (active): 900 (51)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958).

32. The Former Yugoslav Republic of Macedonia

Date of accession: October 1995
Scale of contributions: 0.125 per cent (40)
Area: 25,713 km² (47)
Population: 2,091,719 (45)
GDP per capita in international dollars at PPP rates: 10,800
GDP growth: 3.1 per cent (14)
Armed forces (active): 8,000 (44)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU Candidate Country, RCC, SEECP, CEFTA, CEI (1993).

17 2009 (estimated).

18 2012 (estimated).

19 In 1868, the armed forces were dissolved.

33. Malta

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 316 km² (53)

Population: 412,655 (51)

GDP per capita in international dollars at PPP rates: 29,200²⁰

GDP growth: 2.4 per cent (16)

Armed forces (active): 1,950 (50)

Memberships and forms of co-operation: CoE (1965), EAPC, PfP (1995/2008²¹), EU (2004).

34. Moldova

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 33,851 km² (43)

Population: 3,583,288 (39)

GDP per capita in international dollars at PPP rates: 3,800

GDP growth: 8.9 per cent (3)

Armed forces (active): 5,350 (47)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), EU Association Agreement (2013)²², CIS (1991), RCC, SEECP, CEFTA, CEI (1996), BSEC.

35. Monaco

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 2.00 km² (56)

Population: 30,508 (56)

GDP per capita in international dollars at PPP rates: 85,500²³

GDP growth: 0.9 per cent²⁴

Armed forces (active): none

Memberships and forms of co-operation: CoE (2004).

36. Mongolia

Date of accession: November 2012

Scale of contributions: 0.05 per cent (49)

Area: 1,564,116 km² (5)

20 2012 (estimated).

21 Malta joined the PfP in April 1995, but suspended its participation in October 1996. Malta re-engaged in the Partnership for Peace Programme in 2008, see: <http://www.nato.int/docu/update/2008/04-april/e0403e.html>.

22 At the Eastern Partnership summit in Vilnius on 29 November 2013, the EU initialed Association Agreements with Georgia and the Republic of Moldova, cf. European Union External Action, *Fact Sheet*, cited above (Note 15).

23 2011.

24 2012 (estimated).

Population: 2,953,190 (43)
GDP per capita in international dollars at PPP rates: 5,900
GDP growth: 11.8 per cent (2)
Armed forces (active): 10,000 (41)
Memberships and forms of co-operation: NATO Partners across the Globe, Observer State to the SCO.

37. Montenegro

Date of accession: June 2006
Scale of contributions: 0.05 per cent (49)
Area: 13,812 km² (49)
Population: 650,036 (49)
GDP per capita in international dollars at PPP rates: 11,900
GDP growth: 1.5 per cent (25)
Armed forces (active): 2,080 (49)
Memberships and forms of co-operation: CoE (2007), EAPC, PfP (2006), EU Candidate Country, RCC, SEECP, CEFTA, CEI (2006).

38. Netherlands

Date of accession: June 1973
Scale of contributions: 4.36 per cent (9)
Area: 41,543 km² (41)
Population: 16,877,351 (15)
GDP per capita in international dollars at PPP rates: 43,300²⁵
GDP growth: -0.8 per cent (44)
Armed forces (active): 37,400 (20)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council.

39. Norway

Date of accession: June 1973
Scale of contributions: 2.05 per cent (15)
Area: 323,802 km² (15)
Population: 5,147,792 (34)
GDP per capita in international dollars at PPP rates: 55,400
GDP growth: 1.6 per cent (22)
Armed forces (active): 25,800 (25)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU Association Agreement (1996), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

25 2012 (estimated).

40. Poland

Date of accession: June 1973

Scale of contributions: 1.35 per cent (17)

Area: 312,685 km² (16)

Population: 38,346,279 (10)

GDP per capita in international dollars at PPP rates: 21,100

GDP growth: 1.3 per cent (27)

Armed forces (active): 99,300 (11)

Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, EU (2004), Observer to the Barents Euro-Arctic Council, CBSS (1992), RCC, CEI (1991).

