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## Preface

In 2016, the state of European security remains precarious, and talk of a common, pan-European security order seems to belong to a bygone age: A political resolution to the crisis in and around Ukraine appears a distant prospect, with the ceasefire regulated by the Minsk Agreements and observed by the OSCE Special Monitoring Mission (SMM) looking fragile. Russia and the West are deeply divided – not only by the crisis – and the contradictions seem insurmountable. In early April, fierce fighting broke out between Armenian and Azerbaijani soldiers at the line of contact separating the sides in the Nagorno-Karabakh conflict; more than 100 people died in the clashes, including civilians. After four days, under Russian mediation, the conflict parties agreed a truce on 5 April, yet despite the cessation of fighting, the conflict could flare up again at any time – particularly given the arms build-up on both sides. But armed conflicts are only one side of the story: The dramatic increase since 2015 in particular in the number of people seeking refuge in Europe – from wars and civil wars, persecution, and violence creates enormous challenges for the continent. The refugee crisis – and the connection is undeniable – has coincided with a growing receptivity among sections of the populations of Western and Eastern Europe towards populist and extremist right-wing political positions and the parties that stand for them, which are finding increasingly alarming expression in enmity and hatred towards refugees and migrants – particularly those whose cultures are deemed to be “alien”. In many European countries, this very same populism is also being directed at the established parties, the “ruling elites”, the media, and national governments – and their international counterpart – the European Union. The most prominent example of this was the decision of the United Kingdom, passed in a referendum on Britain’s continued membership of the European Union by 51.9 per cent of participating voters, against the expectations of observers, to leave the EU. “Brexit”, as it has become known, has since come to serve potential imitators as an example to follow. Donald Trump’s equally unexpected victory in the US presidential election confirms the existence of a trend – not only in Europe, but in the OSCE area as a whole.

In these “turbulent times”<sup>1</sup> – a metaphor for the European security situation that was to be wielded with increasing frequency – Germany assumed

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1 “Germany is assuming the Chairmanship of the Organization for Security and Co-operation in Europe in turbulent times.” Foreign Minister Frank-Walter Steinmeier, in: The Federal Government, OSCE Deutschland 2016, *Renewing dialogue, rebuilding trust, restoring security. The priorities of the German OSCE Chairmanship in 2016*, p. 1, at: [http://www.wien-osze.diplo.de/contentblob/4716588/Daten/6230595/160126\\_Broschre\\_OSZE\\_ENG.pdf](http://www.wien-osze.diplo.de/contentblob/4716588/Daten/6230595/160126_Broschre_OSZE_ENG.pdf); cf. also Christian Nünlist, *Building Trust in a Turbulent Year: Ger-*

the OSCE Chairmanship in 2016, laying out its six priorities for the year under the motto “Renewing dialogue, rebuilding trust, restoring security”:<sup>2</sup> 1. crisis and conflict management; this largely focused on the conflict in and around Ukraine, but also the unresolved protracted conflicts in the OSCE area; 2. strengthening the OSCE’s capacities over the entire conflict cycle, i.e. in early-warning and conflict prevention, crisis management, and post-conflict rehabilitation; 3. using the OSCE as a platform for dialogue, which was not only aimed at continuing dialogue on questions of pan-European security and addressing common threats, but above all at restoring talks on confidence- and security-building measures (CSBMs) and conventional arms control as core elements of the politico-military dimension, central components of military security, and key topics within the CSCE process and the OSCE – a project that the Chairperson-in-Office Frank-Walter Steinmeier made his top priority in August 2016 with his initiative seeking the “re-launch of arms control in Europe as a tried and tested means of risk-reduction, transparency and confidence-building”;<sup>3</sup> 4. promoting sustainable connectivity and good governance in the OSCE area, which sought to revive the OSCE’s economic and environmental dimension by stimulating economic exchange; 5. focusing on the human dimension, stressing issues such as promoting civil society involvement, the role of the media and journalists in times of crisis, and combating anti-Semitism; and 6. strengthening transnational exchange between societies by means including working closely with academic institutions and directly encouraging youth participation.

