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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 Trachler, *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>.

posal 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/t/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>.