41. Portugal

Date of accession: June 1973

Scale of contributions: 0.98 per cent (19)

Area: 92,090 km² (27)

Population: 10,813,834 (16)

GDP per capita in international dollars at PPP rates: 22,900

GDP growth: -1.8 per cent (49)

Armed forces (active): 42,600 (18)

Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986).

42. Romania

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 238,391 km² (19)

Population: 21,729,871 (13)

GDP per capita in international dollars at PPP rates: 14,400

GDP growth: 3.5 per cent (12)

Armed forces (active): 71,400 (12)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2007), RCC, SEECP, CEI (1996), BSEC.

43. Russian Federation

Date of accession: June 1973

Scale of contributions: 6 per cent (6)

Area: 17,098,242 km² (1)

Population: 142,470,272 (2)

GDP per capita in international dollars at PPP rates: 18,100

GDP growth: 1.3 per cent (27)

Armed forces (active): 845,000 (2)

Memberships and forms of co-operation: G8 (1998)²⁶, CoE (1996), EAPC, PfP (1994), NATO-Russia Council (2002)²⁷, CIS (1991), Customs Union of Belarus, Kazakhstan and Russia, CSTO, Barents Euro-Arctic Council, CBSS (1992), BSEC, SCO.

44. San Marino

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 61 km² (55)

Population: 32,742 (55)

GDP per capita in international dollars at PPP rates: 55,000²⁸

GDP growth: -3.5 per cent (51)

Armed forces (active): none

Memberships and forms of co-operation: CoE (1988).

45. Serbia

Date of accession: November 2000²⁹

Scale of contributions: 0.14 per cent (39)

Area: 77,474 km² (31)

Population: 7,209,764 (27)

GDP per capita in international dollars at PPP rates: 11,100

GDP growth: 2 per cent (18)

Armed forces (active): 28,150 (23)

Memberships and forms of co-operation: CoE (2003), EAPC, PfP (2006), EU Candidate Country, RCC, SEECP, CEFTA, CEI (1989/2000), BSEC.

46. Slovakia

Date of accession: January 1993

Scale of contributions: 0.28 per cent (30)

Area: 49,035 km² (38)

Population: 5,443,583 (31)

GDP per capita in international dollars at PPP rates: 24,700

GDP growth: 0.8 per cent (30)

Armed forces (active): 15,850 (34)

Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO (2004), EAPC, EU (2004), RCC, CEI (1990/1993).

26 The G8 existed as an informal grouping until 25 March 2014, when Russia was expelled. The planned G8 meeting in Sochi did not take place, and the group met as the G7 in Brussels instead.

27 The Foreign Ministers of NATO decided on 1 April 2014 “to suspend all practical civilian and military cooperation between NATO and Russia. Our political dialogue in the NATO-Russia Council can continue, as necessary, at the Ambassadorial level and above, to allow us to exchange views, first and foremost on this crisis.” At: <http://www.nato-russia-council.info/en/articles/20140327-announcement>.

28 2012 (estimated).

29 Yugoslavia was suspended from 7 July 1992 to 10 November 2000.

47. Slovenia

Date of accession: March 1992

Scale of contributions: 0.22 per cent (32)

Area: 20,273 km² (48)

Population: 1,988,292 (46)

GDP per capita in international dollars at PPP rates: 27,400

GDP growth: -1.1 per cent (47)

Armed forces (active): 7,600 (45)

Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), RCC, SEECP, CEI (1992).

48. Spain

Date of accession: June 1973

Scale of contributions: 4.58 per cent (8)

Area: 505,370 km² (9)

Population: 47,737,941 (8)

GDP per capita in international dollars at PPP rates: 30,100

GDP growth: -1.3 per cent (48)

Armed forces (active): 134,900 (9)

Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), RCC.