So, as a turbulent year comes to an end, how was Germany’s Chairmanship performance? Given the gulf between Russia and the West, modest expectations were certainly appropriate. One of the least satisfactory outcomes of the Ministerial Council Meeting held in Hamburg on 8 and 9 December 2016 was certainly the failure to reach a single agreement or adopt a single decision in the human dimension.<sup>4</sup> Nor did the OSCE foreign ministers succeed in formulating a common statement on the Ukraine crisis, which simultaneously reflects the general failure to achieve the hoped-for success in the area of conflict management in Ukraine; in the end, the “Conclusions of the

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many’s 2016 OSCE Chairmanship, in: *Security and Human Rights*, Netherlands Helsinki Committee, 22 December 2016, at: [http://www.shrblog.org/shr\\_monitor/Building\\_Trust\\_in\\_a\\_Turbulent\\_Year\\_Germany\\_s\\_2016\\_OSCE\\_Chairmanship.html?id=645](http://www.shrblog.org/shr_monitor/Building_Trust_in_a_Turbulent_Year_Germany_s_2016_OSCE_Chairmanship.html?id=645).

2 For full details, see: The Federal Government, cited above (Note 1).

3 Frank-Walter Steinmeier, *More security for everyone in Europe: A call for a re-launch of arms control*, originally published in German as: Mit Rüstungskontrolle Vertrauen schaffen [Creating Confidence with Arms Control], in: *Frankfurter Allgemeine Zeitung*, 26 August 2016, p. 1, available at: <http://www.osce.org/cio/261146>.

4 As Christian Nünlist points out: “None of the eight prepared decisions in the human dimension reached consensus. 42 states thus decided to separately publish a joint statement on ‘Human Rights and Fundamental Freedoms’, thereby making public the 15 states, including Russia, which did not support the statement.” This not only shows fundamental differences of opinion remaining evident throughout the conference, but also confirms his impression that some of the plenary statements were “reminiscent of Cold War tensions”, Nünlist, cited Above (Note 1).

Chairperson-in-Office”, stated merely that the “ministers deplored the violation of international law and common principles and commitments in relations between OSCE participating States” and, explicitly with regard to the crisis in and around Ukraine, “called upon all sides to meet their commitments swiftly and comprehensively”.<sup>5</sup> Furthermore, as the publication of a set of Chairperson’s conclusions indicates, the foreign ministers were again unable to agree on a joint political declaration this year; the last time they succeeded in doing so was at the Porto Ministerial Meeting in 2002.

Another issue of concern is the inability of the participating States to achieve consensus on the succession of various key institutions and offices: In the case of the OSCE Representative on Freedom of the Media, it only proved possible to agree on an exceptional and limited extension of the mandate to 10 March 2017, while no decision was reached at all on the succession of the High Commissioner on National Minorities (HCNM). Several additional important decisions are pending in 2017: the election of a new OSCE Secretary-General, and of the next Director of the Office for Democratic Institutions and Human Rights (ODIHR). If no agreement can be reached on these, indispensable OSCE institutions will be paralysed or at least severely limited in their functioning.

Measured against these difficult background conditions, the overall performance of the German OSCE Chairmanship can nonetheless be considered positive. Rather unexpectedly, alongside four technical decisions, eight substantive declarations and decisions were also adopted on issues highlighted by the Chairmanship:<sup>6</sup> a declaration on strengthening OSCE efforts to prevent and counter terrorism; a ministerial statement on the negotiations on the Transdniestrian settlement process in the 5+2 format; and a ministerial declaration on OSCE assistance projects in the field of small arms and light weapons. However, while the declaration on the 20th anniversary of the OSCE Framework for Arms Control, “From Lisbon to Hamburg”, is undoubtedly important, it should not lull us into a false sense of security: Urgent and tangible progress is needed if this issue is not to sink into obscurity again.

Substantive decisions adopted at the 23rd Ministerial Council cover topics including reducing the risks of conflict stemming from the use of information and communication technologies; enhancing the use of advance passenger information; strengthening good governance and promoting connectivity; and – last, but by no means least – the OSCE’s role in the governance of large movements of migrants and refugees.

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5 23rd OSCE Ministerial Council (Hamburg, 9 December 2016): *Conclusions of the Chairperson-in-Office*, Hamburg, 9 December 2016, at: [http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2016/161209-OSZE-AM\\_Rat\\_Schlussfolgerungen\\_Vorsitz.html](http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2016/161209-OSZE-AM_Rat_Schlussfolgerungen_Vorsitz.html).

6 The final decisions and declarations of the 23rd Ministerial Council can be found at: <http://www.osce.org/cio/300326>.