49. Sweden

Date of accession: June 1973

Scale of contributions: 3.24 per cent (10)

Area: 450,295 km² (11)

Population: 9,723,809 (21)

GDP per capita in international dollars at PPP rates: 40,900

GDP growth: 0.9 per cent (29)

Armed forces (active): 15,300 (35)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

50. Switzerland

Date of accession: June 1973

Scale of contributions: 2.81 per cent (12)

Area: 41,277 km² (42)

Population: 8,061,516 (25)

GDP per capita in international dollars at PPP rates: 54,800

GDP growth: 2 per cent (18)

Armed forces (active): 22,650 (28)

Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement (rejected by referendum), RCC.

51. Tajikistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 143,100 km² (22)

Population: 8,051,512 (26)

GDP per capita in international dollars at PPP rates: 2,300

GDP growth: 7.4 per cent (4)

Armed forces (active): 8,800 (43)

Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991), CSTO, SCO.

52. Turkey

Date of accession: June 1973

Scale of contributions: 1.01 per cent (18)

Area: 783,562 km² (6)

Population: 81,619,392 (3)

GDP per capita in international dollars at PPP rates: 15,300

GDP growth: 3.8 per cent (11)

Armed forces (active): 510,600 (3)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Candidate Country, RCC, SEECP, BSEC, SCO Dialogue Partner.

53. Turkmenistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 488,100 km² (10)

Population: 5,171,943 (33)

GDP per capita in international dollars at PPP rates: 9,700

GDP growth: 12.2 per cent (1)

Armed forces (active): 22,000 (30)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

54. Ukraine

Date of accession: January 1992

Scale of contributions: 0.68 per cent (22)

Area: 603,550 km² (8)³⁰

Population: 44,291,413 (9)

GDP per capita in international dollars at PPP rates: 7,400

GDP growth: 0.4 per cent (37)

Armed forces (active): 129,950 (10)³¹

30 The government of Ukraine has had no control over Crimea since March 2014 and none over the areas controlled by rebels since April/May 2014.

31 Not taking account of the unclear situation caused by the ongoing conflict.

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), EU Association Agreement (2014)³², CIS (1991), CEI (1996), BSEC.

55. United Kingdom

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 243,610 km² (18)

Population: 63,742,977 (6)

GDP per capita in international dollars at PPP rates: 37,300

GDP growth: 1.8 per cent (21)

Armed forces (active): 169,150 (7)

Memberships and forms of co-operation: G8/G7 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Observer to the Barents Euro-Arctic Council, RCC.

56. USA

Date of accession: June 1973

Scale of contributions: 11.5 per cent (1)

Area: 9,826,675 km² (3)

Population: 318,892,103 (1)

GDP per capita in international dollars at PPP rates: 52,800

GDP growth: 1.6 per cent (22)

Armed forces (active): 1,492,200 (1)

Memberships and forms of co-operation: G8/G7 (1975), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, RCC, NAFTA.

57. Uzbekistan

Date of accession: January 1992

Scale of contributions: 0.35 per cent (29)

Area: 447,400 km² (12)

Population: 28,929,716 (12)

GDP per capita in international dollars at PPP rates: 3,800

GDP growth: 7 per cent (6)

Armed forces (active): 48,000 (15)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), SCO.

32 The European Parliament and the Ukrainian Verkhovna Rada ratified the Association Agreement simultaneously on 16 September 2014. It applies provisionally until all EU Member States have ratified it. On the basis of an agreement between Russia and Ukraine, application of the section on trade was suspended until 31 December 2015.

Sources:

Date of accession:

<http://web.archive.org/web/20100826040207/http://www.osce.org/about/13131.html> and <http://www.osce.org/de/mc/97738> (Mongolia)

Scale of contributions:

*OSCE, decision of the Permanent Council, PC.DEC/1072, 7 February 2013.
<http://www.osce.org/pc/99508>*

Area:

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2147.txt

Population:

(estimated as of July 2014) https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2119.txt

GDP per capita in international dollars at PPP rates:

*(estimated as of 2013, unless stated to the contrary)
<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html>*

GDP growth:

*(estimated as of 2013, unless stated to the contrary)
<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2003rank.html>*

Armed forces (active):

*International Institute for Strategic Studies (ed.), *The Military Balance* 2014, London 2014*

OSCE Conferences, Meetings, and Events 2013/2014

2013

15-16 July	Romanian Ministry for Foreign Affairs/Swiss Federal Department of Foreign Affairs/OSCE Conflict Prevention Centre (CPC): Conference on Mediation in the OSCE Area, Bucharest
25-26 July	Chairmanship/OSCE Secretariat Transnational Threats Department (TNTD)/Strategic Police Matters Unit (SPMU): Conference on Prevention of the Illicit Drug Trade on the Internet, Vienna
3-5 September	OSCE Centre in Astana/OSCE field offices in the Central Asia region: OSCE Central Asian Youth Network Seminar: "The Pendulum Swings: Empowering CA Youth Against Violent Extremism", Almaty
11-13 September	OSCE Chairmanship/Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA): Concluding Meeting of the 21st OSCE Economic and Environmental Forum on "Increasing stability and security: Improving the environmental footprint of energy-related activities in the OSCE region", Prague
12 September	OCEEA: Launch of the OSCE Good Practices Guide on Non-Nuclear Critical Energy Infrastructure Protection from Terrorist Attacks Focusing on Threats Emanating from Cyberspace, Prague
12-13 September	OSCE Academy: Workshop "Understanding Central Asian Islam: contemporary research standards", Bishkek
16 September	OSCE Secretary General: Security Days: Approaches to Conflict Resolution in the OSCE Area, Vienna
16-24 September	OSCE Centre in Astana/UNEP/Regional Environmental Centre for Central Asia/Government of Norway: Central Asian Leadership Programme, Almaty
17-19 September	Office for Democratic Institutions and Human Rights (ODIHR): Eighth Annual Implementation Meeting of the Declaration of Principles for International Election Observation, Warsaw
18-20 September	Representative on Freedom of the Media (RFOM)/OSCE Presence in Albania: Third South East Europe Media Conference, Tirana
23 September - 4 October	ODIHR: Human Dimension Implementation Meeting 2013, Warsaw

10-11 October	Chairmanship/TNTD/Action against Terrorism Unit (ATU): Conference on Priority Issues for International Co-operation in the Fight Against Terrorism, Kyiv
14 October	ODIHR: Meeting on the role of ombuds institutions in protecting human rights of armed forces personnel, Vienna
28-29 October	OSCE Secretariat, External Co-operation Section: 2013 OSCE Mediterranean Conference on “Enhancing the Role of Women in Public, Political and Economic Life”, Monaco
7-8 November	Chairmanship/ODIHR: Supplementary Human Dimension Meeting on Implementation of the Action Plan on Improving the Situation of Roma and Sinti, Vienna
9-11 November	ODIHR: Training for trainers of imams and community leaders on responding to hate crimes against Muslims, Warsaw
11-12 November	RFOM: Tenth OSCE South Caucasus Media Conference – Reflecting on OSCE media-freedom commitments, Tbilisi
11-12 November	OSCE/UN Women/Government of the Republic of Kazakhstan: Conference on Enhancing the Women, Peace and Security Agenda in the Euro-Atlantic and Eurasian Region, Almaty
29 November	ODIHR/TNTD/SPMU: Launch of manual “Human Rights in Counter-Terrorism Investigations”, Vienna
5-6 December	Chairmanship: 20th OSCE Ministerial Council, Kyiv
<i>2014</i>	
1 January	Switzerland takes over the OSCE Chairmanship from Ukraine. Swiss Foreign Minister Didier Burkhalter becomes Chairman-in-Office
27-28 January	Chairmanship/OCEEA: First Preparatory Meeting of the 22nd OSCE Economic and Environmental Forum, Vienna
13-14 February	OSCE Parliamentary Assembly (PA): 2014 Winter Meeting, Vienna
17-18 February	OSCE/Council of Europe: Not for Sale – Joining Forces Against Trafficking in Human Beings, Vienna
17 March	TNTD/ODIHR: Launch of OSCE guidebook on community policing and preventing terrorism, Vienna