“Refugees and migration in the OSCE area” and the OSCE’s role in dealing with this phenomenon are also the special focus of this year’s OSCE Yearbook. Some figures, though rather dry in themselves, can perhaps help to indicate the drama of this crisis: At the end of 2015, the total number of forcibly displaced people worldwide – those fleeing war, violence, and persecution – was 65.3 million, which is higher than at any time since the end of the Second World War<sup>7</sup> (for comparison: the figure was 59.5 million at the end of 2014; 51.2 million a year before that; and 37.5 million ten years ago).<sup>8</sup> Of the 21.3 million refugees under UN mandate, 53 per cent originated in just three countries: Syria (4.9 million), Afghanistan (2.7 million), and Somalia (1.12 million). The vast majority of the world’s refugees under UNHCR mandate – 86 per cent – are hosted in developing regions (2015).<sup>9</sup> The countries hosting the largest refugee populations in 2015 were Turkey (2.5 million), Pakistan (1.6 million), Lebanon (1.1 million), Iran (979,400), Ethiopia (736,100), and Jordan (664,100);<sup>10</sup> in relation to its population, Lebanon hosted the largest number of refugees.<sup>11</sup>

A far smaller portion – though still more than a million individuals (in 2014 it was ca. 219,000) – attempted to cross the Mediterranean to reach Europe – mostly Greece and Italy – via one of the most dangerous routes for refugees and migrants in the world; four thousand of them are missing, presumed drowned.<sup>12</sup> According to the International Organization for Migration (IOM), more than 2,400 people drowned in the first five months of 2016, compared to 1,800 in the same period in 2014.<sup>13</sup>

Migration rose sharply up the OSCE’s agenda in 2016 as a consequence of the recent spike in refugee and migrant numbers, which led participating States to understand that managing flows of refugees and migrants will be a key security challenge for Europe for years to come. We have responded by making the topic a focus of the OSCE Yearbook 2016, in the section on

7 Cf. UNHCR, *Figures at a Glance, Global Trends 2015*, at: <http://www.unhcr.org/figures-at-a-glance.html>; UNHCR, *Global Trends, Forced Displacement in 2015*, at: <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf>.

8 Cf. UNHCR, *Global Trends, Forced Displacement in 2014*, p. 2, at: <http://www.unhcr.org/statistics/country/556725e69/unhcr-global-trends-2014.html>; UNHCR, *Worldwide displacement hits all-time high as war and persecution increase*, 18 June 2015, at: <http://www.unhcr.org/news/latest/2015/6/558193896/worldwide-displacement-hits-all-time-high-war-persecution-increase.html>.

9 Cf., UNHCR, *Global Trends, Forced Displacement in 2015*, cited above (Note 7), p. 2.

10 Cf. UNHCR, *Figures at a Glance*, cited above (Note 7).

11 Cf., UNHCR, *Global Trends, Forced Displacement in 2015*, cited above (Note 7), p. 2.

12 Cf. Jonathan Clayton/Hereward Holland, *Over one million sea arrivals reach Europe in 2015*, UNHCR, 30 December 2015, at: <http://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>. In addition to the sea crossings, recent figures also estimated that a further 34,000 have crossed from Turkey into Bulgaria and Greece by land; cf. *ibid.* For 2014, cf. UNHCR, *Global Trends, Forced Displacement in 2014*, cited above (Note 8), p. 5.

13 Cf., International Organization for Migration, *Mediterranean Migrant Arrivals in 2016: 204,311; Deaths: 2,443*, at: <http://www.iom.int/news/mediterranean-migrant-arrivals-2016-204311-deaths-2443>.

“Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges”.

Svenja Gertheiss and Sabine Mannitz begin by clarifying terminology and concepts relating to refugees and migrants before discussing their legal rights and status in international law and applicable rules and regulations as a precondition for politically responsible action; they conclude with a call for a new approach to the treatment of migrants and refugees. In their contributions, David Buerstedde from the OSCE Secretariat and Jean P. Froehly from ODIHR deal with the OSCE’s response to the refugee crisis, examining how the OSCE *acquis* covers migration and discussing where the Organization possesses expertise that could help to address short-, medium-, and long-term challenges related to migration. Stephanie Liechtenstein considers what else the Organization needs to do to contribute to managing the current crisis, while Florent Marciacq, Tobias Flessenkemper, and Ivana Boštjančič Pulko examine how the migration crisis has influenced the work of the OSCE field operations deployed in South-eastern Europe from the opening of the “Balkan route” in late summer 2015 to its closure in March 2016. Finally, Maria Chepurina presents the work of the OSCE Parliamentary Assembly in relation to the migrant and refugee crisis.