31 March	OSCE Network of Think Tanks and Academic Institutions/Diplomatic Academy of Vienna: Panel Discussion: Ukraine/Crimea: Crisis as usual or new European divide? Vienna
7 April	OSCE PA: Bureau Meeting, Copenhagen
10-11 April	Chairmanship/ODIHR: Supplementary Human Dimension Meeting on Prevention of Torture, Vienna
28 April	Chairmanship/ODIHR: Enhancing Community-Law Enforcement Relations in Combating Hate Crimes against Muslims, Vienna
28-29 April	Chairmanship: Counter-Terrorism Conference, Inter-laken
5 May	RFOM: First expert meeting on Open Journalism, Vienna
12-14 May	Chairmanship/ODIHR: Human Dimension Seminar on Improving OSCE effectiveness by enhancing co-operation with relevant regional and international organizations, Warsaw
19 May	OSCE RFOM: Meeting with representatives of media organizations from the Russian Federation and Ukraine, Vienna
19-20 May	ODIHR/International Committee of the Red Cross/OSCE Mission to Bosnia and Herzegovina/Swiss Embassy to Bosnia and Herzegovina/State Court of Bosnia and Herzegovina: Regional conference on the role of national jurisdictions in the implementation of international humanitarian law, Sarajevo
20-21 May	Chairmanship/OCEEA: Second Preparatory Meeting of the 22nd OSCE Economic and Environmental Forum, Montreux
27 May	OSCE Secretary General: Security Days 2014 – The OSCE and Chapter VIII of the United Nations Charter: Confronting Emerging Security Challenges in the Euro-Atlantic and Eurasian Space, Vienna
4-5 June	OSCE/Italian Foreign Ministry/Compagnia di San Paolo foundation of Turin/Institute of International Affairs of Rome: Global Mediterranean: A New Agenda for Multilateral Security Co-operation, Turin
10-11 June	Chairmanship/ODIHR: The OSCE and Human Rights Defenders: The Budapest Document 20 Years On, Berne
11-12 June	OSCE/IOM/UNODC: Trans-regional workshop on enhancing co-operation in combating irregular migration and smuggling of migrants through South-Eastern Europe, Athens

16-17 June	ODIHR: OSCE/ODIHR Youth Forum 2014, Warsaw
16-17 June	OSCE: 2014 OSCE-Japan Conference, Tokyo
17-18 June	Chairmanship/TNTD/SPMU: 2014 OSCE Annual Police Experts Meeting on “Enhancing Cross-border Cooperation of the Criminal Justice System in Combating Transnational Crime in the OSCE Area”, Vienna
24-26 June	Chairmanship: 2014 Annual Security Review Conference, Vienna
28 June	OSCE PA: Annual Session, Baku
30 June	OSCE: Inside the Aarhus Centres – OSCE Side Event, Maastricht
2 July	OCEEA: Expert Workshop “Sharing Best Practices to Protect Electricity Networks from Natural Disasters”, Vienna
3-4 July	Chairmanship/RFOM/ODIHR: Supplementary Human Dimension Meeting on promotion of freedom of expression: rights, responsibilities and OSCE commitments, Vienna
8 July	OSCE Secretary General: Security Days 2014 – Water Diplomacy, Vienna
8-9 July	Austria/Germany/Switzerland/Forum for Security Cooperation (FSC) Chair (Moldova): 20th anniversary of the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna
10-11 July	OSCE Gender Section/ODIHR/Chairmanship: Gender Equality Review Conference, Vienna

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Abbreviations

ACMF	Advisory Committee on Management and Finance
AIAM	Annual Implementation Assessment Meeting
ASEAN	Association of Southeast Asian Nations
ASRC	Annual Security Review Conference
ATU	Action against Terrorism Unit
BBC	British Broadcasting Corporation
BMO	Border Monitoring Operation
BMSC	Border Management Staff College
BRICS	Brazil, Russia, India, China, and South Africa
BSEC	Black Sea Economic Cooperation
BSMC	Border Security and Management Concept
BSMU	Border Security and Management Unit
CACO	Central Asian Cooperation Organization
CADGAT	Central Asia Data-Gathering and Analysis Team
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CERD	Committee on the Elimination of Racial Discrimination
CFE	Conventional Armed Forces in Europe
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CiO	Chairperson-in-Office
CIS	Commonwealth of Independent States
CoC	Code of Conduct on Politico-Military Aspects of Security
CoE	Council of Europe
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CPC/OS	Operations Service of the Conflict Prevention Centre
CPSU	Communist Party of the Soviet Union
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSI	Community Security Initiative
CSOs	Civil Society Organizations
CSOSI	Civil Society Organization Index
CST	Treaty on Collective Security

CSTO	Collective Security Treaty Organization
DCFTA	Deep and Comprehensive Free Trade Agreement
DPKO	(UN) Department of Peacekeeping Operations
DPR	Donetsk People's Republic (self-declared)
DRC	Democratic Republic of the Congo
EaP	Eastern Partnership
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EC	European Community
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EDA/FDFA	Eidgenössisches Departement für auswärtige Angelegenheiten/Federal Department of Foreign Affairs
EEAS	European External Action Service
EEC	European Economic Community
EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
EEU	Eurasian Economic Union
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
EOMs	Election Observation Missions
EPAA	European Phased Adaptive Approach
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EST	European Security Treaty
EU	European Union
EUFOR	European Union Force
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Union Monitoring Mission
EUPAT	European Union Police Advisory Team
EUPM	European Union Police Mission (in Bosnia and Herzegovina)
EUPOL	European Union Police Mission
EUSR	European Union Special Representative
EVEL	English Votes for English Laws
FIUs	Financial Intelligence Units
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
G8/G7	Group of Eight/Group of Seven
G20	Group of Twenty
GCSP	Geneva Centre for Security Policy

GDP	Gross Domestic Product
GDR	German Democratic Republic
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit/ German Agency for International Cooperation
GNI	Gross National Income
GNP	Gross National Product
GOU	Glovnoe operativnoe upravlenie/Main Operations Directorate
HCNM	High Commissioner on National Minorities
HDI	Human Development Index
HDIM	Human Dimension Implementation Meeting
HDS	Human Dimension Seminar
HLPG	High-Level Planning Group
HoM	Head of Mission
IASSRTF	(UN) Inter-Agency Security Sector Reform Task Force
ICBMs	Intercontinental Ballistic Missiles
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESRC	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	Information and Communications Technology
ICTY	International Criminal Tribunal for the former Yugoslavia
IDPs	Internally Displaced Persons
IEMed	European Institute of the Mediterranean
IFIs	International Financial Institutions
IFOR	Implementation Force
IHWG	Informal Helsinki +40 Working Group
ILO	International Labour Organization
IMEMO RAN	Institut mirovoi ekonomiki i mezhdunarodnykh otnoshenii Rossiiskoi akademii nauk/Institute of World Economy and International Relations of the Russian Academy of Sciences
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
INGOs	International Non-Governmental Organizations
IOM	International Organization for Migration
IPAP	Individual Partnership Action Plan
IPI	International Peace Institute
IPRM	Incident Prevention and Response Mechanism
ISAF	International Security Assistance Force
IWPR	Institute for War and Peace Reporting