Elsewhere in this section, Kurt P. Tudyka reviews the evolution of the OSCE’s “second basket” – environmental and economic activities.

In the chapter on “The OSCE, European Security, and the Ukraine Crisis”, Marcel Peško, Director of the OSCE Conflict Prevention Centre, looks at the Organization’s ongoing conflict management role in Ukraine and discusses new solutions for the existing challenges. Against the backdrop of Germany’s 2016 OSCE Chairmanship, Wolfgang Zellner asks what the OSCE’s long-term aims should be. Patricia Flor, Federal Commissioner for Arms Control, Disarmament and Non-Proliferation at the German Foreign Office, and Wolfgang Richter from the German Institute for International and Security Affairs discuss various aspects of modernizing confidence- and security-building measures, and highlight Foreign Minister Steinmeier’s initiative to revive conventional arms control in Europe. Finally, P. Terrence Hopmann poses the fundamental question: “What Happened to Co-operative Security?”

Two contributions in the section on the interests and commitment of specific OSCE States focus on the United Kingdom. The Head of the UK delegation to the OSCE, Sian MacLeod, discusses how the UK attitude to the Organization may be affected by the Ukraine crisis, while Reem Ahmed focuses on the UK referendum on membership of the European Union.

Turning to the OSCE’s tasks and responsibilities in conflict prevention and dispute settlement, Hans-Joachim Schmidt addresses the four-day war between Armenia and Azerbaijan in April 2016 and its impact on the chances of peace in Nagorno-Karabakh, while Vaidotas Verba, the OSCE Project Coordinator in Ukraine, discusses the work of his office. Nico Schernbeck pre-

sents an in-depth analysis of current challenges and future opportunities in OSCE crisis and conflict prevention, and Larissa Daria Meier examines the history of the OSCE's involvement in peacekeeping and discusses its potential for further development. Finally, in their detailed account, Geoffrey Corry, Pat Hynes, and Kieran Doyle ask what lessons can be learned from the Northern Ireland peace process for the resolution of current protracted conflicts.

Last but not least, in the section on internal and external relations, Loïc Simonet and Hans Georg Lüber return to the perennial battle over the OSCE's legal status, and Anastasiya Bayok discusses the Chinese view of Central Asia.

We are particularly grateful to Germany's foreign minister, Frank-Walter Steinmeier, the OSCE Chairperson-in-Office in 2016, for this year's foreword.

We would like to express our thanks to all our authors, whose contributions reflect a depth of personal experience and dedication that make it possible for the OSCE Yearbook to exist and lend it its unique character

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In his closing speech at the OSCE Ministerial Council in Hamburg, Foreign Minister Steinmeier stated that, 25 years after the end of the Cold War, the OSCE is at a crossroads. Nonetheless, he makes clear that even – and precisely – in these “turbulent times”, the vision of a co-operative security order based on shared principles and rules, though threatened, remains indispensable.<sup>14</sup> With the aim of boosting efforts to ensure that the OSCE remains a key forum for strengthening security in Europe via dialogue, co-operation, and effective multilateralism, Foreign Minister Steinmeier, together with his counterparts from Austria and Italy, Sebastian Kurz and Paolo Gentiloni, presented the “Hamburg Declaration of the incoming OSCE Troika: A Strong OSCE for a Secure Europe”,<sup>15</sup> in which they outline an agenda for the future efforts of the Organization: expanding channels of communication, investing in sustainable conflict prevention, reviving confidence- and security-building measures and conventional arms control in Europe, setting a common agenda, and enabling the OSCE to deliver results.

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14 Cf. *Closing speech of Federal Minister for Foreign Affairs at the OSCE Ministerial Council*, 9 December 2016, at: [http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2016/161209\\_OSZE\\_Schluss.html](http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Reden/2016/161209_OSZE_Schluss.html).

15 OSCE incoming Troika 2017 (Germany/Austria/Italy), *Hamburg Declaration of the incoming OSCE Troika: A Strong OSCE for a Secure Europe*, MC.GAL/11/16, 9 December 2016, at: <http://www.osce.org/cio/287946>.