KFOR	Kosovo Force
LAS	League of Arab States
LPR	Lugansk People's Republic (self-declared)
LTOs	Long-Term Observers
MAP	Membership Action Plan
MBFR	Mutual and Balanced Force Reduction Talks
MC	Ministerial Council
MEP	Member of the European Parliament
MFA	Ministry of Foreign Affairs
MGIMO	Moskovsky gosudarstvennyi institut mezhdunarodnykh otnoshenii (universitet)/Moscow State Institute of Inter- national Relations (University)
MIA	Ministry of Internal Affairs
MM	Minsk Memorandum
MOI	Ministry of the Interior
MoU	Memorandum of Understanding
MP	Member of Parliament
MP	Minsk Protocol
MPCs	Mediterranean Partners for Co-operation
MSU	Mediation Support Unit
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute
NDN	Northern Distribution Network
NED	National Endowment for Democracy
NGOs	Non-Governmental Organizations
NHS	National Health Service
NIS	Newly Independent States
NKAO	Nagorno-Karabakh Autonomous Oblast
NKR	Nagorno-Karabakh Republic
N+N States	Neutral and Non-Aligned States
NPOs	Non-Profit Organizations
NPT	Nuclear Non-Proliferation Treaty
NRC	NATO-Russia Council
NRI	National Republican Institute
NSA	National Security Agency
NSA-LA	Non-State Actors and Local Authorities in Development programme
NUPI	Norsk Utenrikspolitisk Institutt/Norwegian Institute of International Affairs
OAS	Organization of American States

OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OEWG	Open-ended Working Group on the Conflict Cycle
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Co-operation in Europe
OSR/CTHB	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PC	Permanent Council
PfP	Partnership for Peace
PCU	Project Co-ordinator in Ukraine
PIR Center	Center for Political Research
PISM	Polski Instytut Spraw Międzynarodowych/Polish Institute of International Affairs
PJC	Permanent Joint Council
PNA	Palestinian National Authority
POLIS	Policing OnLine Information System
PPP	Purchasing Power Parity
RCC	Regional Cooperation Council
REACT	Rapid Expert Assistance and Co-operation Teams
RFOM	Representative on Freedom of the Media
ROOIP	Russian Public Institute of Electoral Law
RPR	Reanimation Package of Reforms
SAA	Stabilisation and Association Agreement
SALT	Strategic Arms Limitation Treaty
SALW	Small Arms and Light Weapons
SAP	Stabilisation and Association Process
SBU	Sluzhba Bezpeky Ukrainy/Security Service of Ukraine
SCO	Shanghai Cooperation Organisation
SEATO	South East Asia Treaty Organization
SECI	Southeast European Cooperative Initiative
SEECF	South-East European Cooperation Process
SFOR	Stabilisation Force
SG	Secretary General
SIPRI	Stockholm International Peace Research Institute
SLBMs	Submarine-launched Ballistic Missiles
SMEs	Small and Medium-sized Enterprises

SMM	Special Monitoring Mission
SNP	Scottish National Party
SPMU	Strategic Police Matters Unit
SPSEE	Stability Pact for South Eastern Europe
SSG	Security Sector Governance
SSG/R	Security Sector Governance/Reform
SSP	Scottish Socialist Party
SSR	Security Sector Reform
START	Strategic Arms Reduction Treaty
STOs	Short-Term Observers
TANDIS	Tolerance and Non-Discrimination Information System
TCG	Trilateral Contact Group
TDH	Türkmen Döwlet Habarlargullugynyň/State News Agency of Turkmenistan
TEU	Treaty on European Union
TNT	Transnational Threats
TNTD	Transnational Threats Department
UAH	Ukrainian hryvnia
UAV	Unmanned Aerial Vehicle
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UKIP	United Kingdom Independence Party
UN/UNO	United Nations/United Nations Organization
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAC	United Nations Convention against Corruption
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR/ UNOHCHR	United Nations High Commissioner for Human Rights/UN Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNOMIG	United Nations Observer Mission in Georgia
UNPROFOR	United Nations Protection Force
UNRCCA	United Nations Regional Centre for Preventive Diplomacy for Central Asia
UNSC	United Nations Security Council

UNSCR	United Nations Security Council Resolution
UNTOC	United Nations Convention on Transnational Organized Crime
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
UXO	Unexploded Ordnance
VD	Vienna Document
VHF	Very High Frequency
WCED	World Commission on Environment and Development
WEF	World Economic Forum
WEU	Western European Union
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

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